

**MIGRANTS, MINORITIES AND
EMPLOYMENT:
EXCLUSION, DISCRIMINATION AND
ANTI-DISCRIMINATION IN
15 MEMBER STATES OF THE
EUROPEAN UNION**

On behalf of the European Monitoring Centre on
Racism and Xenophobia (EUMC)

by the International Centre for Migration
Policy Development (ICMPD)

Michael Jandl
Albert Kraler
Anna Stepien

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Foreword

The material in this report is a unique collection of evidence on employment disadvantage, discrimination and exclusion of migrants and ethnic minorities in 15 countries of the EU. It appears during the year when the two Council Directives — the Racial Equality Directive and the Employment Equality Directive — are due to be transposed into the legislation of Member States.

The evidence of this report stands as a counter to anyone who until now considered the Equality Directives to be unnecessary, by documenting incidents and types of employment discrimination across the EU, and providing an insight into the processes of exclusion. It also highlights examples of ‘good practices’ in the area, carried out by governments, employers, trade unions, NGOs and migrant organisations, and finishes with selected recommendations for the EU and its Member States.

Tackling discrimination at work is important, not only for reasons of social cohesion and social justice, but also because it makes good business sense, and now, increasingly, because the law will require it. European employers are increasingly realising that discrimination is bad for business. It leads to low morale and motivation, lower productivity, workplace tensions, higher labour turnover, and difficulties in recruitment. On the other hand, the benefits of diversity and a properly managed diverse workforce are also clear, with companies more able to take advantage of newly varied markets and provide better and more culturally-sensitive products and services.

In June 2003 the European Commission launched a new campaign aimed at raising awareness of discrimination in Europe. I hope that this report will contribute to this process, and play its part in helping to heighten public and official awareness on issues of discrimination in the employment sector.

The data for this report was assembled for the EUMC by its RAXEN National Focal Points in each of the 15 Member States. The EUMC then invited the International Centre for Migration Policy Development in Vienna (ICMPD) to bring this material together in the form of the current report. I would like to thank the researchers at ICMPD and the National Focal Points for the excellent work they have carried out in the production of this report.

Beate Winkler

1. Executive summary

This comparative study on discrimination, exclusion and disadvantages of migrants and minorities in the employment sector is based on 15 national reports by the National Focal Points (NFPs) of the EUMC RAXEN network on the situation in the Member States as well as further research on the subject by the authors.

The study takes a holistic approach to the question of discrimination in employment, analysing the relatively disadvantaged labour market position of migrants and minorities in broad terms complemented by detailed inventories of the available evidence on discrimination.

Despite signs of increasing diversity, national labour markets are still highly segmented along national or ethnic lines. Third country nationals, in particular, are disproportionately often employed in low-skilled, low-paid professions (the so-called ‘3D jobs’ — dirty, dangerous and demanding) and tend to hold precarious employment positions (more fixed-term and flexible labour contracts).

Notwithstanding the fact that most Member States have already long-established immigrant communities from non-EU countries, immigrants from outside the EU are still heavily concentrated in certain industrial sectors (e.g. manufacturing, construction), parts of the service sector (e.g. personal services, cleaning, catering, caring) and sectors that are subject to strong seasonal fluctuations (e.g. tourism and agriculture). Women with a migrant background are often restricted to certain segments of the labour market, such as personal and domestic services, cleaning, catering, health and care.

In most Member States, third country nationals and certain autochthonous minority groups have much lower labour force participation rates (activity rates) and employment rates than natives or migrants from other EU/EEA countries. In some Member States, immigrants and ethnic minorities from non-Western countries (e.g. non-European migrants in Denmark and the Netherlands, Turks in Germany, North Africans in France, Bangladeshis and Pakistanis in the UK) have activity rates that are 15 – 40% below that of natives or western migrants. Female immigrants from Muslim countries have particularly low activity rates and are largely excluded from the labour market. The same is true for recently arrived refugees in all Member States and certain disadvantaged minority groups (Roma in most Member States, Travellers in Ireland).

In addition, immigrants and ethnic minorities from non-Western countries are typically confronted with much higher unemployment rates than the majority population. In some Member States the unemployment rates of third country (non-Western) immigrants are three to four times the levels of the national average (e.g. in Denmark, Finland, the Netherlands, Sweden), while in others it is about double the national rate (e.g. in France, Germany). Everywhere, certain immigrant groups dominated by recent refugee flows (e.g. Afghanis, Iraqis,

Iranians, Somalis) face extremely high unemployment rates (up to 50% and more), as do Roma and Travellers.

A relatively new phenomenon is the rise of self-employment among immigrants. Given the difficulties faced by many migrants in formal employment, this may be an alternative strategy to labour market integration. However, while this is generally a positive development for the economy, it is also a risky and demanding option for migrants as most 'ethnic' businesses remain small-scale, generate little income and are aimed at local markets only, sometimes even at specific ethnic communities.

The observed differences in wages, activity rates, employment and unemployment rates of migrants and minorities indicate persistent exclusion, disadvantage and even discrimination. However, there are many factors influencing the employment performance of migrant and minority groups, not all of which are due to discrimination, such as human capital (lower educational and professional qualifications, language skills, etc.), non-recognition of qualifications acquired abroad, structural changes in the economy, the increasing importance of social networks and others. Trying to take the complex interplay of these factors into account, a number of studies in several Member States — using multivariate regression analysis — conclude that there still remains an unexplained residual disadvantage that provides indirect evidence of discrimination.

Beside these indirect indicators of discrimination on the labour market, there is a large body of more direct evidence that demonstrates the persistent scale and dimension of discrimination. Such evidence has been derived, among others, from controlled experiments in employers' recruitment practices ("discrimination testing"), opinion surveys on discriminatory attitudes and surveys of subjectively perceived discrimination of migrants and minorities.

Data on work-related complaints are perhaps the most important source of qualitative evidence. Complaints concerning discrimination in employment typically refer to wages, payment of overtime, (oral) contracts, ethnic harassment, post appointments and job advertisements. The data also show that not all migrants and minorities are equally exposed to racism and discrimination in employment. Non-European (non-Western) migrants (e.g. Africans, Arabs, Pakistani, Filipino, Turks) and certain minority groups (e.g. Roma, Travellers, Muslims, Blacks) are more exposed than others. Migrant women face the risk of dual discrimination. However, only a small number of discrimination cases result in formal complaints and even fewer cases are brought to court. In some Member States, the absence of specific anti-discrimination legislation and the inherent difficulty of proving discrimination in court have so far prevented effective legal redress against discrimination. In other Member States with more refined anti-discrimination legislation high fines have been imposed and significant financial compensation to victims has been awarded.

In recent years all Member States have stepped up their efforts to implement Community legislation on equality and anti-discrimination into national law and to create specialized public institutions to oversee their implementation. In

addition, many Member States have instituted new strategies to further the labour market integration of migrants and minorities and to effectively fight against discrimination. Governments, social partners and NGOs carry out a large number of projects and initiatives aiming at furthering equality and fighting discrimination. A number of projects are also carried out within the scope of the European Social Fund (ESF) EQUAL Initiative, in particular in Thematic Field B (Combating Racism). The current report highlights a number of ‘good practices’ in the area carried out by governments, employers, trade unions, NGOs and migrant organizations, which could serve as examples for further positive action in promoting equality and countering discrimination.

The comparative study also illustrates the difficulties, on a theoretical as well as on a practical level, of collecting and compiling comparable information about the situation of migrants and minorities on the labour markets of the Member States. To further the availability of much-needed research in the area, an analysis of common and specific problems in data collection is provided and some options and strategies for improved data comparability are developed.

The study concludes with ten selected recommendations to the EU and its Member States, drawing on recommendations commonly provided by the NFP national studies, official documents of the EU and further research by the authors.

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Part I: Methodological and Formal Issues of Data Comparability

2. Introduction

2.1. Aims and Organization of the study

The overall aim of this comparative study on the situation of migrants and minorities in the employment sector is to provide the European Community and its Member States with helpful information, analysis and recommendations that can be used to enhance equality and diversity and to reduce racism, discrimination and other forms of exclusion within the European Union. In particular, the study should offer insights into the specific situation in each of the Member States regarding the existence, availability or lack of data and information with a view to develop strategies to improve comparability on the EU level.

The comparative study is divided into three parts. Part I discusses methodological issues, Part II analyses and compares the existing evidence and Part III presents common problems and conclusions. The first part starts with laying out the aims and organization (Section 2.1.) as well as the work method (Section 2.2.) of the study, and discusses the conceptual and methodological framework for data collection regarding inequality, disadvantage and discrimination (Section 2.3.). This is followed by a brief analysis of the contextual differences and similarities in the EU Member States with regard to data collection (Section 3.1.); a detailed analysis of the various terms and definitions used in each Member State and the resulting problems related to the comparability of existing and non-existing data (Section 3.2.); and a summary of new legislation and policies in the field (Section 3.3.). Part II contains the description, analysis and comparison of existing data and is subdivided into three chapters. Chapter 4 describes existing inequalities in the labour market in 8 sections (Sections 4.1. – 4.8.); Chapter 5 examines evidence of discrimination (Sections 5.1. – 5.4.); and Chapter 6 gives an overview of current strategies to overcome inequalities and discrimination (Sections 6.1 – 6.4.). Part III analyses common problems (Chapter 7) and provides conclusions and recommendations (Chapter 8).

2.2. How the study was conducted

In October 2002, the International Centre for Migration Policy Development (ICMPD) has been contracted by the European Monitoring Centre on Racism and Xenophobia (EUMC) to write a EU level comparative study, based on, and after performing a quality control (peer review) of the 15 national studies on the employment sector produced by the National Focal Points (NFPs) of the EUMC

RAXEN network.¹ The 15 national reports of the NFPs, based on data collected during 2001 and the first half of 2002, were reviewed by the research team of ICMPD in November 2002, whereupon an assessment was made in 15 draft peer reviews, including a gap analysis and recommendations for further improvements. With the help of the draft peer reviews and a process of direct interactions with the NFPs, further improvements in the coverage of the 15 national reports could be achieved. Based on the revised national reports of the NFPs, a survey of additional relevant literature and its own research, the comparative report was finalized by May 2003.

2.3. Conceptual and methodological framework

This study is concerned with the situation of migrants and minorities in the employment sector and examines country-specific findings on inequality, exclusion, disadvantage and discrimination on the labour market in a comparative perspective. While inequality and exclusion are broadly understood as any relevant disadvantage that migrants and minorities may face with regard to access to, and performance in, the labour market, the concept of discrimination needs further elaboration.

One has to keep in mind, first, that there are still various definitions of discrimination applied by national laws in the Member States of the EU. Nevertheless, a central reference point for defining discrimination is the Racial Equality Directive (2000/43/EC), which must be implemented in the national laws of the EU Member States by 19th July 2003, and forbids discrimination on grounds of racial or ethnic origin. It defines direct discrimination as '*where one person is treated less favourably than another is, has been, or would be treated in a comparable situation on grounds of racial or ethnic origin*', and indirect discrimination as '*where an apparently neutral provision, criterion or practice would put persons of a racial or ethnic origin at a particular disadvantage compared with other persons*'. On the one hand, this definition draws on already existing national legislation in the EU Member States (e.g. the 1976 Race Relations Act of the UK). On the other hand, it is gradually being incorporated in relevant legislation in other EU Member States.²

Parallel to the legal definitions, academic studies in the social sciences have distinguished at least four dimensions of discrimination: (1) direct discrimination (i.e. as a deliberate act intended to harm an individual or a group), (2) indirect discrimination (i.e. taking into account objective inequality, even when people are

¹ The EUMC has been set up by Council Regulation (1035/97/EC) of 2 June 1997 to provide the Community and its Member States with objective, reliable and comparable data at European level that can be helpful in the fight against racism. In order to fulfill its mission the EUMC has created the RAXEN (Racism and Xenophobia in Europe) network, composed of 15 National Focal Points (NFPs), one in each EU Member State. The NFPs are in charge of data collection under guidance by the EUMC.

² The Amsterdam Treaty, which entered into force in May 1999, introduced a new Article 13 into the EC Treaty, whereby the Community acquired for the first time the power to take legislative action to combat racial discrimination.

treated uniformly with no deliberate acts of racism), (3) institutional discrimination (when institutions and public authorities are discriminatory), and (4) legal discrimination (discrimination on the basis of foreigner or immigrant status, directly or indirectly, by the law).³ In addition, some writers have drawn attention to (5) statistical discrimination (where the underlying assumption is that ‘employers do not have full information on the productivity of workers and impute some group information instead’), and, finally, to (6) ‘error discrimination’ (which arises when due to insufficient information employers hold false beliefs in regard to the ‘true productivity’ of workers).⁴

When analyzing discrimination on the labour market all these definitions have to be taken into account. The problem then arises, how to measure such discrimination? As this comparative study shows there are large and persistent disadvantages for migrants and minorities on the labour market. However, it is fundamentally difficult to measure whether these disadvantages are, in fact, due to ethnic characteristics themselves or whether other factors, particularly the abilities and preconditions of human capital (educational and professional qualifications, language skills, etc.), are not more decisive. In principle, only the ‘residual amount’, that is, disadvantage after taking the other factors (mainly human capital) into account, displays the actual degree of discrimination.⁵ However, while such econometric (multivariate regression) analyses have indeed been carried out in some countries (and have demonstrated that disadvantages in earnings, occupational attainment and unemployment rates over and above those accounted for by explanatory human capital factors persist) they can only account for part of a larger picture (see Section 5.1.). Apart from the fact that the results are always very tentative, human capital formation in itself can be influenced by discrimination. Disadvantages may be due to other, non-human-capital, factors, which may or may not be discriminatory. And social exclusion and marginalization on the labour market are important phenomena by themselves that merit serious study and targeted social action.

The reports on employment by the National Focal Points of RAXEN have therefore taken a more holistic approach to the question of discrimination, analysing the relatively disadvantaged labour market position of migrants and minorities in broad terms complemented by detailed inventories of the available evidence on discrimination. The scope of the analysis thus follows the Equal Treatment Directive (2000/78/EC), which encompasses *inter alia* conditions for access to employment, to self-employment or to occupation, employment and

³ See De Rudder, V., Vourc’h, F., Poiret, C. (eds.) (1995) *L’inégalité raciste. L’universalité républicaine à l’épreuve*, op. cit. and (2000) *Vocabulaire historique et critique des relations inter-ethniques (Racist Inequality. Republican Universalism to be tested. Historical and Critical Vocabulary of Cross-cultural Relationship)*, Paris: Pluriel Recherches, L’Harmattan, Cahiers N° 3, and N° 6-7.

⁴ Kalter, F., Kogan, I. (2002) *Ethnic Inequalities at Labour Market Entry in Belgium and Spain*, Mannheim: Mannheimer Zentrum für Sozialforschung, Working Paper 4.

⁵ Van Suntum, U., Schlotböller D. (2002) *Arbeitsmarktintegration von Zuwanderern – Einflussfaktoren, internationale Erfahrungen und Handlungsempfehlungen (Integration of immigrants on the labour market – factors of influence, international experience and advice for actions)*, Gütersloh, pp. 43-50.

working conditions, including dismissals and pay; and membership in workers' organisations.⁶ The comparative study reflects this approach and, by compiling and structuring the available information on the national levels, and supplementing it by other sources, offers new insights both for researchers and policy-makers.

⁶ Council Directive (2000/78/EC) of 27 November 2000 establishing a general framework for equal treatment in employment and occupation. This directive is to be implemented in the national laws of the Member States by 2 December 2003 at the latest.

3. Terminology and legal/institutional framework for migrants and minorities

3.1. Overview and problems related to comparability of data

The Member States of today's European Union face a variety of different situations with regard to migrants and minorities. In each country, specific historical, political and economic developments have determined the flows of migrants to and from the territory. Once there, the specific standards of the majority (as well as the minority) populations have influenced the integration and assimilation of immigrants or the preservation and persistence of ethnic minority differences and have distinctively shaped the ethnic composition of the country's population. For a number of reasons – geographic, political, social, cultural, legal and others – historical patterns of migration and settlement have tended to persist and have formed distinctive processes of immigration and integration. These varying historical experiences of European states with migration have shaped both the ethnic and national composition of minorities with a migrant background (e.g. South-East Asians in the United Kingdom, North Africans in France, Turks in Germany, Moroccans and Ecuadorians in Spain, etc.) as well as public perceptions of their place in society and, hence, public policies vis-à-vis minorities. As a consequence, the concepts of migrants and minorities can assume different meanings in different national contexts. Bearing in mind the various historical experiences of states with migrants and minorities is thus necessary for a better understanding of any comparative analysis.

Roughly speaking, the countries of the European Union can be grouped in three clusters according to their immigration histories and their fundamental concepts of migrants and minorities. The first cluster consists of those with a history of colonial immigration, where a large part of the current minority population stems from their former colonies (France, the Netherlands, United Kingdom). These minorities have been present in the country for a long time and the larger part of them have citizenship status; The second cluster has immigrant populations mainly from countries, where they actively recruited so-called 'guest-workers' from the 1950s to the 1970s (Austria, Belgium, Denmark, Germany, Luxembourg, Sweden). These countries have significant immigrant populations who are non-nationals of their countries of residence and are commonly referred to as 'immigrants'. However, one has to keep in mind that, as part of the foreign population acquires the status of citizenship, naturalized immigrants disappear from data on the foreign population; The third cluster can be labeled 'new immigration countries', who experienced significant immigration only since the late 1980s or 1990s and have often been countries of emigration until that time

(Greece, Italy, Spain, Portugal, Finland, Ireland).⁷ In this last cluster of countries data on foreigners may, in fact, capture the majority of the immigrant population.

The different historical experiences with migration have also greatly influenced the development of national legal-administrative frameworks for integration and anti-discrimination and the availability and strength of appropriate institutions dealing with these matters. These factors have in turn shaped the discourse on equality- and anti-discrimination policies as well as the availability of data on certain categories of people in a distinctive way.

In the first cluster of countries, anti-discrimination policies are framed as racial equality issues (that is, they pose the problem as one of racism) and the concept of ethnic or racial minorities encompasses specific minority groups with a migrant background (variously called ‘ethnic minorities’, ‘persons of foreign origin’ or ‘allochtonen’ and denoting immigrants and descendants, irrespective of their current citizenship).

In the second cluster of countries, Austria, Germany and Luxembourg use a purely ‘foreigners’ concept for their immigrant population (with the Belgian case being slightly more complex⁸). This means, that naturalized foreigners are no longer present in statistics describing, for example, their position on the labour market.⁹ However, naturalized immigrants may still face disadvantages and discrimination on the labour market, which would then go statistically unnoticed. On the other hand this group might fare better than non-naturalized immigrants, who are likely to have immigrated more recently, thus skewing the analysis of the situation of immigrants for the worse. This situation is avoided through the availability of more comprehensive data in Denmark (which can distinguish between immigrants and descendants) and Sweden (data on foreigners, foreign-born and foreign-origin are available).

The third cluster of countries (the ‘new immigration countries’) is characterized by the fact that these countries have only relatively recently experienced significant immigration of non-nationals and, therefore, do not have a long tradition of integration-, equality- and anti-discrimination policies for immigrants. As their legal and administrative framework for dealing with migrants and minorities is still developing and specific institutions for implementing equality- and anti-discrimination policies are only now evolving, the availability of specific data on the situation of immigrants on the labour market is still rather poor and needs further improvement. Generally, the countries in the third cluster use a ‘foreigners concept’ for their immigrant populations, while some countries (Greece, Finland and Ireland) are additionally concerned with the situation of their autochthonous ethnic minority groups.

⁷ Obviously, some countries would fit in more than one category, e.g. France and the Netherlands in the first two and Portugal and Spain in the first and third.

⁸ In Brussels and Wallonia the term ‘foreigner’ is used for all those who do not have Belgian nationality, and in Flanders the terms “allochtonen” and “ethnic minorities” are used for those of minority ethnic background, whether or not they are naturalized.

⁹ In the German case, this concept also excludes the important group of ‘ethnic German immigrants’ (‘Spätaussiedler’) from most statistics on immigrants.

The discussion of the various experiences of states with immigration has important implications for the comparability of existing data on migrants and minorities. Not only do the fundamental concepts of immigrants, migrants and minorities as used in each national context connote considerable differences in definitions and meanings (see section 3.2), but the poor quality, erratic availability or even absence of data effectively prevents meaningful comparisons of most indicators across countries. For example, economic and social indicators cannot be directly compared, when they refer to fundamentally different groups in various states. Similarly, when looking at discrimination, the existence of effective complaint mechanisms in some states may produce a large amount of data on (subjective) discrimination, while the lack of such data due to the absence of reporting mechanisms (or their ineffectiveness in collecting complaints) does not imply a lower level of (subjective) discrimination.

3.2. Terms and definitions used in Member States

The following discussion examines in more detail which terms and definitions for migrants and minorities are in common use in the EU Member States, as reflected in the Reports on Employment of the 15 National Focal Points of the EUMC.

Starting again with the classification of EU Member States in three clusters (as developed in Section 3.1), France, the Netherlands and the United Kingdom use concepts of their migrant and minority populations that do not refer to the nationality of their immigrants. The specific situation of the UK with regard to its racially diverse ethnic minority population, resulting largely from historical immigration patterns from the Caribbean and the Indian sub-continent (India, Pakistan and Bangladesh) from the 1950s to the 1970s, make long-present *ethnic minorities*, rather than recently-arrived migrant workers, the focus of attention regarding equality issues. As far as employment is concerned, the 1976 Race Relations Act of Great Britain (and the 1997 Race Relations Order for Northern Ireland) prohibits discrimination on ‘racial grounds’, which encompasses ‘colour, race nationality or ethnic or national origins’ and a ‘racial group’ means a group defined by reference to any of these racial grounds.¹⁰

In the Netherlands, the term *allochtonen* describes a member of an ethnic minority as a person who was either not born in the Netherlands or has one parent who was not born in the Netherlands. This definition thus comprises all categories of the population of foreign origin or descent. However, in the Netherlands the narrower definition of ‘etnische minderheden’ (ethnic minorities) is also in use, to indicate the target groups of the government’s integration policy. These are in general restricted to persons of ‘non-Western’ origin.

¹⁰ For the purposes of ‘ethnic monitoring’ in employment it is useful to consider the ethnic categories commonly in use in the UK. The categories used in the England & Wales Census 2001 were as follows (subdivisions in brackets): White (British, Irish, any other white background); Mixed (White and Black Caribbean, White and Black African, White and Asian, any other mixed background); Asian or Asian British (Indian, Pakistani, Bangladeshi, any other Asian background); Black or Black British (Caribbean, African, any other Black background); Chinese or other ethnic group (Chinese, any other).

In France, from the 1980s onwards, public controversies surrounding immigration have become more and more concerned with the integration of longstanding migrants, including naturalized ones. While traditionally French statistics only differentiated between French citizens on the one hand, and foreign citizens on the other, from the 1990 census onwards, a new category of '*immigrants*' (*issue d'immigration*) was introduced. It refers to persons born abroad and with a foreign citizenship at birth (including people who were born in the overseas territories DOM-TOM).

From the second cluster of countries, two countries use concepts of immigrants that are based on, but broader than, a pure 'foreigners concept'. The Danish concept refers to 'immigrants and their descendants'. Thus, an *immigrant* is a person whose parents both are foreign citizens or born outside Denmark, while a *descendant* is a person born in Denmark by parents of whom none are Danish citizens born in Denmark.¹¹ Sweden uses the concepts of '*foreign-born*' (a person who was born abroad) and '*foreign origin*' (a person who has either migrated to Sweden or has at least one parent who has done so) to describe the integration and labour market performance of its migrant and minority population. These are very useful ways to track the experiences of different groups of migrants in society and the labour market, regardless of whether these immigrants have acquired their host countries' nationality or not. However, it should be born in mind, that the resultant statistical findings cannot necessarily be compared with countries that use a purely 'foreigners concept' (i.e. those residents with foreign nationality only).

Belgium, Austria, Germany and Luxembourg are countries from the second cluster of countries that use a purely '*foreigners*' (or '*aliens*') concept of immigrants for the purpose of data collection. As only those immigrants who hold a foreign nationality are traceable in statistics on the labour market, the large group of immigrants, who have become naturalized are no longer a discernable part of statistics on labour market performance. This is an important fact for our analysis, as inequalities, such as difficulties in labour-market access, will not automatically disappear once a person has been naturalised.¹²

Turning to the third cluster of countries, in Italy, Portugal and Spain, the basic concept that is used to describe the situation of immigrants is that of '*foreigners*' (i.e. non-nationals), which, in view of the recent character of immigration, may well denote the largest share of their immigrant and minority populations. In Greece, discrimination and social exclusion is also discussed with reference to

¹¹ Denmark, Ministry of Interior, Yearbook 2002.

¹² It should also be noted that, for the same reason, there are no data available on the labour market performance of autochthonous ethnic minority groups, who are citizens of their countries. As a consequence, the situation in employment of, for example, the six officially recognized ethnic groups in Austria (Slovenes, Hungarians, Czechs, Slovaks, Roma and Sinti) can only be discussed in broad terms.

groups other than foreigners, notably Pontian Greek immigrants¹³, the Muslim minority in Thrace¹⁴ and the Roma minority (who are all Greek citizens). A common feature of these four southern EU Member States is the fact that a large proportion of their immigrant populations have illegally entered the country and many remain in an irregular status. The latter observation has important implications for the interpretation of official data as undocumented migrants are often exposed to exploitation, social exclusion and discrimination, which remains, however, mostly unrecorded.

Within the third cluster of countries, Ireland and Finland, while also being ‘New Immigration Countries’, represent special cases. In Ireland, where significant immigration of non-nationals has occurred only during the last five years, equality issues have traditionally been framed in terms of racism, while the initial focus on ethnicity was almost entirely on Irish Travellers.¹⁵ The 2002 Census (results of which are not yet available) will provide information on nationality for the first time. In Finland, current immigrants are for the most part first-generation immigrants, who arrived only during the 1990s. Finnish data distinguish between foreigners of different nationalities. In addition, the Sami and the Roma people are minority groups with an official status that gives them linguistic and cultural rights.¹⁶

To sum up, it is difficult to form representative and comparable statistical groups out of the immigrant and minority populations in the EU Member States. This is because, first of all, Member States use different legal and statistical concepts for their minority populations. In some countries, statistics based on ethnicity are proscribed by law and in most countries data based on country of origin (or country of birth) are simply not available. In those cases, where statistical information about immigrants is based on nationality only, newly arrived immigrants are over-represented in the data. This is especially troublesome for labour market statistics as conclusions about the labour market position of immigrants that are drawn from this newly arrived group will be distorted.

¹³ Repatriated ethnic Greeks (palinnotountes omogeneis), popularly also known as Pontian Greeks are residents of the New Independent States of the former Soviet Union of Greek ethnic descent who have the right to apply for the acquisition of Greek citizenship. The name Pontian Greeks stems from their former homeland (before the 1920s), which was situated along the Pontian Alps in Asia Minor. Although their overall position in Greek society resembles that of other migrants, they are entitled to Greek citizenship and correspondingly have privileged access to social services, education and (formal) employment.

¹⁴ The Muslim minority in Thrace is comprised of three groups, namely Roma, Turks and Pomaks.

¹⁵ There was a long dispute about Travellers identity in term of ethnicity and its’ disadvantage in terms of anti-traveller racism. Now Travellers have largely been accepted as a distinct ethnic group. The Employment Equality Act of 1998 prohibits discrimination and harassment in the workplace on nine grounds, including race and membership of the Traveller community.

¹⁶ EUMC, Annual Report 2001, Diversity and equality for Europe, p. 66.

3.3. Legislation and Policies: the legal framework for immigrant- and minority policies and anti-discrimination

The subsequent section discusses policies and measures in regard to both immigrant and autochthonous minorities that are relevant for the understanding of the data presented in part II and part III. The focus is on general concepts and terms used, rather than on presenting an exhaustive overview of policies in the area, which in any case lies outside the scope of this study. In particular, the section aims at giving an overview of some commonalities in policies and legislation in regard to migrants and minorities.

On a fundamental level, immigration policy and minority policy make an unequal pair. While the latter seeks to redress inequalities and discrimination and normally aims at supporting equality, tolerance and diversity, immigration policy by contrast may have discriminatory effects in itself.¹⁷ Immigration policy fundamentally rests on the notion that new immigrants have lesser rights than both citizens and settled migrants and that it is thus legitimate to restrict their access to employment, as well as to limit their freedom to change employer, workplace or type of work once they are granted access to the labour market, and to tie their right to remain in their country of residence to their continuous employment.¹⁸

As discussed in sections 3.1. and 3.2., the EU Member states conceptualize minority groups in very different ways, a fact which not only influences the way these minorities are accounted for but also leave their imprint on integration policies proper (in the case of ethnic minorities and settled migrants) and on the design of ‘pathways to integration’ (in the case of recent or prospective immigrants), respectively.

Generally, the concepts used for data collection on immigrants and minorities reflect entrenched legal categories such as ‘ethnic groups’ in the UK, ‘allochthones’ in the Netherlands, ‘the Muslim minority in Thrace’ in Greece or non-nationals and third country nationals, respectively, that are in use in the Member states. However, integration policies often transcend these categories, and in a number of Member States, are increasingly aimed at more broadly defined minority groups. For example, in Wallonia (integration policy is a matter of the regions in Belgium), the regional parliament adopted a law in 1996 that explicitly provides for integration measures aimed at immigrants and their descendants irrespective of citizenship, even though the latter remains the main criteria for data collection as well as an important guiding principle in other policies aimed at immigrants.

¹⁷ This issue will be taken up again in section 5. Anti-discrimination policies will be discussed in more detail in section 6.

¹⁸ See also Hammar, T. (1990) *Democracy and the nation state. Aliens, denizens and citizens in a world of international migration*, Avebury: Aldershot, Hants. Hammar examines the situation of settled migrants (whom he calls denizens), who have fewer rights than citizens, but more than other aliens.

To a large degree, labour market initiatives adopted at EU level (Integra, EQUAL etc.) have contributed to the adoption of policies by Member states which aim at more broadly defined ‘vulnerable’ groups, including immigrants and minorities. Groups so targeted include on the one hand groups that are vulnerable by virtue of their social characteristics (e.g. single mothers, elderly etc.) and on the other hand groups that are singled out as vulnerable by virtue of sharing some ascribed criteria (i.e. ethnicity or ‘race’) or a background as immigrants. However, only in the UK, and to some degree, in the Netherlands, Denmark and France – at least where immigrant minorities are concerned – ethnicity as such appears in the statistics, while in most other Member states, it is not recorded or even forbidden. Not only does the variety of concepts used to account for minorities render any comparison difficult, but the absence of multigenerational statistical monitoring, particularly of immigrant minorities, makes it difficult to develop and evaluate policies that target an entire group (rather than a legal category) that may be subject to discrimination or may otherwise be disadvantaged in the labour market and closely related areas.¹⁹ Measures adopted recently in some Member states go some way in the direction of addressing this issue. For example, the 2001 census in Austria included a question on the country of birth. And, in the framework of a major initiative in regard to employment of immigrants in the civil service of the Flemish Community in Belgium²⁰, civil servants of immigrant background are encouraged to ‘register’ as allochthones to allow the Community administration a better overview of the efficacy of affirmative action programmes. It might appear unusual to discuss changes in data collection under the rubric of policies, but effective monitoring and evaluation mechanisms are after all a necessary corollary to the development of policies aiming at reducing discrimination and removing more subtle obstacles to integration encountered by migrants and minority members alike. It will become evident from the following sections that much still remains to be done in this regard and that, because of the gaps in data collection and the often ‘poor’ quality of the data²¹, the marked inequalities between immigrants/ ethnic minorities and nationals/ majority members on the labour market remain little understood.

For the analysis of Member States’ legislations and policies, it is helpful to distinguish between three broad categories: (1) immigration policy (which need not but often includes provisions on integration); (2) integration policy *proper vis-à-vis* immigrant minorities and ethnic groups, including anti-discrimination

¹⁹ The education system is a case in point. As the national report on Luxembourg (Claudia Hirschmann, 2002, Report on Luxembourg’s labour market and foreigners – EU citizens, non-community members, asylum seekers, refugees. EUMC) shows, Luxembourg’s trilingualism in public life is a major obstacle for the lower than average performance of immigrant children. This certainly holds true also for immigrant children who are Luxembourgers by citizenship.

²⁰ Government powers in Belgium are divided between the central government, the regions (charged with economic policy at large, employment and thus integration policy, housing etc.) and the three language communities (the Flemish Community, the French Community and German Community), responsible for cultural and educational matters.

²¹ To achieve a more thorough understanding of causes of inequality in respect to (immigrant) minorities, it is frequently not enough to have aggregate data that simply show inequalities – For analytical statistical purposes, often microdata are needed (i.e.: datasets, which contain individual data).

and equality policies but also broader labour market measures aimed at empowering vulnerable groups at large; and (3) ethnic minority policies that are the expression of some constitutional obligation (as in Austria and Greece) or a more general acknowledgement that society has a special obligation towards (autochthonous) ethnic groups (as in Finland and Sweden towards the Saami, and towards Roma in a number of Member States). Ethnic minority policies in the Netherlands and the UK follow yet another rationale, explicitly endorsing a multicultural vision of society.

In respect to immigration policy, it is important to emphasize that these regulate only the access, entry, residence and employment of aliens who are citizens of third countries, i.e. not EU or EEA citizens.²² Yet, a significant proportion of aliens are in fact Community citizens, who basically enjoy the same rights as citizens (with few exceptions). In the EU, their proportion ranges from 11% (Italy) to 87% (Luxembourg). Among these are a large number of labour migrants, mostly from Southern Europe (Greece, Italy, Portugal and Spain), who often experience similar problems as third country nationals regarding their socio-economic integration. In Belgium, France, Germany, Luxembourg, the Netherlands, and Sweden, they were recruited as guest workers in significant numbers from the post-war period until the mid-seventies. In fact, their situation on the labour market sometimes resembles that of other migrants, even though they are generally better off than third country nationals.²³ If, as is the case in Austria and Denmark, and to some degree also in the Netherlands, ‘integration measures’ adopted in the course of recent changes of aliens legislation²⁴, are, by virtue of being part of immigration policy, exclusively aimed at third country nationals, only part of the persons actually in need of integration support measures may then be captured.

Although refugees and asylum-seekers are also affected by certain provisions in relevant legislation on entry, residence and employment of non-nationals, their access to employment and social integration is regulated separately in all member states and is partly an obligation explicitly stated in the Geneva convention.²⁵ Thus, once foreign nationals are granted refugee status they are entitled to work in all member states. By contrast, asylum-seekers normally do not have immediate

²² Since June 2002, following an agreement between Switzerland and the EU, Swiss citizens have an equal status as EEA and EU citizens as far as employment is concerned.

²³ To a large degree, this may be due to their earlier arrival – most recruiting states recruited from European Mediterranean countries before turning to other sources of labour (particularly Morocco and Turkey).

²⁴ The mandatory language courses proscribed for third country nationals in Austria and Denmark (‘integration contract’) reflect a certain degree of mistrust against third country nationals, who are obliged to participate, while EU citizens are neither obliged, nor financially supported, to participate in language courses. Although also intended as a support mechanism facilitating the migrant’s integration into mainstream society, such measures may have the effect of introducing additional (legal) barriers to integration, particularly if tied to excessive sanctions for non-compliant foreigners.

²⁵ Article 17 and 18 of the Geneva Convention, applies to recognized refugees only. See Dent, J. A. (1998) Research Paper on the Social and Economic Rights of Non-Nationals in Europe, ECRE Research Paper, Toronto: York University, pp. 48, available at: <http://www.ecre.org/research/socecon.doc>, (11.04.2003).

access to the labour market. However, Council Directive 2003/9/EC of 27 January 2003 on minimum standards for the reception of foreigners calls upon Member States to grant asylum seekers, whose case has not been decided within a year, access to the labour market, if the delay is not caused by the asylum seeker him-/herself.²⁶ In response to a more explicit draft version of the directive, agreed in April 2002, Luxembourg has already announced to change relevant legislation in this respect.

In their general orientation, the similarities in Member States' legislation vis-à-vis immigrants are striking – all closely regulate access to residence and employment and clearly aim at restricting immigration at large, while placing lesser restrictions on highly qualified immigrants and self-employed and allowing for the recruitment of seasonal labour. Also, all but one country clearly differentiate between recent arrivals and long established foreign citizens, and grant different types of residence/work permits according to the duration of the foreigner's residence/employment.²⁷ In detail, however, the regulations differ greatly – particularly with regard to what types of permits are issued, the duration of the permits, and the rights of family members/the rights to family reunion.²⁸

Also in terms of status, the term 'foreigner' may be seriously misleading – in fact it covers a range of status groups. On a general level, EU/EEA nationals (and assimilated nationals, e.g. Swiss) have clearly different rights than third country nationals. But third country nationals may have various legal statuses, too – depending on the grounds on which entry/residence/access to employment is granted (e.g. refugees vs. recent (labour) immigrants vs. students, vs. family members of EU/EEA citizens) and on the duration of their stay – most countries acknowledge that third country nationals have more rights the longer they stay (and work) in their country of residence. The 'consolidation' of migrant's residence is reflected in more secure residence/employment titles, issued after a certain period of residence/employment in the country.

One of the more important recent developments reflected by concurrent changes in aliens legislation, is the fact that a fair number of Member states now offer 'integration courses' for recent and/or new immigrants or are currently debating to adopt such measures. In Austria (adopted 2002), Denmark (in force since 1999), Netherlands (1998) these integration measures are mandatory for immigrants, while Germany plans voluntary courses and already operates integration programs for ethnic Germans (the Immigration Act passed in 2002, which provides for 'integration courses', however, was ruled unconstitutional by the

²⁶ Member states, however, have considerable leeway to continuously deny asylum seekers access to the labour market. Paragraph 2 of Article 11 reads 'Member States shall decide the conditions for granting access to the labour market for the applicant'. Paragraph 4 allows Member States to give EU and EEA nationals, citizens and legally resident third country residents priority 'for reasons of labour market policies'.

²⁷ See: Groenendijk, K., Guild, E., Barzilay, R. (2000) *The Legal Status of third country nationals who are long term residents in a Member State of the European Union*, Nijmegen: Centre for Migration Law, University of Nijmegen, pp. 99.

²⁸ See: ECOTECT Research and Consulting (2000) *Admission of third country nationals for employment or self-employed activity*, Brussels, Birmingham, Madrid: ECOTEC, available at: http://www.europa.eu.int/comm/justice_home/index.htm, (14.04.2003).

constitutional court in late 2002). In Sweden, the government is likewise planning to implement some form of mandatory integration courses for newcomers. By contrast, the integration act in Finland, adopted in 1999, only targets newcomers who have become unemployed.

A second major aspect of immigration policy, important in a number of Member states, are regularizations of irregular migrants. Regularizations may in principle be an important way to empower irregular migrants to enjoy social, civic, and employment rights as well as other benefits attached to a regular status, e.g. health and accident insurance, holiday pay, working hours regulation etc. Regularizations were carried out recently in all Southern European Member states where irregularity of migrants' status is particularly rampant, but also in Belgium, France and Luxembourg. Motivation, scope and legal basis for regularizations, however, differ widely. Also, in many instances it remains to be seen if the regularizations will have a lasting effect, as regularized migrants frequently fall back into irregularity.

A third aspect worth mentioning here is access to citizenship. Acquisition of the citizenship of the country of residence is arguably the most comprehensive legal and symbolic expression of full integration. Here too, Member States' rules and practices still differ greatly, but have converged a lot during the last two decades. Some countries (e.g. Belgium) explicitly view citizenship as a mechanism of integration policy. Although the period after which an individual migrant has a right to obtain the citizenship of the country of his/her residence (in three Member States there is no right to citizenship) still vary greatly, there is a tendency to reduce waiting periods to between 5 and 10 years, even if endorsed only in administrative practice and not by law. Several Member States have also become more permissive in regard to dual nationality.²⁹ Evidently, liberal naturalization rules render it more likely that larger numbers of foreigners will be naturalized and thereby disappear from aliens statistics. During the 1990s, for example, the foreign resident population in Belgium declined in spite of considerable net migration, which was largely due to large numbers of naturalizations in the same period.³⁰ Another common factor in naturalization policies is that most countries favour immigrants with close (historical) ties to the country of immigration – be it as co-ethnics (as in the case of Germany and Greece), as Member of an erstwhile Empire (Commonwealth citizens in the UK), or as former nationals of the country of immigration – the latter being probably the most widely applied rule.³¹

²⁹ The best known example of recent changes in legislation in this regard is Germany under whose Nationality Act of 1998 children of immigrants born in Germany automatically acquire German citizenship. Migrants so naturalized who had another citizenship at birth and are thus left with dual nationality (because of *ius sanguinis* rules applied by their country of origin), must, however, renounce one nationality at the age of 23.

³⁰ The same statistical phenomenon could be observed in Germany between 1997 and 2001.

³¹ Again, rules differ greatly as to how "deep" (in terms of generation) such a favourable access to nationality goes.

Overview: Selected common elements of immigrant/minority policies in Europe

	A	B	DK	SF	F	G	GR	IRL
Integration courses for newcomers migrants	Yes, mandatory	–	Yes, mandatory	Only unemployed newcomers	Planned	Planned, voluntary	No	No
Recent regularization	No	Yes	No	No	Yes	No	Yes	No
Ethnic minority protection	Yes, constitutional	No	Yes	Yes (simple and constitutional law)	No	Yes (simple and constitutional law)	Yes, constitutional	Yes
	I	LX	NL	P	E	S	UK	
Integration courses for newcomers migrants	No	No	Yes, mandatory	No	No	In discussion	No	
Recent regularization	Yes	Yes	No	Yes	Yes	No	No	
Ethnic minority protection	No	No	Ethnic/racial equality	No	No	Yes (simple law)	Ethnic/racial equality	

Some aspects of integration policy have already been mentioned, as far as newcomers are concerned. In general, three types of integration policy can be distinguished – one aiming at newcomers as, for example, in Austria (adopted 2002), the Netherlands (1998), Denmark (1998) and in Wallonia (1996); integration policies or similar policies aimed at immigrant minorities at large as well as disadvantaged ethnic minorities, as for example in Ireland (in respect to Travellers) and the Netherlands (in respect to non-western allochthones)³²; and finally, integration policies that are part of general labour market programmes, mostly in the framework of employment policies initiated at EU level (e.g. National Plans of Actions and specific programs such as EQUAL, Integra etc.), aimed at more broadly defined vulnerable groups and applied by all Member states. In addition, some Member States see it as their duty to actively offer support to recognized refugees, e.g. Austria, the Netherlands and Denmark, to

³² By definition, allochthones include all those born abroad or descendants of parents of whom at least one was born abroad. But only non-western allochthones are normally covered by integration measures. In addition, non-western foreigners are further distinguished in ethnic groups – however, the recent diversification of countries of origin is not reflected in data-collection (in surveys – apart from the population register, the most important data source – only four ethnic groups are distinguished. In addition, among western foreigners are also persons of non-western origin (colloquially speaking) such as Indonesians or Japanese. See the description of the Dutch national datasystem at the COMPSTAT website under <http://www.compstat.org/Start/index.html>, (26.03.2003).

name but a few. A more detailed discussion of integration policies, insofar as they aim at reducing discrimination and social exclusion, is provided in Section 6.

Finally, the legal framework for the protection of autochthonous minorities should be briefly mentioned. Two Member States (Austria and Greece) have a special constitutional obligation towards autochthonous minorities, while several others have incorporated special protection mechanisms in simple law towards specific minorities (e.g. Germany, Ireland, Sweden and Finland). It should be noted, however, that the legal framework for the protection of minorities in most cases primarily aim at language, cultural and educational rights, rather than on improving the socio-economic position of minority members (Irish Travellers are an exception in this regard). Also, in Sweden and Finland, the Saami minority is granted some special economic rights (e.g. in respect to herding). A number of countries also recognize Roma as an official minority and some have special programs vis-à-vis Roma. In contrast to the cases just mentioned, ethnic minority protection in the Netherlands and the UK follow an altogether different rationale, being based on a notion of racial/ethnic equality and a vision of a multicultural society.

Part II: Inventory of Existing and Non-Existing Data

4. Migrants and minorities in the employment sector

4.1. Demographic data, geographical distribution and data gaps identified

Because Member States differ so much in the composition and origin of their minorities, how these are defined, what status they have and what rights they may enjoy, it is difficult to present a clear-cut picture regarding the composition of the resident population in the European Union in terms of immigrant background and/or ethnicity. The data collected and the definitions employed do not necessarily represent an accurate picture of the diversity within the societies. In general, much depends on what (and how many) categories of persons one is looking at. The Netherlands are a good example in this regard: The share of foreigners in the total population is 4.1%, while the share of first generation migrants is 9.0%, and the overall share of recorded immigrant minorities (incl. 2nd generation migrants) is 17.5%. Of the latter figure, roughly half are so-called ‘non-western foreigners’, who are the actual target group of most integration measures. The categories ‘western’ and ‘non-western’ generally follow the colloquial sense of the word ‘western’ – which may in itself be regarded as arbitrary and above all, as Eurocentric.³³ While the Netherlands may be an outstanding example, other countries’ terms and definitions display similar idiosyncrasies (see Table A1 in the appendix).

Whatever criteria one applies, however, it is clear that European societies are increasingly becoming diverse, with a rising number of residents of foreign citizenship of varying backgrounds and a growing number of settled and legally fully assimilated migrants as well as a fair number of other, partly historical, minorities. Only part of the latter category of minorities will be included. So-called national minorities such as ethnic Germans in South Tyrol or Basques and Catalonians in Spain are not subject of this report as their minority status fundamentally rests on a claim to self-government and cultural autonomy, irrespective of their overall social situation in society at large. This claim is in turn mostly based on a history of long-standing settlement in a given region, where the

³³ Moreover, the distinction is not totally consistent, as some groups one would want to classify as non-western immigrants (e.g. Indonesians) are classified as western immigrants instead. Turks, on the other hand, are defined as non-western immigrants. Obviously, the terminology reflects specific historical relations to various countries, in this case colonial ties to Indonesia.

national minority usually forms the majority population. In most cases, national minorities are politically accommodated by various forms of (limited) self-government combined with various forms of cultural autonomy. In terms of ‘cultural diversity’ in general, national minorities are really part of a broader picture. At the same time, it is often not easy (or even reasonable) to neatly distinguish between national minorities and other autochthonous ethnic minorities – as, for example, in the case of Finnish Saami, who enjoy limited self-government and might thus be reasonably regarded as a national minority.

Two Member states, namely Austria and Greece have autochthonous minorities that are protected by the constitutionally binding international agreements. In both cases, their overall size is relatively small, although considerable in particular regions – in Austria, the minority population is estimated to be between 130,000 and 200,000, with Slovenes and Croats (each 50,000) being the largest groups. In Greece, minority protection primarily extends to the religiously defined Muslim minority in Northern Greece and thus leaves aside the large number of Christianized Roma. The estimated size of the Muslim minority is between 100,000 and 130,000 while the number of Roma is estimated to lie between 150,000 and 300,000. Roma (including Sinti; Irish Travellers are sometimes also subsumed under this category)³⁴ – are present in every Member state. Their overall number in Europe is somewhere between 1.2 and 1.7 million, and according to Roma rights groups, may be well above. Arguably, Roma may be considered one of Europe’s largest ethnic minorities. A number of countries recognize Roma as an official minority (e.g. Austria, Germany, Finland and Sweden).

Roma/Sinti/Traveller Population in Europe (in 1,000)

	A	B	DK	SF	F	G	GR	IRL	I	LX	NL	P	E	S	UK
Low estimate	20	25	1.8	10	280	70	150	10.9	130	0.1	23.5	40	325	40	90
High estimate	50	30	1.8	10	340	70	300	10.9	130	0.15	23.5	40	400	50	300

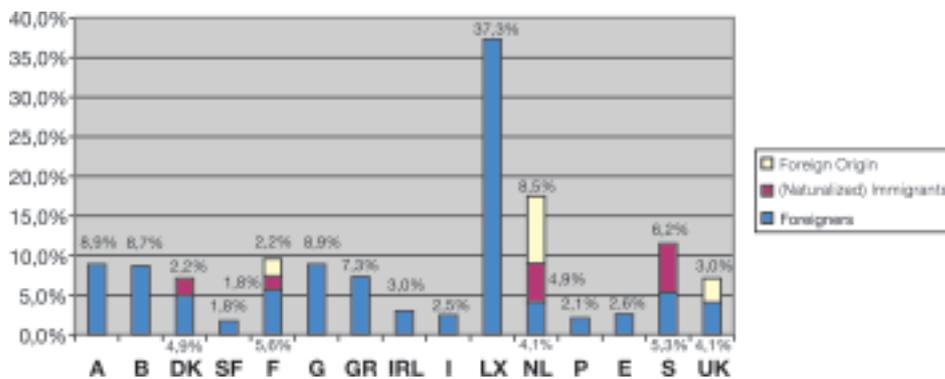
Source: Council of Europe (2002): Legal situation of Roma in Europe, DOC 9397 (19/04/02)

Finally, there are (relatively) small numbers of Saami in both Sweden and Finland (the majority of Saami live in Norway), both recognized as minorities and enjoying certain privileges (see Table A2).

When it comes to immigrant minorities, the easiest category to define is probably the category ‘foreigners’. In addition, figures on them are collected in every Member State of the European Union and easy to access. As the following chart indicates, the share of the foreign population differs markedly between Member States (see Figure 4.1 and Table A1). Without Luxembourg, which is exceptional in many regards, their share averages 5%. The latter figure is very close to their overall share in the total population of Europe of 5.3%. In total, about 20 million foreigners reside in the EU-15 (total population of approximately 378 million).

³⁴ For example in reports by the Council of Europe, see the recent report on the legal situation of Roma in Europe, presented to the Assembly of the Council of Europe: Source: Council of Europe (2002), Legal situation of Roma in Europe, DOC 9397, available at: <http://assembly.coe.int/Documents/WorkingDocs/doc02/EDOC9397.htm>, (26.03.2003)

Share of foreign/immigrant population in total population, latest available year



The five Member states with the largest resident population of foreign citizenship, namely France, Germany, Italy, Spain and the UK – which are also the largest countries in terms of total population – account for more than three quarters of the foreign population. Germany has the largest population of foreign citizens – 7.3 million, a share of 8.9%. In terms of the share of foreigners in the total population, Luxembourg clearly stands out – however, to a large degree, the high share of foreigners can be explained by Luxembourg’s small size, its extremely open economy and the fact that it hosts a significant number of international firms as well as international organizations who employ a considerable number of both resident foreigners and cross-border commuters. Next come Austria, Belgium and Germany. Their respective shares (just below 9%) are well over the European average. Greece, with a recorded share of 7.3% is almost on equal footing with the before mentioned countries, while the actual share of the foreign resident population, if undocumented migrants are taken into account, may well be above this figure.³⁵ France, Sweden, and Denmark have a foreign resident population around the European average of 5%. Finland and Portugal have the smallest population of foreign citizenship, their share being around 2%. The share of foreigners in the remaining countries lies between 2% and 4%.

Certainly, the variation in shares reflects different migration experiences – both Ireland and Finland, for example, have become attractive to foreigners and, particularly, third country nationals, only during the last decade. More importantly, however, the variations in size may also reflect differences in regard to naturalization: In general, it seems that in countries with ‘liberal’ naturalization laws, the number of foreigners tends to be rather small as many foreigners will change their status within a relatively short time span. With naturalization figures higher than the number of new immigrants, the foreign population (as in Belgium during the 1990s or in Germany since 1997) may actually decline. In two countries often cited for their liberal naturalization laws, namely the Netherlands

³⁵ Due to the very nature of migration processes in Greece (many Albanians, but also migrants from other neighbouring states work seasonally and migrate back and forth) it is almost impossible to give an authoritative figure of foreigners in Greece, as numbers are supposed to fluctuate considerably during the year.

and Sweden, the number of foreign born is 2.2 times higher than the number of foreigners – in both countries, obtaining nationality is relatively easy (e.g. in the Netherlands after five years of residence). By contrast, in Austria³⁶, where citizenship is more difficult to obtain, the respective multiple is 1.4, similar to the Denmark (1.4) and France (1.3). A similar picture emerges from naturalization rates.³⁷

Naturalization Rates (1998)

A	B	DK	G	SF	F	I	LX	NL	E	S
2.49	2.72	4.11	1.45	4.98	3.34	0.99	0.51	8.73	2.16	8.91

Source: ICMPD, on the basis of a broad range of sources. LX: 1997; G: excluding ethnic Germans

In general, the number of foreigners will tend to be larger in countries in which access to citizenship is more difficult and tied to longer waiting periods. Conversely, *ceteris paribus* countries with ‘liberal’ naturalization rules and practices, will have a lower foreign resident population. However, the naturalization rules are not the only factor influencing naturalization rates. Other important factors are the (material or legal) costs attached to renouncing the former citizenship³⁸ or simply the duration of (legal) residence. In the case of Austria, many migrants, having entered the country during a period of high immigration between 1988 and 1993 (the foreign resident population had doubled in this period) have only recently become eligible for the acquisition of citizenship. In Greece, on the other hand, only a minority of migrants meet the requirements of 15 years of continuous legal residence, not least, because so many of migrants are undocumented.³⁹ In fact, the number of naturalizations has been

³⁶ The underlying figure on the foreign born population includes Austrians born abroad (Austria applies *ius sanguinis* rules). The number of foreigners, in turn, includes a sizable number of persons born in Austria.

³⁷ In view of her relatively high naturalization rate, the explanation regarding the low population of foreign citizenship in Finland put forward earlier has to be modified to some degree. In spite of its short history as an immigration country, the population of foreign background may be considerably larger, as the conditions for the acquisition of nationality are relatively liberal. The case of Finland is a good illustration of the complexities involved in accurately counting immigrants.

³⁸ This was, for example, a major factor preventing Turks from naturalizing until recently. While the conditions attached by third countries to giving up citizenship clearly lie outside the reach of Member States’ policies, toleration of dual citizenship has proven to facilitate and increase naturalizations. A more tolerant stance towards dual citizenship could be observed in recent changes of nationality laws across the European Union.

³⁹ The sum of resident permits plus the number of EU/EEA residents may be taken as a rough approximation of the number of legally resident aliens. 63,000 third country nationals had a valid resident permit in Greece in 1998. Adding to these the (arguably unreliable) figure of EEA nationals of roughly 46,000, a total of 110,000 persons were legally resident in Greece. This is only 1/7 of the total foreign population as enumerated in the census 2001. If the former figures are considered a correct estimate of the legally resident population, one can imagine that the number of persons eligible for citizenship under the rather demanding Greek nationality code is much lower. Figures on resident permits are taken from the OECD Sopemi reports, while the figure on the resident population of other EU countries are taken from the Council of Europe (2002) publication ‘Recent demographic trends in Europe 2001’ (Strasbourg).

extremely low throughout the 1990s – on average 1,000 a year – most of which concerned ethnic Greeks.

For all these reasons and as a consequence of the increasingly long-standing presence of immigrant minorities all over Europe, figures on foreigners are an increasingly inadequate indicator for the total size of the population of immigrant background in most Member States. Adding to the confusion is the fact that some immigrants of foreign citizenship may be never considered foreigners, such as ethnic Germans from the former USSR (*'Aussiedler'*) or ethnic Greeks from the same region (*'Pontian Greeks'*). There are other countries with such ambiguous categories, particularly those who formerly had colonial possessions (e.g. persons from Reunion, Martinique and French Guyana, who are French nationals, and Surinamese and Antilleans in the Netherlands). In the latter two cases, however, the respective categories of immigrants are distinguishable in most statistics collected.

Again, it should be emphasized that the category 'foreigners' neither refers to a homogenous group of persons nor does it imply a single legal status. Rather, it comprises a range of diverse status categories, most importantly EU/EEA citizens on the one hand, and third country nationals on the other. Among third country nationals one can further distinguish between those holding secure residence and employment titles and those with short-term permits.⁴⁰ Differences in legal status are certainly an important factor, influencing migrants' position in society at large. On the other hand, a secure legal status may not preclude such migrants from having a lower occupational status than nationals (e.g. 'guest-workers' from EU countries residing in another EU country). Normally (recognized refugees are an exception to this) the issuing of secure residence titles is tied to a minimum duration of prior residence and statistics thus also indicate the average duration of residence in a given country.⁴¹ Other than that, information on the duration of residence of the foreign population is generally scarce, despite the fact that this may be perhaps the most important variable determining the integration of migrants into mainstream society (see Section 5.1.).

Regarding countries of origin, individual countries again display a wide variety, reflecting geographical vicinity, different histories of labour migration, and colonial and other ties. For example, migrants from the Indian subcontinent are present in large numbers only in the UK. Surinamese and Indonesians in the

⁴⁰ In 2000, 53% of foreign residents in Austria held an unlimited residence permit. In Germany, the proportion of foreigners with secure titles (residence entitlement or unlimited residence permit) was 38% at the end of 2001. These figures do not include EU/EEA nationals, who are virtually exempt from residence regulations. The corresponding figure for France in 1999 was thought to be about 65%. See also: Groenendijk, K., Guild, E., Barzilay, R. (2000) *The Legal Status of third country nationals who are long term residents in a Member State of the European Union*, Nijmegen: Centre for Migration Law, University of Nijmegen, pp. 100. Figures for other countries were not available.

⁴¹ Again, the Austrian case is illustrative: In 1994, only 6.3% of foreign residents held an unlimited residence permit, while by 2000 already 53% did. See: Biffl, G. (ed.) (2001b) *Arbeitsmarktrelevante Effekte der Ausländerintegration in Österreich (Labour market relevant effects of the integration of aliens in Austria)*, Wien, available at: http://www.bmwa.gv.at/positionen/pos1_fs.htm, (08.05.2002), p. 195.

Netherlands, South East Asians (mostly Vietnamese) in France, Latin Americans in Spain and Angolans, Cape Verdeans and Brazilians in Portugal – in all these cases colonial ties largely explain the origin of large numbers of migrants. The presence of Albanians in Greece and Italy, Moroccans in Spain and Russians and Estonians in Finland, on the other hand, is clearly a matter of geographical vicinity.

In general, a large share of the foreign resident population in EU Member States is made up by EU nationals from other EU countries (see Table A2). Among these, there is a sizable number of (former) ‘guest-workers’ from the Mediterranean countries (Greece, Italy, Portugal and Spain). For example, Italians are the single largest country of origin of foreigners in Belgium, while the same holds true for Portuguese in Luxembourg .

In respect to third country nationals, an increasing diversification of countries of origin can be observed, partly as a result of the rising significance of asylum migration in most EU Member States (Southern European countries are an exception to this). Still, in most countries, two or three countries of origin dominate the scene, e.g. Algeria and Morocco in France, Turkey and Ex-Yugoslavia in Germany and Austria, and Albania in Greece. Some of these countries of origin are also major countries of origin in Europe at large – The largest group⁴² are Turks (about 2.6 million or 13% of the resident alien population⁴³) while a significant number of migrants in the EU are from ex-Yugoslavia (1.8 million or 9%). Migrants from Maghreb countries are increasingly important (a little more than 1.5 million foreign residents from Maghreb countries live in the EU, the majority of which are Moroccans. Algerians seem to migrate almost exclusively to France, while Moroccans also have a strong presence in two traditional labour recruiting countries, Belgium and the Netherlands. Since the late 1980s, Moroccans have been increasingly present in Italy and Spain, as well. In countries that provide data on the countries of origin of immigrants (as the larger category), the picture looks very similar (see Table A2)

In terms of geographical distribution within countries, two patterns can be observed. In general, migrants are highly urbanized throughout Europe, and often highly concentrated in the major European conurbations such as London, Athens, Île de France etc. This is first of all a reflection of the major trends in labour migration, i.e. migrants go where there is a structural demand for foreign labour. Consequently, it is also a reflection of the importance of ‘chain migration’ (when new migrants join family and friends in the host countries) and of the emergence of ‘ethnic economies’ in areas with a high share of migrants from a particular area

⁴² The following figures are only estimates on the basis of Council of Europe data on the foreign resident population (for France, only the 1990 census data on the composition of the alien population was available – the number of aliens from the above mentioned countries is likely to have declined, mainly because of naturalization). See: Council of Europe (2002), *Recent Demographic developments in Europe 2001*, Strasbourg.

⁴³ A study published in 2000 gives a higher figure (20%). See Groenendijk, K., Guild, E., Barzilay, R. (2000) *The Legal Status of third country nationals who are long-term residents in a Member State of the European Union*, Nijmegen: Centre for Migration Law, University of Nijmegen, p. 99.

of origin. The second pattern that can be observed is migration to rural areas, where migrants are often employed as seasonal workers in agriculture. This type can also be found in most countries, but particularly so in specific areas of Southern Europe (Southern Italy, Northern Greece and Andalusia in Spain).

4.2. Labour force participation, employment and unemployment

The integration of immigrants and minorities in their respective host societies is to a considerable degree determined by their opportunities to actively participate in gainful employment. On the other hand, the pervasive exclusion from the labour market of certain groups of immigrants and minorities places these groups at a distinct disadvantage in terms of income, wealth, social mobility, housing, training, participation in social life and a number of other dimensions.

The level of participation in gainful employment is measured and expressed by general economic indicators such as labour force participation rates (also called activity rates), employment and unemployment rates, broken down to the subgroups of interest and viewed in relation to other groups in society. These indicators can thus serve as evidence of differences, inequalities and disadvantages that migrants and minorities might face in EU Member States in the field of employment.

Before turning to the statistical evidence on inequalities in the labour market performance of migrants and minorities, it is important to emphasize the limitations of the available data in a comparative perspective. National economic data and indicators vary in their quality, breadth of coverage, method of production and even their underlying definitions (see Table A3, A4 and A5). Most importantly, however, labour market indicators reflect the labour market performance of various groups of migrants and minorities, differently defined, according to the idiosyncratic concepts used in each Member State (see Section 3.2.).⁴⁴

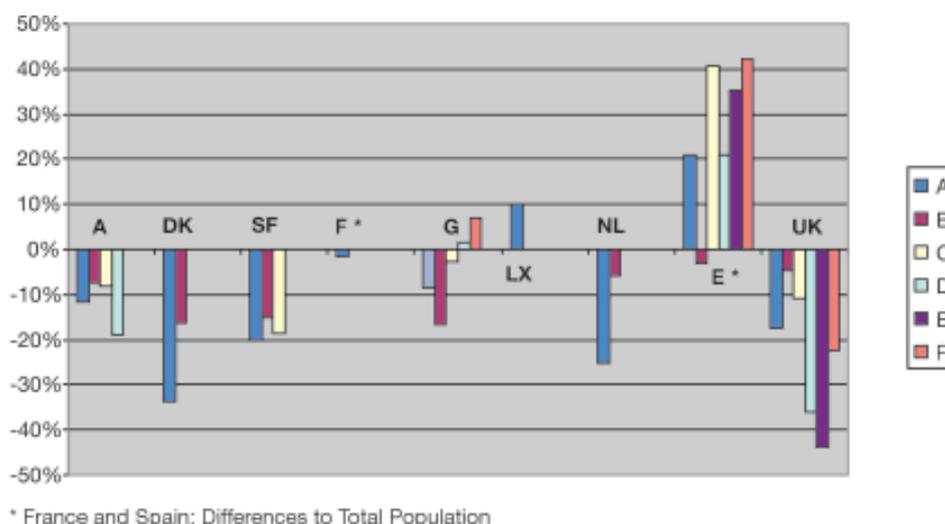
Given the various definitions of data, indicators and groups, a direct cross-country comparison of the available evidence of inequalities on the labour market is not possible. We can, however, in a first step examine the evidence of *relative inequalities* of, appropriately defined, migrant and minority groups in each country and then compare the extent of these relative differences across countries. In this way, rather than having to focus on the myriad of factors that determine

⁴⁴ Theoretically, the production of EU-wide standardized data through the Labour Force Surveys of EUROSTAT should overcome these problems. In practice, however, relevant data on migrants and minorities, that are sufficiently detailed to yield a representative picture of inequalities on the labour market, do not exist. Part of this shortfall is due to the variety of concepts currently used in the EU Member States to describe “their” immigrants and minorities (see also Section 3.2.). In addition, the small sample size of the Labour Force Survey makes even available economic data on “foreigners” (in general) in some EU Member States very unreliable, and even more so for certain nationalities. We have therefore chosen to revert to the available national data only, while simultaneously pointing out the limitations of this approach.

absolute levels and differences in rates of labour force participation, employment and unemployment, our analysis reverts to the question of relative inequalities between different groups in society.

Figure 2 compares relative (percentage) differences in labour force participation (LFP) rates between selected groups of immigrants and minorities and the majority population (nationals or total population) in those EU Member States, where such data are available.⁴⁵ The graph shows that in most countries the LFP rate of the selected immigrant and minority groups is substantially lower than that of the majority population. The differences vary, however, widely and in some cases are even reversed.

Figure 2: Relative Differences in Labour Force Participation Rates between Selected Groups of Immigrants/Minorities and Nationals* (for data and definitions of groups A-F, see Table A3)



An important general observation is that, due to the averaging effect, the largest and the smallest (relative) differences depicted for each country (the ‘outliers’) refer to smaller subgroups of the migrant and minority populations. The largest relative difference shown in the chart, for example, refers to the Bangladeshi ethnic minority (Group F) in the United Kingdom, who have a LFP rate of only 45% as against 79.8% for the white majority population, thus resulting in a relative difference of – 44%. The LFP rate of all ethnic minorities together (Group A) was 66%, thus resulting in a relative difference of “only” – 17%.

A second general observation about the value of economic indicators for the study of inequalities follows from the first one. The more available data allow a detailed breakdown into specific groups of migrants and minorities, the higher will be their

⁴⁵ For data, sources as well as detailed definitions of indicators and groups, see Table A3 in the appendix.

potential value for detecting existing inequalities on the labour market. To illustrate: In France, data from the Census 1999 established that the LFP rate of the total immigrant population was only 1.4% lower than for the total population (68% as against 69%). While this tells us, that differences in LFP rates were overall quite small, it tells us nothing about the LFP rate of certain subgroups (e.g. North Africans as opposed to EU nationals). The same is true for Luxembourg, where the total LFP rate of foreigners is 10% higher than the rate of nationals, presumably due to the high share of EU nationals in Luxembourg's labour force.

More generally, in several countries the LFP rate of immigrants from western countries (including other EU Member States) appears to be higher than that of immigrants from third countries. Danish figures show that the LFP rate for immigrants and their descendants from third countries is 34% below that of Danes, while the LFP of immigrants and their descendants from other EU countries⁴⁶ is only 16% lower than that of Danes. Similarly, data from the Netherlands show that the LFP rate of non-western immigrants⁴⁷ (50%) is 25% below that of non-immigrants (LFP rate of 67%), while the LFP rate of western immigrants (63%) is only 6% lower. In Sweden, data on employment rates of people born inside and outside of Europe, show the same trend.⁴⁸ In Germany, the LFP rate of migrants from Greece and Italy is even higher than that of Germans, while the LFP rate of Turks is significantly (– 17%) below that of German nationals.

In interpreting data on relative differences in LFP rates, three further complications should be mentioned. To start with, there are already significant differences among EU states in the absolute levels of economic activity (see Table A3). Generally, LFP rates are highest in Nordic countries and the UK and lowest in southern countries. Therefore, the relatively higher LFP rates of foreigners in Spain and the relatively lower LFP rates in the UK tell us little about their absolute levels. Second, the total LFP rates as used here mask significant differences between the LFP rates of men and women, respectively, and do so both for immigrants and non-immigrants.⁴⁹ Third, when interpreting LFP rates, it needs to be emphasized that LFP rates refer only to the working age population (i.e., mostly, the 15-64 age bracket). Therefore, the recorded LFP rates do not necessarily indicate the share of economically active immigrants relative to the share of economically active non-immigrants, as immigrants may be overrepresented in the working age population. To illustrate: The LFP rate of all foreigners in Austria (58.7%) in 1999 was 12% lower than that of nationals

⁴⁶ Including immigrants from other Nordic countries as well as from North America.

⁴⁷ Including Turks, Moroccans, Surinamese, Antilleans and Arubans.

⁴⁸ While there are no data available on LFP rates in Sweden, data on employment rates in Sweden indicate the same trend (see Table A4).

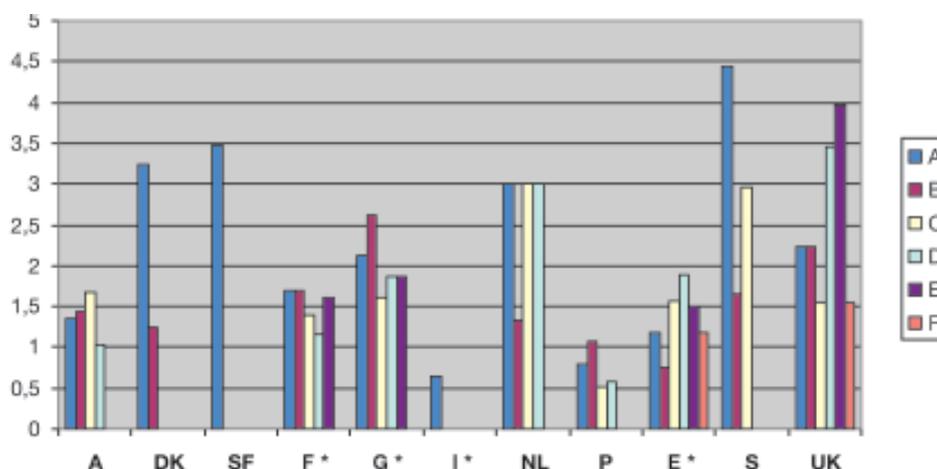
⁴⁹ For example, in France, female immigrants had a LFP rate of only 57.1%, while male immigrants had a LFP rate of 78.6%. In the Netherlands, non-western male immigrants had a LFP rate of 60%, while non-western female immigrants had a LFP rate of only 40%. In Denmark, in 2001 the LFP rate for immigrants from third countries was 60% for men and 45% for women (however, for their descendants it was 68% for men and 67% for women). In Austria, the LFP rate of Turkish men was the highest with 74.3% (Austrian men: 74.0%), while it was the lowest for Turkish women with 40.5% (Austrian women: 58.4%).

(66.5%). In the same year, the share of foreigners in the workforce (44.6%) was 8% higher than the share of Austrian nationals in the workforce (41.2%).⁵⁰

Turning now to the comparative analysis of unemployment rates, we need to notice that basically the same limitations for cross-country comparisons mentioned for the analysis of LFP rates also apply for the available data on unemployment. As for LFP rates, we have therefore chosen to examine *relative differences* in unemployment rates, notwithstanding the fact that absolute levels of unemployment are important as well, especially when they reflect persistently high levels of long-term unemployment of certain groups (see below).

Figure 3 depicts unemployment rates of selected groups of immigrants and minorities as a multiple of the majority population's unemployment rates (nationals or total population).⁵¹ The graph shows that unemployment rates for most groups and in most countries, where such data are available, are higher than for the majority population (i.e. a ratio of above 1), sometimes significantly so.

Figure 3: Unemployment Rates of Selected Groups of Immigrants and Minorities as a Multiple of the Nationals' Unemployment Rate (for data and definitions of groups A-F, see Table A5)



* France, Germany, Italy and Spain: Relation to Total Population

As unemployment rates, even more so than LFP rates, vary greatly between EU Member States (ranging from 3% in the Netherlands (2001) to 13.4% in Spain (2000)), the observed multiples in unemployment rates of migrants and minorities can only be evaluated on a country by country basis. States that have generally low unemployment rates of the majority population (Denmark: 4%, Netherlands: 3%,

⁵⁰ The Austrian definition of workforce includes employed and unemployed, but excludes self-employed. By 2001, the difference between the share of foreigners in the workforce (47.1%) to the share of Austrian nationals in the workforce (41.2%) had increased to 14%. Source: Statistik Austria, own calculations.

⁵¹ For data, sources as well as detailed definitions of indicators and groups, see Table A5 in the appendix.

Sweden: 3.2% (all 2001), UK: 5.8% (1998)) tend to have the highest multiples, at least for certain groups of their migrant and minority communities (tellingly, these are the same groups that have relatively low LFP rates): Immigrants and their descendants from third countries in Denmark, non-western immigrants in the Netherlands, people born outside of Europe in Sweden and Bangladeshi and Pakistani in the UK. On the other hand, France and Spain (general unemployment rates of 13% (1999) and 13.4% (2000), respectively) exhibit relatively lower multiples, even though the unemployment rates of their immigrant/foreigner communities are painfully high in absolute terms. In Italy and Portugal, foreigners overall have lower unemployment rates than nationals, therefore multiples are below one. Finland is a special case, as both the general unemployment rate (9.1% in 2001) and the unemployment rate of foreigners (31.6%) are high, resulting in a high multiple (3.5).

More revealing than a cross-country comparison is a comparison of indicators within states. The relatively high multiples of unemployment rates of non-European immigrants in Denmark, the Netherlands, Sweden and the UK have already been mentioned, but they become especially informative when compared to the relatively lower multiples of migrants from within the EU or other European states. Unemployment rates of EU migrants in Spain and Portugal are even lower than the unemployment rates of nationals. In Germany, Turkish nationals face significantly higher unemployment rates than EU nationals (as well as higher rates than former Yugoslavs), which is also true in other countries such as Austria, Finland and France.

To learn more about the exclusion of certain groups of migrants and minorities in active economic life, we have to take a closer look at specific trends in the employment sector.

In Germany, the LFP rate of foreigners has decreased by 10% over the last 20 years and is now significantly below that of Germans, whereas it has been higher before. At the same time, unemployment rates have increased and are now significantly above those of natives. Turks, and especially Turkish women, have been especially hard hit by these developments, as have young foreigners. In France, too, the employment situation is characterized by high structural unemployment, which particularly affects young persons and, among them, young immigrants. Youth of North African origin (mostly born in France) are twice as often unemployed as their peers, even when they have obtained graduate degrees. Whereas immigrants from other EU countries have even lower unemployment rates than non-migrants, nearly one third of immigrants from North Africa and Turkey do not have a job. Despite a general increase in the number of female immigrants on the labour market, women from non-European countries still face great difficulties in finding employment and, as a consequence, many give up and do not look for jobs any more, which is reflected in lower LFP rates.

In contrast to the situation in France and Germany, the general labour market situation has improved radically in the Netherlands and Sweden and so has the situation for migrants and minorities. Whereas in 1995, almost 25% of the non-Western migrants in the Netherlands were unemployed, by 2001 this figure

had fallen to 9% (still representing three times the rate of the native Dutch population). LFP rates of minorities have also improved, but are still low within the Turkish and Moroccan population groups (48% and 42%, respectively, in 2001). This is mainly because few Turkish and Moroccan women work (33% and 26%). In Sweden, the positive labour market development has been even more pronounced for the foreign born population. Between 1996 and 2001 unemployment rates for persons born outside Europe have decreased from some 28% to around 14%, while unemployment rates for persons born in non-EU/EEA European countries have decreased from 24% to 10%.

In Finland, unemployment rates for non-Western citizens are very high. The unemployment rate for former Soviet citizens was 47% in 2000, and for Estonians it was 29%. Unemployment rates are particularly high for groups dominated by recent refugee flows (in 2000, citizens of Iraq, Bosnia-Herzegovina, Iran, Somalia, Vietnam had unemployment rates between 50-75%). The same situation can be observed in other countries. In Denmark, persons from Iraq, Afghanistan and Lebanon (mainly Palestinians) exhibit very low LFP rates and high unemployment rates (e.g. 28% of Somali men and 36% of Somali women were unemployed in 2001). In Sweden, only 38% of the Iraqi born migrants were in employment, while 27% were unemployed in 2000.

In the United Kingdom, the labour market experiences of different ethnic minority groups are very heterogeneous. Taken together, ethnic minorities are disproportionately likely to be unemployed, have lower labour force participation rates and lower employment rates. However, when looking at disaggregated data, the labour market outcomes of some ethnic minorities are significantly better than those of other ethnic minority groups, implying a 'forking of the ways' between groups: in 1998 the overall unemployment rate stood at 6.2% (5.8% for whites and 13% for all ethnic minorities together), while it was 23% for Bangladeshi, 20% for Pakistani but only 9% for Indians and Chinese. In addition, some groups had extremely low LFP rates (e.g. Bangladeshi women: 19% and Pakistani women: 30%).

Over the last 20 years, Ireland's outstandingly high economic growth rate has completely reversed the situation on the labour market. Unemployment rates have fallen from over 20% in the 1980s to 4.2% in 2002, leading to significant labour and skills shortages across the labour market and eventually turning Ireland from a country of emigration to a country that actively recruits workers both in EU countries and beyond (especially EU accession countries).⁵² While there are, as yet, no conclusive data available on the situation of immigrants on the labour market, there is evidence that the Traveller Community is largely excluded from the labour market, with an unemployment rate of around 90 %.

⁵² In 2000, 61% of foreigners in Ireland come from the UK, 13% from other EU countries, 11% from the USA and 15% from other countries. Source: OECD (2001), Trends in international migration, Paris: SOPEMI 2001. However, almost 40% of migrant workers coming to Ireland in 2001 were from EU accession countries, such as Poland, Latvia and the Czech Republic. Source: EUMC, Diversity and Equality for Europe, Annual Report 2001, p. 48.

Ireland, Belgium and Luxembourg clearly represent special cases as the great majority of foreign employees originate from other EU countries. In Luxembourg in 2000, 62.5% of all employees were foreign citizens, with cross-border commuters accounting for 34.8% of total employment. Employment of non-EU foreigners is only marginal, as most foreign workers come from Italy and Portugal. In Belgium, in 1997⁵³, foreign employment accounted for 7.2% of total employment, with third country nationals accounting for just 2% of total employment (EU-citizens accounted for over 70% of foreign employees). As elsewhere, third country females have significantly lower LFP rate than men or Belgian women. Moreover, a study on the labour market in Flanders and Brussels from 1999 found that the share of Moroccans and Turks among the unemployed was three times higher than their share in the wage earning population.⁵⁴

Turning now to the four southern EU countries that have experienced significant net immigration only fairly recently, these are commonly characterized by the important role that irregular migrants play in the informal economy and, consequently, by a lack of reliable data on migrants in the labour market. In Italy, which has experienced large-scale immigration of people from North Africa and Eastern European countries since the 1980s, one has to differentiate between northern Italy, which has low unemployment rates; southern Italy, which is plagued by high unemployment; and larger cities (such as Rome and Milan), where migrants play an important role in the service sector and as domestic labour in households.⁵⁵ In Spain, too, immigration has been rising rapidly during the 1990s and migrant workers (both regular and irregular) have assumed an increasingly important role in certain sectors of the economy, such as agriculture, the building industry and the service sector. Official statistics for 2000 indicate higher LFP rates of foreigners, presumably reflecting the relatively recent character of migration to Spain, while at the same time recording slightly higher unemployment rates of foreigners in total and much higher rates for particular groups of foreigners (e.g. Moroccans: 25.4% (men: 19.4% and women: 39.6%), Rest of Africa: 20.2%, Latin America: 15.8%). In Portugal, official data from 1997 show lower than average unemployment rates for foreigners in total, and higher than average rates for Africans, while more recent data indicate an increase in unemployment among foreigners. In Greece, there are no reliable statistics on

⁵³ Recently accurate statistical data on foreign employment are not available.

⁵⁴ Verhoeven, H. (1999) *Arbeidsmarkt en diversiteit over de vreemde eend in de bijt*, (Labour market and diversity – the stranger in the crowd), Leuven: Departement Sociologie.

⁵⁵ The ‘real’ immigrant unemployment rate, calculated as the rate of resident workers with work permits but without employment as a percentage of total work permits (for employment and self-employment) is 7.4%, less than the Italian rate (11.4%). As to the marked regional differences: it is almost double the national rate in the North West and the Centre (8.1% and 14% respectively, compared to national rates of 4.3% and 7%), identical with the national rate in the North East (3.6%), and markedly lower in the south and Islands (14% as compared to 18%). Source: Dossier Statistico Immigrazione 2002 ‘Workers and citizens’, Twelfth Report on Immigration by Caritas-Migrantes, available at: <http://www.immagineimmigratitalia.it/partners/dossier2002i.doc>, (10.04.2003).

either the total employment or unemployment of foreigners, owing to the nature of widespread irregular employment of migrants.⁵⁶ What is evident, however, is that immigration has been sharply increasing during the 1990s, with the majority of migrants coming from Albania, and that it takes place in a context of widespread unemployment, low economic growth rates and correspondingly only moderate job opportunities within the formal sector.⁵⁷

While migrants often display higher unemployment rates than non-migrants, they are not necessarily overrepresented in the group of the long-term unemployed.⁵⁸ During cyclical downturns, migrants are often the first to be laid off, but often also the first to be hired during upturns. In Austria, for example, in 2000/2001 unemployment rates of foreigners have risen faster than for nationals, a typical phenomenon in times of economic downturn.

To sum up, we can note that there are considerable differences in rates of participation in active economic life within states, and not only between immigrants and non-immigrants but also between different groups of immigrants and minorities. The question of what explanatory factors might account for these differences will be taken up in Section 5.1.

4.3. Segmentation, industries and occupations

In general, national labour markets are highly segmented along national or ethnic lines. However, labour market segmentation does not follow these lines neatly. Among immigrants, several segments need to be distinguished. One dividing line is between workers from Western Europe and third country nationals. The majority of the latter group is employed in low-skilled, low-paid professions in medium and low segments, whereas the EU/EEA citizens often belong to a higher

⁵⁶ According to the Census 2001, the (recorded) population of foreign citizenship stands at 797,093 (7,3% of the total population of 10,964,080), but the actual foreign population might well be above 1,000,000. The share of immigrants in the total workforce has been estimated at 9-11% (Source: Rosettos F. (2000) *Ανεργία και Νομιμοποίηση των Οικονομικών μεταναστών* (Unemployment and Regularisation of Economic Migrants), Papaioannou, S. C., Papaioannou, E. S., ΤΑΣΕΙΣ – Ελληνική Οικονομία 2000 (TRENDS. Greek Economy 2000), Athens: All Media, p. 220) but may in reality be much higher still.

⁵⁷ At the same time, there is a continuously strong demand for foreign labour, particularly in agriculture in rural areas, and in domestic services, construction and a number of other branches in urban areas. The seemingly paradox of high unemployment and a simultaneous high demand for foreign labour can be explained by a number of factors, e.g. the predominance of informal sector activities among immigrants, who are often employed in marginally profitable businesses at 'low cost'; the seasonality of a significant number of 'jobs', and the fact that many services offered by migrants in the urban areas (domestic services, repair work, gardening etc.) were only rarely on offer before the onset of mass migration.

⁵⁸ Regarding long-term unemployment of migrants, there is only limited evidence, suggesting considerable variations across countries. In Austria and Germany, foreigners experience on average shorter periods of unemployment, while in Denmark and Sweden immigrants are more susceptible to long-term unemployment than natives. Much depends on the importance of structural factors, language skills and whether or not foreigners are under greater pressure of finding a new job as their residence permit may be jeopardized by longer periods of unemployment.

income and status group.⁵⁹ Thus, foreigner status, cannot *a priori* be equated with higher vulnerability to social exclusion and deprivation.

Still, the bulk of the immigrant workforce is very much confined to specific fields of occupations. This is a reflection of the high demand for low-skilled foreign workers in particular industries, especially during the 1960s and 1970s, which today continues to be the main impetus for labour migration from third countries, predominantly hired for heavy, low-paid, dangerous to health, dirty and monotonous work in factories.

Among more recent migrants, there is a marked polarization between a highly mobile financial and technical elite, associated to transnational capital on the one hand; and immigrants working in the low-paid, sometimes informal economy, on the other. In the heavily regulated labour markets of northern Europe, immigrants are often confined to certain types of jobs ('entrance jobs') when entering the labour market⁶⁰, whereas in southern Europe labour market segmentation is closely tied to the predominance of informal sector activities among immigrants. There are also noticeable gender differences in relation to some occupations.

As mentioned, migrants from Western Europe usually hold better positions in the labour market than those from non-EU/EEA countries. As an example, in Portugal, EU and American citizens are by far holding the most highly qualified jobs (learned professions, directors and administrative staff). In Finland, immigrants from other EU countries often have occupations in teaching and the business management segment.⁶¹ In Luxembourg, most EU citizens, except those from Italy and Portugal, are over-represented (in terms of their overall share in employment) in the category of executive managers and professionals, while citizens from the former Yugoslavia and Albania are mostly employed as unskilled workers, such as agricultural workers and artisans.⁶²

In stark contrast to EU/EEA nationals, third country nationals are still heavily concentrated in certain industrial sectors (e.g. manufacturing, construction), parts of the service sector (e.g. personal services, cleaning, catering, caring) and sectors that are subject to strong seasonal fluctuations (e.g. tourism and agriculture), although the structure of foreign employment varies between EU Member States (see also Table A6).

In many countries, that traditionally recruited foreign employees as 'guest workers' in the industrial sector (e.g. Austria, Denmark, France, Germany), foreigners are still overrepresented in blue-collar jobs in manufacturing (e.g.

⁵⁹ However, in a number of Member States, there are large numbers of 'guest-workers' from other EU (mainly Southern European) countries whose labour market position resembles that of other (unskilled) labour migrants from third countries.

⁶⁰ This is exemplified by the Finnish experience. However, in opposition to other Western labour markets, entry jobs in Finland are situated in the service sector instead of industrial work.

⁶¹ Forsander, A., Alitolppa-Niitamo, A. (2000) Maahanmuuttajien työllistyminen ja työhallinto – keitä, miten ja minne. Työhallinnon julkaisu 242, (Employment of immigrants and the labour administration – who, how and where. Labour administration publication 242) Helsinki: työministeriö (Ministry of Labour), pp. 77.

⁶² STATEC, Distribution of employees by economic branches at 31th of March 2002.

mining, textiles, metal industry, construction). Consequently, foreign workers have been particularly affected by technological change and industrial restructuring, as the demand for low-skilled jobs has diminished. At the same time, the shift to employment in the service sector often creates special problems for immigrant workers, as the newly created jobs in this sector often require particular skills (see also Section 5.1.)

Countries with a particularly high share of immigrants in agriculture and fisheries⁶³ are Ireland (15.4%)⁶⁴, Italy (15%), Spain, Greece, Luxembourg⁶⁵ and Belgium, while in Denmark foreign workers are under-represented in agriculture and the building sector.

A common feature discernible in a number of Member states and tied to the multiple segmentation of labour markets between natives, third country nationals and EU-nationals, is a specific ethnic hierarchy in the immigrant labour market. In Greece, Albanian migrants are mainly employed in low-skilled jobs in agriculture and construction, whereas Poles and Romanians work as skilled manual labourers, Filipinos as domestic workers, Pakistani, Indians, Bangladeshi as unskilled labour in small factories and Africans as small traders and street vendors. The Roma in Greece are employed particularly in small trades in agriculture and construction. In Italy, Filipino women are mostly domestic servants, while Black Africans work mainly as factory workers and street vendors in Southern Italy. Moroccans and Albanians are often employed as labourers or bricklayers. The Chinese are mostly active in the catering business as cooks, dealers or restaurant owners. Asians in Portugal are also often employed in the commercial and service sectors, whereas Africans predominantly have low-skilled jobs in the industrial sector (women in cleaning services, men in the construction sector).

Regarding the typical professions for non-EU immigrants in Finland, a large proportion of citizens from the former Soviet Union is employed in health care, as well as in transport and cleaning. Those from former Yugoslavia and Somalia are largely employed in manufacturing, whereas immigrants from Eastern and Central Europe are predominantly employed in entertainment and technical occupations. Nationals from Turkey, India, China, Thailand and East Asia were particularly active in catering. In Sweden, immigrants are concentrated in a few branches of business.⁶⁶ Migrants from non-European countries dominate the branch personal and Cultural Services⁶⁷, the only branch of business where natives are under-represented. Within the branch of manufacturing and recycling quite a few immigrants from the Nordic countries and from EU/EEA countries are

⁶³ Agriculture, fisheries, forestry, tourism and construction are sectors subjected to strong seasonal fluctuations.

⁶⁴ Irish Central Statistics Office (September 2002).

⁶⁵ In Luxembourg, the number of foreign employees in agriculture is about twice the number of nationals. Source: STATEC, Distribution of employees by economic branches at 31 March 2000.

⁶⁶ Swedish Integration Board, Rapport Integration 2001, p. 97 (original source: SCB, AKU).

⁶⁷ According to Statistics Sweden (SCB) this includes branches of business such as work in hotels and restaurants, work with sewage and purification, work in interest groups, such as labour unions or employment organizations, production and distribution of media, artistic activities, etc.

working. Within the building industry and the public sector, natives are dominating.

In the Netherlands, immigrants from the former Dutch colonies, Surinamese and Antillians, show little difference from the indigenous Dutch, whereas, Turks and Moroccans are over-represented in manufacturing and personal services. Moroccan and Turkish immigrants are concentrated in blue-collar jobs in the industrial and in the service sector, while immigrants from Southern Europe and Surinam can also be found in the public sector. In the United Kingdom, Bangladeshi and Pakistani workers are especially active in textile and restaurant industries (some of the lowest paying sectors of the economy).⁶⁸ Black Caribbean men are over-represented in transport and commercials (18% in comparison to 9% for all men). 52% of male Bangladeshi employees and self-employed workers are in the restaurant industry (compared to 1% of white men). On the other hand, 5% of Indian men were medical practitioners (nearly ten times the national average).

Another important sector with a relative high number of foreign employees is the health and care sector. In Ireland in 2002, 7.1% of immigrants were employed in this sector.⁶⁹ In some hospitals non-EU/EEA nurses comprise one third of the workforce, and almost one half of all non-consultant doctors in Irish hospitals are from outside the European Economic Area. Other countries, too (e.g. Sweden, the United Kingdom and Finland) rely heavily on foreign employees in the health and care sector. It is worth stressing that it is mainly women, who are employed in this sector. Other sectors with high shares of foreign women are: personal, domestic and education services, cleaning and catering. For example, in Austria in 2001, the overall share of migrant women in the female work force was 6.2%, but immigrant women accounted for about a quarter of the female workforce in agriculture and forestry as well as in tourism, and 14% in household services.

4.4. Self-employment

There are a variety of reasons, why migrants might opt for self-employment. Entrepreneurial spirit and the desire to own ones own business are certainly among them. However, there are also other, more particular, reasons why migrants may decide to set up their own business: frustration with low-paid labour, disappointment with the absence of promotion in working life, trying to escape unemployment or discrimination in employment may prompt many to try self-employment as an alternative strategy to labour market integration. Moreover, structural economic changes in many (post-)industrial economies have diminished the demand for traditional “guest-worker” occupations (e.g. in Denmark, France, Germany) and thus lowered employment prospects for many long-established immigrants. Thus, while in many countries unemployment rates of immigrants have risen and employment rates fallen, self-employment has

⁶⁸ Trade Union Congress (TUC) (2002), *Black and underpaid*, available at: <http://www.tuc.org.uk/equality/tuc-4653-f0.cfm>, (28.01.2003).

⁶⁹ Irish Central Statistics Office (September 2002).

become an increasingly important option for many migrants (e.g. in Austria, Germany, Sweden).

Most of the newly created 'ethnic' businesses are rather small and aim at local markets, sometimes even at specific ethnic communities. Typical branches include: merchandise, restaurants, cleaning services, barbershops, wholesale, retail trade (especially groceries), tourism and manufacturing (textile, clothing and leather). Immigrant self-employed are mainly middle-aged and have been living in a host country for quite a long time. It is not very common among immigrants to start their own business immediately upon arrival; rather they have typically had long employment periods before starting their own businesses.

Compared to native entrepreneurs, self-employed migrants face a number of disadvantages: They rarely receive financial support from society and have less access to financial loans because of lack of references. Therefore, they have to establish themselves in non-sheltered branches of businesses and their entrepreneurship remain small-scale.

Comprehensive data on immigrant self-employment are scarce, reflecting the fact, that the rise in immigrant self-employment is a rather recent phenomenon but also because a fair number of immigrant-run enterprises may operate in the informal sector (e.g. Roma businesses in Greece, street vendors in Italy). In addition, in some countries (e.g. Austria, Germany) naturalisations of self-employed persons make it difficult to present exact numbers on immigrant self-employment.

Where data are available, they demonstrate that in recent years the number of non-EU nationals in self-employment increased significantly. In Germany, the number of self-employed persons among foreigners has more than doubled since 1982, and almost risen five-fold for Turks. In 2000, the self-employment rate⁷⁰ of all foreigners was 8.6% against 10.2% of the total population employed (and about 5% for Turks). In Italy, residence permits for self-employed accounted for 4.1% of the total number of permits in 1998, and for 5.4% in 1999. Some ethnic communities show a higher occurrence of permits for self-employment relative to the total number of work permits than others: Chinese nationals, Senegalese, Egyptians and Moroccans are particularly prominent in self-employment.⁷¹ According to data published by the Ministry of Finance – TAXIS Directorate in Greece, during 2000, foreign citizens originating from 90 different countries have established 2,873 new enterprises in Greece.⁷² 1,003 or 35% of businesses have been set up by Albanians, 151 by British, 148 by Germans and 136 by Syrians. In addition, Roma in Greece are most often self-employed as small traders, usually

⁷⁰ Self-employment: self-employed people, persons working on own account, not employed by anyone else. Self-employment rate: self-employed (here: without working family members) as a percentage of the respective total employed.

⁷¹ In May 2001, there were 1,978,050 self-employed people in Italy, almost 9.0% of the overall employment, a rate which is growing annually by 196,000. Self-employment is more common in the North and in big cities. Caritas (2002): Dossier Statistico Immigrazione 2002 (Immigration Statistical Reports 2001), available at: www.caritasroma.it/immigrazione, (20.04.2003).

⁷² Imerisia, (26.01.2001)

without any business licenses, access to which seems to be only reluctantly granted by public authorities. Similarly, those Travellers in Ireland that are employed, tend to be self-employed. In Austria, the most recent data available concerning the share of alien self-employment in total self-employment are from 1999, when it amounted to 3.7%. According to these numbers the self-employment quota⁷³ of non-nationals in Austria was 4.5% in 1999, while it was 7.5% for the whole of Austria (excluding agriculture).⁷⁴

A study on the Netherlands⁷⁵ shows that the number of entrepreneurs from ethnic minority groups had risen sharply between 1986 and 2000. By 2000 the number of migrant entrepreneurs had risen to 44,000 (from 14,450 in 1986). Research in Amsterdam shows that entrepreneurship is especially popular among relatively small communities such as Egyptians, Pakistanis and Indians.⁷⁶ Many are active in highly expansive branches with good prospects for success, such as wholesale food and the clothing trade.⁷⁷ At the same time, however, many entrepreneurs from ethnic minority groups – about 35% – have low incomes, and some of them run the risk of dropping below the poverty line.⁷⁸

In the United Kingdom, around 7% of all small businesses are in minority hands. Patterns of self-employment among men vary among ethnic groups, with estimates⁷⁹ showing higher levels for Pakistani (25%), Indian (14%) and Chinese (18%) men than for whites (11%), but lower levels for the Black Caribbean (7%), Black African (8%) and Bangladeshi (8%) groups. Women of ethnic minority have lower levels of self-employment than their male counterparts.

⁷³ Share of self-employed in total of gainfully employed.

⁷⁴ ÖSTAT, Mikrozensus, own calculations of Volf, P. (2001a), 'Ethnic Business' – Einwanderer als Unternehmer ('Ethnic Business' – Immigrants as entrepreneurs), in: Bundesministerium für Bildung, Wissenschaft und Kultur, Abteilung Gesellschaftswissenschaften (ed.). Wege zur Integration. Was man gegen Diskriminierung und Fremdenfeindlichkeit tun kann (Ways to Integration. What can be done against discrimination and xenophobia), Klagenfurt/Celovec: Drava Verlag, pp. 75, 76, 82. Including agriculture, the total self-employment quota in 1999 was 10.7%.

⁷⁵ Van den Tillaart, H (2001) Monitor etnisch ondernemerschap 2000 – zelfstandig ondernemerschap van etnische minderheden in Nederland in de periode 1990 – 2000, (Monitor of ethnic entrepreneurship 2000 – self-employed entrepreneurship of ethnic minorities in the Netherlands in the period 1990 – 2000), Nijmegen: ITS.

⁷⁶ De Feijter, H., L. Stercx en E. de Gier (2001), Nieuw Amsterdams Peil – wonen, werken en leven in een multiculturele metropool, (Nieuw Amsterdams Peil – Housing, working and living in a multicultural metropolis), Amsterdam: SISWO/University of Amsterdam.

⁷⁷ Kloosterman, J., van der Leun, J. (2001) Starten in de stad. Stedelijke kansenstructuur en immigrantenondernemerschap, (Starting in the city. Urban opportunity structure and immigrant entrepreneurship), in: Engbersen, G. (ed.), De verborgen Stad – de zeven gezichten van Rotterdam, (The hidden city – the seven faces of Rotterdam), Amsterdam: Amsterdam University Press, pp. 77-91.

⁷⁸ Hoff, S.J.M. (2001) Armoede onder zelfstandige ondernemers, in: Armoedemonitor 2001, (Poverty among self-employed entrepreneurs, in: Poverty monitor 2001), Den Haag: Sociaal en Cultureel Planbureau/Centraal Bureau voor de Statistiek, p. 91.

⁷⁹ The estimates are based on Labour Force Survey data for 1998-2000 and are cited in the PIU report 2002, the United Kingdom, Cabinet Office (2002) Ethnic Minorities and the Labour Market. Cabinet Office Performance and Innovation Unit, pp. 21-23 available at: <http://www.cabinet-office.gov.uk/innovation/2001/ethnicity/attachments/interim.pdf>, (23.01.2003).

In Sweden, on average, immigrants are more likely to be self-employed than native Swedes. In 2001 around 10% of the Swedish workforce was self-employed, compared to around 12% of the foreign-born workforce. Immigrants from Asia and European countries were more likely to be self-employed than natives, while immigrants from Africa and Latin America were less likely to be self-employed.⁸⁰ In Finland, research on immigrant self-employment examined the most common types of businesses for each nationality, and the connection between lines of business and education.⁸¹ Those specialised in retail trade and catering are often from Turkey, Asia, North Africa and Middle East and have either occupational degrees or a basic education, whereas those in financing and housing are mainly from North America, Europe and Australia and have university degrees. Self-employment was most common among Turkish immigrants. 22% of Turkish people in the labour force worked as entrepreneurs, whereas the figure for EU citizens was only 7%.

While the increase in self-employment is a positive development as new businesses create jobs not only for the owner, but often also for family members and other persons, it is also a risky option as migrants, due to lacking capital or insufficient qualifications, can lose all their savings. Moreover, when they are unsuccessful, self-employed foreigners may have difficulties in getting their residence permit renewed (e.g. in Austria). In addition, small-scale entrepreneurs, and especially the children of the owners, run the risk of losing opportunities of attaining any formal vocational qualifications.

4.5. Educational achievements and employment

Educational attainment is a prominent means among several strategies that can be used to obtain a more favorable occupation. Conversely, differences in educational attainment may explain differences in occupational patterns and employment status, as well as the concentration of employees in particular sectors and industrial branches. Information on educational attainment is thus crucial in assessing observed inequalities on the labour market. However, only in a few Member States have comprehensive studies been conducted measuring the impact of migrants' skill structure and educational attainment on their occupational status and societal position at large. For the analysis of the relationship between educational attainment and occupational status of migrants and minorities, four questions need to be addressed: First, the level of educational attainment and skills that migrants and minorities bring with them. Second, whether migrants can

⁸⁰ Integration Report 2001, Swedish Integration Board [original source: SCB, <http://www.scb.se/sm/Nv12SM0001.pdf>, (24.06.2002)].

⁸¹ Joronen, T., Ali, A. A. (2000) Maahanmuuttajien yritystoiminta Suomessa 1990-luvulla, In: Trux, M.-L. (toim.) Aukeavat ovet – kulttuurien moninaisuus Suomen elinkeinoelämässä. (Business activity of immigrants in Finland in the 1990s. In: Trux, M.-L. (eds.), Do the doors open – multiculturalism in Finnish business life), Helsinki: WSOY, pp. 203 – 260. [English Edition: Joronen, T. (2002) Entrepreneurship in Finland in the 1990s, in: Forsander, A. (ed.) Immigration and economy in the globalization process. The case of Finland. Sitra report series 20. Helsinki: Sitra, pp. 119-174). Also available at: <http://www.sitra.fi/pdf/raportti20.pdf>, (24.06.2002)].

realize their skills: For first generation migrants this relates to the (low) transferability of skills acquired in the country of origin to the country of residence, a process that is commonly described as ‘dequalification’. Third, the question needs to be addressed whether migrants and minorities experience social upward mobility over time. And finally, fourth, the question of intergenerational mobility, i.e. whether or not second generation migrants fare any better than first generation migrants do. While lack of space does not permit a comprehensive discussion of these important issues here, some common observations can be offered.

First generation migrants are certainly no homogenous group, as far as their skill levels are concerned, nevertheless, their labour market position is distinct from both second generation migrants and the native workforce. The main issue at play here is what is commonly termed ‘selective immigration’, i.e. the fact that only particular categories of migrants with a particular skill structure immigrate to a particular country in the first place. Thus, labour migrants that were recruited during the period of high demand for unskilled labour until the 1970s have on the whole lower educational attainments than the native population. The same is true for later waves of migrants from the same countries, for those who came in the course of family reunion, as well as for more recent waves of labour migrants to Southern European countries. In Austria for example, 80% of Turkish migrants and 52% of migrants from ex-Yugoslavia have only achieved the lowest level of education and are predominantly employed in occupations requiring only low qualifications.⁸² The same is true for first generation Turkish migrants in Germany, of whom 60-70% only have low levels of qualification (the respective figure being twice as high as for the native population). Portuguese in Luxembourg and Italians, Moroccans and Turks in Belgium and the Netherlands display similar characteristics. However, migrants might also be chosen to fill specific gaps in higher skill strata of the labour market – e.g. as nurses or medical doctors in Ireland⁸³ and the UK, in the computer industry in Germany and elsewhere. There is some evidence that educational levels of more recent waves of migrants are higher in a number of countries (e.g. in Austria, Sweden and Finland). In many cases, migrants display a marked polarization between higher and lower levels of education. For example, while the share of immigrants with primary level education is twice as high as the corresponding figure for Finns, the share of high-grade education (including university education) is equal to that of Finns or even higher. A similar polarization in terms of skill levels (and occupations held) can be observed in Portugal, where EU citizens and Americans and part of the Brazilian workforce hold high status/highly skilled jobs, while Africans have low educational attainments and are employed in low-skilled jobs in industry. In Luxembourg, highly skilled migrants (mostly EU nationals) holding high status jobs represent a considerable share of the immigrant workforce.

⁸² Biffl, G. (ed.) (2001b) Arbeitsmarktrelevante Effekte der Ausländerintegration in Österreich (Labour market relevant effects of the integration of aliens in Austria), Wien, available at: http://www.bmwa.gv.at/positionen/pos1_fs.htm, (08.05.2002), p. 147, calculated on the basis of the Labour Force Survey (Arbeitskräfteerhebung) in March 2000.

⁸³ Mc Mahon, D. (2002) The educational and occupational attainments of immigrants in Ireland – an introduction. Paper presented at the RC28 conference on social stratification and mobility, Oxford (Nuffield College), 10-13 April, 2002, p. 19.

However, qualified first generation migrants often find it difficult to realize labour market positions corresponding to their skill levels. This is, for obvious reasons, less of a problem for highly skilled migrants admitted to fill certain gaps in skilled positions but is a real concern for spontaneous labour migrants, family members and refugees who seek access to the host country's labour market. Here, the reason most often cited is an inadequate level of language proficiency.⁸⁴ Frequently, however, the low transferability of skills is tied to the formal non-recognition of experience and qualifications acquired abroad.⁸⁵ However, while some skills may indeed be country specific (e.g. teachers, lawyers), in other cases formal requirements seem to be excessive. A third reason that could be invoked to explain the low transferability of skills is the general tendency among employers not to value foreign qualifications as much as domestic ones. The standard explanation here is that employers have only imperfect information about the value of qualifications acquired abroad.⁸⁶ All this contributes to a process of dequalification, evidence of which can be found in practically all Member States. In Denmark, for example, only 1% of immigrants with a completed high school level education are top managers and a further 33% are wage earners at the highest level, while the corresponding figure for Danes is 6% and 50%, respectively.⁸⁷ Evidence on Finland suggests similar tendencies. In Sweden, a study⁸⁸ finds that the correlation between education and occupational status varies between first generation migrants who obtained their education abroad, children of first generation migrants born abroad and second generation migrants, with notable differences between regions of origin.

⁸⁴ A study on the educational attainment of migrants in Ireland [Mc Mahon, D. (2002) The educational and occupational attainments of immigrants in Ireland – an introduction. Paper presented at the RC28 conference on social stratification and mobility, Oxford (Nuffield College), 10-13 April, 2002] finds that white English speaking immigrants have higher chances to translate their skills into actual jobs than non-whites, non-English speakers. While language proficiency is certainly one of the factors favouring migrants from English speaking countries, the similarity of educational systems in Anglophone (often Commonwealth) countries may be another reason.

⁸⁵ For obvious reasons, the issue of formal recognition of foreign diplomas and qualifications is much more important in highly regulated labour markets where the proscription of certain formal skills for a wide range of positions is much more common. France, Germany and Portugal are notable examples in this regard

⁸⁶ This phenomenon has also been described as 'statistical discrimination'. See: Ryding Zink, C. (2001) Where You Come From Decides Where You Are Heading – a qualitative study of well-educated immigrants entering the labor market in Sweden, Working Paper Series 7, The Sociology Department, Uppsala University, p. 122-137.

⁸⁷ According to Ministry of Interior Data.

⁸⁸ Jonsson, J. O. (2002) The educational and labour market attainment in Sweden of immigrants. Paper presented at the RC28 conference on social stratification and mobility, Oxford (Nuffield College), 10-13 April, 2002

Concerning the social mobility of first generation migrants, the evidence is sketchy. An Austrian study⁸⁹ on the social mobility of foreigners finds that first generation migrants hardly experience social mobility over time. This may be explained by legal constraints (work permits etc.) as well as an inadequate knowledge of the host country's labour market. A study on educational attainment and occupational status of second generation migrants in Belgium⁹⁰ finds that the latter is also a major factor influencing the labour market position of immigrant children born abroad ('first-and-a-half-generation'), which, however, declines in importance as time goes by and immigrant youth acquire a greater knowledge of the host country's labour market.

Numerous studies conducted in recent years⁹¹ show that educational attainments of parents are the single most important factor explaining educational levels of second generation migrants, affecting parents' education decisions, children's performance at school, and, in the long run, the occupational status attained by second generation migrants.⁹² Second generation migrants are on average better

⁸⁹ Fassmann, H., Kohlbacher, J., Reeger, U. (2001) Integration durch berufliche Mobilität? Eine empirische Analyse der beruflichen Mobilität ausländischer Arbeitskräfte in Wien (Integration by way of vocational mobility? An empirical analysis of the vocational mobility of foreign employees in Vienna), ISR-Forschungsbericht 25 and Demel, K., Stacher, I. (2001) Die soziale Mobilität der Ausländer/innen: Ein Beitrag zur Arbeitsmarkt- und Strukturanalyse der Großstadt. (The social mobility of aliens: A contribution to the analysis of the labour market and the structure of a metropolis) Kurzfassung zum Endbericht, Wien, available at: <http://www.icmpd.org/uploading/KFMob%5F1.pdf>, (12.06.2002).

⁹⁰ Kalter, F., Kogan, I. (2002) Ethnic inequalities at labour market entry in Belgium and Spain, Mannheimer Zentrum für Sozialforschung, Working Paper 49 (using 2000 survey data).

⁹¹ Among the studies conducted in Member states, the following should be cited: Neels, K., Stoop, R. (1999) Education and Employment: Emerging Patterns for the Second Generation of Turkish and Moroccan Nationals in Belgium, in: Münz, R., Seifert, W. (eds.) Inclusion or Exclusion of Immigrants: Europe and the U.S. at the Crossroads, Berlin: Demographie Aktuell No. 14, pp. 121-134 (using 1991 census data); Kalter, F., Kogan, I. (2002) Ethnic inequalities at labour market entry in Belgium and Spain, Mannheimer Zentrum für Sozialforschung, Working Paper 49 (using 2000 survey data). Van Ours, J. C., Veenman, J. (2001) The educational attainment of second generation immigrants in the Netherlands, Tilburg University, Discussion Paper 20. Jonsson, J. O. (2002) The educational and labour market attainment in Sweden of immigrants. Paper presented at the RC28 conference on social stratification and mobility, Oxford (Nuffield College), 10-13 April, 2002.

⁹² An example taken from a study on Sweden [Jonsson, J. O. (2002) The educational and labour market attainment in Sweden of immigrants, Paper presented at the RC28 conference on social stratification and mobility, Oxford (Nuffield College), 10-13 April, 2002] may illustrate this point: The study finds that one major reason for low occupational levels of migrants in Sweden is the avoidance of vocational schooling (the classic route to skilled class positions) by non-Nordic immigrants].

educated than their parents and also have, although to a markedly lesser extent, better jobs.⁹³ However, there is evidence⁹⁴ that migrant children as well as other vulnerable minorities (e.g. Roma in Greece) are potentially disadvantaged in the education system for a variety of reasons. As the education system is indeed one of the keys to future occupational advancement, and, on a macro-level, the key to the leveling of differences between minorities and the majority population, structural inequalities within the education system should be of major concern.

4.6. Incomes, wages and salaries

Before proceeding to a brief description of income levels of immigrants vis-à-vis the native population in the Member States, some preliminary remarks are warranted. Above all, income differentials reflect the segmentation of labour markets (i.e. occupational status, industries/branches), and equally important, the nature of employment in terms of standard working hours (part time vs. full time employment). Therefore, one would expect incomes to be highly correlated to occupational status, blue-collar vs. white collar employment, employment in particular industries as well as to the nature of employment.⁹⁵ Income differentials generated by factors other than labour market segmentation and the nature of employment (i.e. through discrimination) is quite another matter and has, to our knowledge, been subject to closer scrutiny only in the Netherlands and the UK. The question to what extent immigrants experience discrimination in regard to wages and salaries (which goes beyond the question whether they receive collectively agreed or legally proscribed wages) therefore largely remains unanswered.⁹⁶

In general, marked income differences between nationals/non-migrants and immigrants can be observed in all Member states. Differences are on the whole more pronounced for third country nationals (except for high income third countries), while the difference is less or nil in the case of most migrants from

⁹³ Although second generation migrants may have better jobs than their parents, they may still display marked differences to the non-migrant peers as evidence on France and Belgium suggests.

⁹⁴ Different educational careers and different school-to-work transitions are cited by the French NFP report as one major reason for labour market inequalities. In Greece, the duty of schools to report undocumented immigrant children is thought to significantly lower school attendance. In Luxembourg, the country's trilingualism is known to be an exceptional burden for immigrant children. More generally, low levels of language proficiency are known to have adverse effects on children's advancement in school (particularly affecting the 'first-and-a-half' generation), and thus, educational and occupational levels.

⁹⁵ However, comparable data on incomes of immigrants are virtually non-existent. Even within countries immigrant specific data are rarely published on a regular basis. It is therefore difficult to get a comprehensive picture as far as incomes are concerned. Information on income levels of other minorities (mainly Roma, Saami, Travelers) was not available at all.

⁹⁶ Another issue that cannot be addressed here, due to a general lack of data, is whether information on incomes is collected on the household or the individual level. While information on individual wage levels reflects labour market inequalities in a narrow sense, differences in household income levels indicate broader inequalities in employment patterns as well as in living standards (for example, lower household incomes may stem from lower (female) activity rates, higher youth unemployment rates etc.).

within the EU. In Austria, data for 2000 show that aliens earned on average 17% less than natives, with the difference being highest for Hungarian migrants.⁹⁷ A Belgian study⁹⁸ found that incomes of male immigrants from neighbouring countries were between 92 and 115% of native males' incomes, while Turks – the lowest earning group – had incomes ranging between 74% and 95% of native male incomes. Similarly, German data on household incomes show that the proportion of foreign families with less than EUR 3,000 disposable income was almost four times as high as the corresponding figure for German families.⁹⁹ In France, male immigrants' incomes were 89.9% of the total average male incomes with a similar difference observable for female immigrants. Accordingly, the share of immigrants in lower income groups was higher than in high income groups: Among the 20 percentile with the lowest incomes immigrants had a share of 10%, while their share at the upper end of the income pyramid was only 4.7%.¹⁰⁰ In Luxembourg, Portuguese median incomes were 59% of incomes of native Luxembourgers, while the income of other EU nationals was mostly just below that of the former, except in the case of UK citizens whose median incomes were 133% of that of natives.¹⁰¹ In Sweden, the gap between immigrant incomes and incomes of native Swedes has widened between the 1970s and 1990s, from 3% in 1974 to 8% in 1981 and to 14% in 1991.¹⁰²

However, as the examples of Belgium and Luxembourg suggest, averages may be somewhat misleading, as there are stark differences between groups, and even more so, between the genders. For example, the income difference between genders in Austria was higher (27% between female and male immigrants) than that between foreigners and natives. Likewise in the UK, income differentials between women of different backgrounds are less pronounced than between both

⁹⁷ Austria, Hauptverband der Sozialversicherungsträger (2001), Statistische Daten aus der Sozialversicherung: Verteilung der beitragspflichtigen Arbeitseinkommen nach Staatsbürgerschaft, Zusammenstellung: Berichtsjahr 2000, Tables 3, 5-10: Verteilung der beitragspflichtigen Monatseinkommen der Arbeiter und Angestellten (Einschließlich Sonderzahlungen), Staatsbürgerschaft: Alle Ausländer/Ehemalige Tschechoslowakei/Ehemaliges Jugoslawien/Polen/Rumänien/Türkei/Ungarn, Berichtsjahr: 2000, Alle Wirtschaftsklassen (Distribution of monthly incomes of wage and salary earners subject to contributions (including special payments), Citizenship: All aliens/Former Czechoslovakia/Former Yugoslavia/Poland/Romania/Turkey/Hungary, Reporting year: 2000, All economic sectors) and own calculations.

⁹⁸ Computed data by the CEOOR on the basis of the study by Martens, A. (1993) *Zelfde zweet, ander brood. Onderzoek naar de arbeidsmarktpositie van Belgen en migranten op twee lokale arbeidsmarkten: Antwerpen en Gent* [Same sweat, other bread. Research into the labour market position of Belgians and migrants in two local labour markets: Antwerp and Ghent], Brussels, DPW.

⁹⁹ Germany, Statistisches Bundesamt (ed.) (2001a): *Ausländische Bevölkerung in Deutschland* (Foreign population in Germany), Wiesbaden, pp. 46

¹⁰⁰ Thave, S. (2000) *L'emploi des immigrés en 1999*, Insee Premier No. 717 (Labour force survey data).

¹⁰¹ Source: France, Sécurité Sociale, December 2000. If international civil servants (approx. 7,000) would be included, the difference in incomes between nationals and foreigners would be less pronounced.

¹⁰² Moreover, differences in income are also present for foreign born academics, even when they have Swedish diplomas. Furthermore, the lowest paid groups in the Swedish labour market are the African- and the Asian-born migrants. Swedish Government, *Written Government Communication 2001/02:129*, pp. 38-39.

genders and nationalities. Interestingly, black women's incomes in the UK were higher than white women's incomes, suggesting a higher tendency to full time employment among black women than is the case among their white counterparts.¹⁰³

In general, lower wage levels can largely be explained by lower occupational status, concentration in certain industries, length of residence¹⁰⁴, vulnerability to unemployment¹⁰⁵, educational attainment and geographical location.¹⁰⁶ On the whole, data suggest that immigrants receive 'appropriate' wages and salaries in the sense that they receive 'equal pay for equal jobs'. However, studies that try to correct observed wage differences for the influence of such factors, suggest that income differentials cannot be fully explained by these factors and that wage discrimination does play a role. In the Netherlands, a recent study found a corrected wage difference of 4% between (non-western) immigrants and natives.¹⁰⁷ A similar study for the UK found a corrected wage difference of 5% (favouring whites) in remuneration for a given job.¹⁰⁸ Gender differences can largely be explained by the high share of part time employment among female employees as well as a high share of women in particularly low paying industries (e.g. cleaning, textile industries...). In addition, other factors could be cited that potentially influence migrants' incomes, for example legal restrictions¹⁰⁹ and work permit regulations that include restrictions to change the employer), to name but two. Finally, incomes obtained in the informal sector are – for obvious reasons – significantly below formal sector incomes. For example, a Greek study found that wages of informally employed immigrants were at best two thirds, and in many cases only half the minimum wage for unskilled workers.¹¹⁰

¹⁰³ TUC (2002), Black and underpaid, available at: <http://www.tuc.org.uk/equality/tuc-4653-f0.cfm>, (28.01.2003). The average weekly earnings of white men in Britain were £ 332 while they were £ 327 for Indian men, £ 235 for all black men, £ 217 for Caribbean men, £ 216 for African men and £ 182 for Pakistani and Bangladeshi men. For women, the results were different: white women £ 180, Indian women £ 194, £ 187 for all black women, £ 210 for Caribbean women, £ 199 for African women and £ 146 for Pakistani and Bangladeshi women.

¹⁰⁴ For example, in Portugal, incomes of recent immigrants are 30% lower than that of earlier migrants.

¹⁰⁵ This is, for example a major issue in regard to employees in the construction sector, which is subject to considerable seasonal fluctuations.

¹⁰⁶ In Italy's construction sector, for example, daily wages vary between 15.5 in the South and 41 in Central Italy.

¹⁰⁷ The Netherlands, Parliamentary Documents II, 2001–2002, 27 099, No. 6 (04.07.2002) p. 4

¹⁰⁸ Blackaby, D., Murphy, P., O'Leary, N. (1999) The Wage Effect and Occupational Segregation of Non-White Male Employees in Great Britain.

¹⁰⁹ In many Member States, family members of migrants entering a particular country within the framework of family reunification are initially barred from employment. In addition to having an immediate negative effect on household incomes, the restrictions are likely to discourage employment and thus to have a negative effect on household incomes also in the long run.

¹¹⁰ Iosifides, T. (1997) Immigrants in the Athens Labour Market: A Comparative Survey of Albanians, Egyptians and Filipinos, in: King, R., Black, R. Southern Europe and the New Immigrations, Brighton: Sussex Academic Press, p. 44.

4.7. Working conditions

Several national reports presented firm evidence that foreign employees often work in worse working conditions than their national counterparts.¹¹¹ Here as elsewhere, there is a clear distinction between other EU- nationals in the labour market and those from third countries, especially those employed in the informal sector. The latter, through their lack of legal status, is an especially vulnerable group to exploitation in the employment sector.

In almost all countries immigrant workers more often have jobs that are insecure, sensitive to labour market fluctuations, lower-paid, based on the short-term contracts, without social prestige, dirty and with long working hours. In short, immigrants often take up jobs that are unpopular among nationals.

When immigrants take up jobs that can no longer be filled by nationals (e.g. personal services such as laundry or cleaning), the unfavourable working conditions result directly from the kind of occupation and the legal status of the foreigner. In the case of Austria, the segmentation of the Austrian labour market shows that immigrant workers are concentrated in low-wage industries, mostly dirty, as well as hazardous to one's health. Similarly, in Germany the majority of foreign labour has been employed in manufacturing; most of their jobs being unskilled and involving unfavourable working conditions. As an example, immigrant women are employed for the most disagreeable, dangerous (e.g. chemicals) and low-paid jobs that were previously done by indigenous women.

On the other hand, immigrants may also be subject to worse employment conditions than nationals, even when doing the same kind of job. To give a concrete example: In Ireland, Filipino workers (mainly women working in nursing and health care) are often employed with fewer rights than their Irish counterparts and are faced with overcharged and overcrowded accommodations provided to them. They also experience excessive deductions from their wage packets, cultural insensitivity in the workplace and non-recognition of their qualifications.¹¹²

In this context another striking feature of immigrant employment should be highlighted: the higher incidence of so-called '*atypical employment*' among immigrants, i.e. temporary jobs, part time jobs and so on, which makes them more vulnerable to discrimination and exploitation. Again, immigrants from third countries and especially those working in the informal sector are more likely to experience exclusion from the guaranteed areas of employment, discontinuity of the services, irregularity of the contractual positions in relation to the different employment forms, and insecurity in terms of working and living conditions.

¹¹¹ In other national reports, data on working conditions of foreign labour is missing. This is the case in Denmark, Finland, France, Luxembourg, Netherlands and the United Kingdom. Partially this is due to the fact that survey programmes (e.g. most prominently the LFS), which collect information on working conditions (working hours, overtime, night or week-end shifts, work accidents, dirt, noise or other bad conditions at work) are less reliable in respect to immigrants, or are simply not accessible.

¹¹² NCCRI, IHSMI (2002), Cultural Diversity in the Irish Health Care Sector: Towards the Development of Policy and Practice Guidelines

Each country has its own model of atypical employment but special attention should be drawn here to southern European countries. In Greece working conditions are closely tied to the informal nature of activities. This leaves many immigrants with a precarious status, with mostly temporary assignments (jobs may last only for a few days) and ample opportunities for exploitation by employers. A study¹¹³ on a sample of migrant workers in Athens, found that most immigrants worked at least 8 hours, and 15% worked more than 10 hours a day. Similarly, in Italy, immigrants who carry out seasonal work in the informal sector are often employed on a day-to-day basis. Foreign workers are more likely to be mobile in that they are more likely to be employed on a short term basis: 17.1% for two months (2.9%-points higher than Italians) and 41.5% for six months (5.9%-points higher than Italians).¹¹⁴ A peculiar example of foreign workers, who are often illegally employed in branches that are unpopular among nationals, is the Chinese community, who are reported to work in slave-like conditions with exceedingly long working hours and very bad accommodations. Evidence from Portugal shows that immigrants from PALOP¹¹⁵ and Eastern European countries are over-represented in the so-called '3D jobs' – dirty, dangerous and demanding occupations. In Spain, too, migrants are concentrated in the lowest paid sectors with the worst working conditions. Another interesting point in relation to immigrants' working conditions is taken up by three NFPs. According to the Swedish national report the foreign-born in Sweden more often have physically strenuous jobs, which leads to higher absence due to illness. Work accidents and work related illnesses have been more common among men and women of foreign background. The foreign-born also have, to a larger extent, been granted an early retirement.¹¹⁶ A study from 1988 revealed that sickness figures (days of sickness benefits paid) of foreign citizens were up to 70% higher than for Swedish citizens.¹¹⁷ The Austrian NFP reports that foreigners experienced 14.7% of all work accidents in 2001, while their share in the workforce was only 10.5%.¹¹⁸ The Italian report stresses that the primary indicator of immigrants receiving less protection at work is the high incidence of industrial accidents. There were 76,129 reports of injuries to foreign workers in 2001 (a growth of 11.7% relative to the 64,707 reported in 2000) and there were 101 fatal accidents of foreign workers in 2000 (compared to 125 in 2001, a worrying increase of 23.7%).¹¹⁹

¹¹³ Iosifides, T. (1997) Immigrants in the Athens Labour Market: A Comparative Survey of Albanians, Egyptians and Filipinos, in: King, R., Black, R. Southern Europe and the New Immigrations, Brighton: Sussex Academic Press, p. 43.

¹¹⁴ Caritas (2002) Dossier Statistico Immigrazione 2002 (Immigration Statistical Reports 2001), available at: www.caritasroma.it/immigrazione, (20.04.2003).

¹¹⁵ PALOP: African Countries Having Portuguese as their Official Language.

¹¹⁶ Swedish Integration Board, Rapport Integration 2001, p. 104.

¹¹⁷ Knocke, W. (1999) Migrants, The Labour Market for Immigrant Women in Sweden: Marginalised Women in Low-valued Jobs, in: Wrench, J., Rea, A., and Ouali, N., (eds.) Migrants, Ethnic Minorities and the Labour Market, Integration and Exclusion in Europe, Basingstoke: Macmillan in association with Centre for Research in Ethnic Relations, Univ. Of Warwick; New York: St. Martin's, pp. 122-123.

¹¹⁸ Data on industrial accidents breakdown by citizenship in 2001 were provided by AUVA, the social accident insurance.

¹¹⁹ Caritas (2002) Dossier Statistico Immigrazione 2002 (Immigration Statistical Reports 2001), available at: www.caritasroma.it/immigrazione, (20.04.2003).

Immigrant workers often do not have any alternative to the irregular, monotonous, demanding, low prestige, low-paid or dangerous jobs, partly because of legal constraints imposed by work and residence permit regimes. Even immigrants with a so-called ‘permanent’ work permit may risk losing it if they experience a prolonged period of unemployment.¹²⁰ This kind of ‘opportunistic discrimination’, based on the knowledge that the minority ethnic group is in a weaker position in society and in the labour market can influence the inferior working conditions, lower wages, exploitation of undocumented workers etc. In this case, this is not a type of discrimination applying to recruitment, which takes place. On the contrary, employers in this category are only too willing to recruit such exploitable workers.

4.8. The Informal sector

There are a number of reasons to include a brief section on the informal section in this report. The massive scale of informal sector employment in the Mediterranean countries warrants a separate discussion of the issue. In addition, the situation of informally employed migrants is different to that of regular migrants in many respects wherever informal sector employment occurs.

To speak about the informal sector and immigrant employment presents several challenges: the very nature of ‘informal’ activities limits the scope of what may be known about the informal sector. Also, there is the pitfall of confounding several notions of illegality with the informal sector at large. For example, migrants engaged in informal activities may not necessarily be undocumented migrants in terms of residence status. Conversely, at least until the early 1990s, the lack of a valid residence title did not prevent migrants from having formal jobs for which they paid social security contributions. Finally, while some forms of illegal employment may also be criminal in nature (e.g. drug trafficking, trafficking in humans for sexual exploitation) or be considered so (e.g. in the case of massive and recurrent forms of illegal employment of foreign workers under exploitative conditions), this may not be the case in regard to the majority of informal activities.

Throughout Europe, illegal employment is particularly frequent in specific economic sectors, e.g. in agriculture, in domestic services, and in the construction industry. Partly, the massive scale of informal sector employment among immigrants in Southern Europe is a reflection of the importance of the agricultural sector in these countries, especially in particular regions (e.g. Southern Italy, Andalusia, Northern Greece), where it is particularly widespread in seasonal activities (picking and harvesting, but also tourism). Moreover, informal

¹²⁰ This is, for example, the case in Austria. As a consequence it keeps immigrant workers in a much weaker position than their Austrian co-workers. Researchers have also highlighted the fact that foreign workers are not able to be elected to be a member of a work council (no passive voting rights). This leads to the situation where immigrants are concentrated in certain sections of employment without proper representation at work. See: Gaechter, A. (1995) Forced Complementarity: The Attempt to Protect Native Austrian Workers from Immigrants, in: *New Community*, Vol. 21, No. 3.

employment in these sectors existed undoubtedly prior to immigration. The informal sector is generally large across Southern Europe and has been estimated (1998) to be range between 23.1% in Spain and 29% in Greece.¹²¹ Often, informal employment takes the form of casual employment with employees being hired on a day-to-day or on a weekly basis. Frequently, it also occurs in marginally profitable branches (e.g. small-scale retail and in declining industries such as the garment industry), but also in branches characterized by high levels of competition (e.g. the building sector), which in turn is often facilitated by the use of subcontractors. In Portugal, for example, major building projects undertaken in recent years are known to have led to soaring numbers of informally employed construction workers. The ethnic segmentation along national lines of the labour market also helps to explain the continuing high demand for cheap labour in the informal sector.¹²² In addition, ethnic businesses may themselves be important employers of fellow migrants who lack an authorisation to work and/or stay.

While the magnitude of informal sector employment of migrants in Southern European countries is perhaps exceptional, it would be wrong to assume that informal employment of migrants is insignificant in other Member states, as is, for example, evidenced by the large number of applicants for regularization in Belgium and France. Recently, it has been suggested¹²³ that work permit regimes in the framework of which the renewal of work permits is tied to the overall economic situation and/or the individual's labour market performance (where the renewal of the work permit may thus be denied in case of unemployment) will inevitably push significant numbers of migrants into illegality. Thus, existing immigration control mechanisms can contribute to the rise or stability of illegal forms of employment and illegal residence. Similarly, asylum seekers normally excluded from the labour market may be pushed to take up illegal employment, particularly when there are only meagre support mechanisms in place (e.g. social assistance...) and when asylum applications are not decided for a long time. Illegal employment may thus be of considerable magnitude in countries where access to employment (and residence) for aliens is strictly regulated.¹²⁴

¹²¹ Baldwin-Edwards, M. (1999) Where Free Markets Reign: Aliens in the Twilight Zone, in: Baldwin-Edwards, M., Arango, J. (eds.) *Immigrants and the Informal Economy in Southern Europe*, London, Portland (Oregon): Frank Cass, p. 5.

¹²² See Baldwin-Edwards, M. (2001) *Semi-Reluctant Hosts. Southern Europe's Ambivalent Response to Immigration*. Mediterranean Migration Observatory, UEHR, MMO Series, Working Paper No.3, available at: <http://www.uehr.panteion.gr>, (20.03.2003).

¹²³ Weiss, A., Hilman, A., Epstein, G. S. (1999) Creating illegal migrants, in: *Journal of Population Economics*, Vol. 12, No. 1, pp. 3-21.

¹²⁴ However, the very terminology of "informal sector" vs. "formal sector" may be misleading. As a number of studies have shown, informal sector activities are in fact closely intertwined with the formal economy. See, for example: Rath, J. (1999) *The Informal Economy as Bastard Sphere of Social Integration: The Case of Amsterdam*, in: Eichenhofer, E. (ed.) *Migration und Illegalität*, IMIS Schriften 7, Osnabrück: Universitätsverlag Rasch, p. 134. Real life situations often present a mixture of illegal and legal situations, e.g. when a firm otherwise perfectly within the formal economy also employs unregistered workers or understates the extent of employment relationships.

Informally employed, particularly if also illegal in terms of residence status, have on the whole a much weaker position vis-à-vis their employers and are much more likely to have below average wages, to be deprived of social rights and benefits tied to formal employment (e.g. holiday and sick leave), and to work longer. However, considerable differences exist – between migrants of different backgrounds within a country, depending on the nature of employment, and between different countries, depending on what informal employment opportunities are available. For example, a German study on Polish undocumented workers concludes that most employment relations satisfied the needs of both employer and employees, and that employment relations were especially favourable for migrants in case of domestic employment (nursing, gardening, cooking, repair work, private building upgrading etc.), who, by virtue of the personal nature of the services they offer enjoy the trust and protection of their employers and vice versa.¹²⁵

In some countries (e.g. Spain and France) illegal immigrants are supported by a wide range of groups, including Trade Unions. However, the latter have on the whole an ambiguous stance towards undocumented workers, as their very focus is on the preservation and extension of (formalized) social rights tied to formal employment.¹²⁶

One major policy response to the problem of illegal migration in general, and illegal employment in particular, have been regularizations of irregular migrants, recently undertaken in all Southern European Countries as well as in Belgium, France and Luxembourg. However, even the regularisation of irregular migrants can have discriminatory effects as some migrants benefit from a regularization denied to others.¹²⁷

¹²⁵ See: Münz, R., Alscher, S., Özcan, V. (2001) *Leben in der Illegalität*, in: Bade, K. J., *Rat für Migration e.V.* (eds.) *Integration und Illegalität in Deutschland*, Osnabrück: IMIS.

¹²⁶ As a consequence, they are often disinclined to actively offer support to illegally employed migrants and, in the event, tend to argue for more thorough employment controls rather than support the individual migrant.

¹²⁷ For example, in April 2002 the Ministry of Employment and Social Affairs of Spain enacted a Resolution, which validated, for Spain as a whole and all the economic sectors, the labour permits achieved by 216,000 migrants in the framework of the last process of regularisation (before that the labour permits were only valid for a particular province and a specific economic sector). The removal of this limitation concerning province and economic sector only concerned, however, the labour permits granted in this last process of regularisation, which has introduced a new category of discrimination between migrants according to the periods where they achieved their regularisation.

5. Discrimination against migrants and minorities in the employment sector

5.1. General evidence

The data presented in Chapter 4 demonstrate that there are large and persistent disadvantages for migrants and minorities on the labour market. When looking for evidence of discrimination, however, the question is: How much of the observed inequality is due to discrimination (as defined in Section 2.3.) and how much of it is due to other determinants, such as human capital factors (educational and professional qualifications, language skills, etc.), geographical concentration in areas of declining industries (cities) or with poor infrastructure, social capital, family patterns, health issues, etc. As stated, in principle only the ‘residual amount’, that is, the measured disadvantage after taking all other determining factors into account, displays the actual degree of discrimination. To put it differently, to measure discrimination *sensu strictu* one has to establish, first, the average *gross differences* in employment, unemployment, earnings, occupational attainment, etc. between migrants, minorities and the majority population. Then, these have to be adjusted for the influence of relevant (mainly human capital) variables in order to identify the *net differences* in labour market achievements (sometimes also called ‘ethnic penalty’).¹²⁸

There are, however, only few econometric studies for a handful of countries that have attempted to measure precisely this residual (unexplained) disadvantage of migrants and minorities on the labour market through multivariate regression analysis. Several such studies carried out to measure ethnic inequalities in the United Kingdom, and examining a broad set of explanatory factors (broadly split in demand and supply factors), have shown that ethnic differences in earnings, occupational attainment and unemployment rates over and above those accounted for by such factors persist. A study by the UK Cabinet Office thus concludes that there can be little doubt that part of the explanation for ethnic differences that remain after key variables have been accounted for must lie in racial discrimination.¹²⁹ In another study that tries to separate the influence of a wide range of factors on earnings in the UK, Blackaby et al. note that whites and ethnic minorities do not receive ‘equal pay for equal work’, with a 5% difference (favouring whites) in remuneration for a given job.¹³⁰

¹²⁸ The net difference is thus the remaining disadvantage that cannot be explained by the other factors. It is important to note that a multivariate regression analysis can only deal with the variables that are fed into the model and cannot identify causality. However, when the main variables contributing to labour market outcomes are accounted for, it should be possible to make a judgment whether a certain variable (e.g. ethnicity or nationality) itself is a variable operating independently of the others.

¹²⁹ The United Kingdom, Cabinet Office (2002), *Ethnic Minorities and the Labour Market*. Cabinet Office Performance and Innovation Unit, pp. 61-128 as well as pp. 209-211, available at: <http://www.cabinet-office.gov.uk/innovation/2001/ethnicity/attachments/interim.pdf>, (23.01.2003).

¹³⁰ Blackaby, D., Murphy, P., O’Leary, N, (1999) *The Wage Effect and Occupational Segregation of Non-White Male Employees in Great Britain*.

In Germany, a recently published quantitative study attempts to measure the ‘residual amount’ mentioned above. In multivariate analyses the possible general discrimination of foreigners is studied whilst controlling human capital resources. The results of this study show that the differing human capital resources play the dominant role when an explanation is needed for the poorer positioning of the second generation of migrants in the labour market.¹³¹ Another recent study on the determinants of the (diminished) employment success of immigrants (compared to natives) in Sweden found that the major part of the decrease in employment rates of Yugoslav males between 1970 and 1990 is due to unobserved (i.e. non-human capital) characteristics.¹³² An earlier econometric study on wage discrimination against foreign born men in the Netherlands concluded that (wage) ‘discrimination exists against Antilleans and Turks’, but found ‘no indication of discrimination against Surinamese and Moroccans’.¹³³ Also, a recent study on Switzerland found that unexplained wage differentials are larger for immigrants from more distant countries than for those from (geographically or culturally) nearer countries, implying also a larger possible role of discrimination.¹³⁴

Taken together, the econometric studies cited above provide ample evidence that inequalities in employment over and above those accounted for by explanatory human capital factors persist, at least in some countries and for some groups.¹³⁵ However, disadvantages may also be due to factors other than human capital (education and skill levels, language proficiency, age, employment experience, etc.) that may not be discriminatory *per se*, but can still contribute to inequalities. In fact, one of the most important factors influencing the labour market performance of immigrants may be the *length of residence* in the host country. However, while this factor has been studied extensively in the United States, few

¹³¹ Granato, N., Kalter, F. (2001) Die Persistenz ethnischer Ungleichheit auf dem deutschen Arbeitsmarkt – Diskriminierung oder Unterinvestition in Humankapital (The persistence of ethnic dissimilarities on the German labour market – Discrimination and under-investment in human capital), in: Kölner Zeitschrift für Soziologie und Sozialpsychologie, Jg. 53, Heft 3/2001, pp. 497-520.

¹³² The data used were drawn from the 1970 and 1990 census and focused on 25-59 year old Yugoslav-born and native males. The authors point out that the difference due to unobserved characteristics is traditionally interpreted as discrimination, but advise caution in drawing this conclusion from their results, pointing also to structural changes that imply a higher demand for informal skills, such as culture-specific social competence. See: Bevelander, P., Nielsen, H. S. (2001) Declining employment success of immigrant males in Sweden: Observed or unobserved characteristics, in: Journal of Population Economics, 14/2001, pp. 455-471.

¹³³ It should be pointed out that the data used were taken from the Quality of Life Survey carried out in 1984-1985. See: Kee, P. (1995) Native-Immigrant Wage Differentials in the Netherlands: Discrimination?, in: Oxford Economic Papers 47 (1995), pp. 302-317. The author also notes: ‘Thus both among the Caribbeans and the Mediterraneans, discrimination is present against the group with the highest mean level of education.’ (p. 316).

¹³⁴ The data were drawn from interviews for the Swiss Labour Force Survey 1995, see: de Coulon, A. (2001) Wage Differentials between Ethnic Groups in Switzerland, in: Labour, Vol. 15, No. 1, pp. 111-132.

¹³⁵ Some researchers have taken a different approach and believe that what is called ‘*cultural distance*’, rather than ethnic discrimination, is the main reason for migrants’ poorer labour market performance. An example cited is the differing performance of Bosnians and Iraqis in the Swedish labour market. This implies, the greater the cultural distance is - the less valued is the human capital endowment. See: Knocke, W., Hertzberg, F. (2000) Mangfaldens barn söker sin plats (The children of diversity are looking for their place) Stockholm: Svartvitts förlag, pp. 28-29.

analyses of this determinant have been carried out in European countries, partly due to a lack of available data.¹³⁶

Another major factor determining labour market performance is how fast the migrant enters the labour market, which may in turn depend on the *circumstances surrounding the arrival* in the country of residence. For example, a study on Sweden found that it takes a longer time for a refugee to obtain employment than it does for someone coming for family reunification.¹³⁷ According to the study it is of significant importance to enter the labour market rapidly, because otherwise the professional competence may perish or deteriorate. This is of particular concern to the Nordic countries (Denmark, Finland and Sweden) as a significant share of their immigrants came as asylum-seekers or quota refugees and experience very high unemployment rates. More generally, in many countries changes in immigration patterns (from labour migration to family re-unification and asylum-migration) contributed directly to lower labour force participation (LFP) rates of immigrants as migrant women often have very low LFP rates (see Section 4.2.).

Another important factor that has contributed to the poorer labour market performance of immigrants, at least in some countries, are *structural changes in the economy* that have wiped out many of the jobs for which foreign labour was originally recruited. As noted (Section 4.3.), immigrants are often concentrated in certain declining areas or industries. There is evidence for a number of countries (Denmark, France, Germany and the United Kingdom) that certain categories of migrants and minorities have been more affected by industrial restructuring than the majority population.¹³⁸

There are also other, more subtle, changes in the requirements on the labour force, which may be more difficult to fulfil for migrants. Besides general language skills, what is called *social competence* is an important factor that affects the chances of obtaining a job. This implies skills in communication, which are more difficult to master when not communicating in one's mother tongue. At the same time, excessive requirements on communication skills may simply reflect discriminatory behaviour of employers: It may not be necessary for someone who applies for a cleaning job to be able to write and speak the language perfectly.

¹³⁶ Ever since the pioneering study of Barry Chiswick for the U.S., suggesting a catching-up with natives of wages 10-15 years after immigration, there has been a controversial academic debate in the U.S. about this so-called 'assimilation hypothesis'. See: Chiswick, B. R. (1978) The Effect of Americanization on the Earnings of Foreign-Born Men, in: *Journal of Political Economy*, October 1978, pp. 897-921. Related Studies on Germany [Dustmann, C. (1993) Earnings adjustment of temporary migrants, in: *Journal of Population Economics*, No. 6, pp. 153-168] and Austria [Winter-Ebmer, R. (1994) Motivation for Migration and Economic Success, in: *Journal of Economic Psychology*, Vol. 15, No. 2, pp. 269-284] have found little or no assimilation of foreigners' wages over time.

¹³⁷ Ryding Zink, C. (2001) *Where You Come From Decides Where You Are Heading* – a qualitative study of well-educated immigrants entering the labor market in Sweden, Working Paper Series 7, Uppsala University: the Sociology Department, pp. 122-137.

¹³⁸ Thus, the NFP report on Germany (concentrating on employment and unemployment of foreigners) notes: 'Due mainly to structural economic changes entailing an increased demand for highly qualified employees, employment rates have decreased and unemployment rates have increased.'

The exclusion from *social networks* (*bridging social capital*) may be another reason behind migrants' poorer labour market situation and may be particularly important in the process of job search, as network recruitment has become a more common strategy to employ.¹³⁹ Migrants, both among employees and supervisors, are often excluded from relevant social networks. It is likely that this factor affects newcomers, in particular refugees, more than, e.g. tied movers (those coming for family re-unification).

Existing laws and regulations guiding third country nationals' right to residence and employment in the EU Member States may themselves be considered as amounting to a form of *legal discrimination*. However, it has to be pointed out that as long as such regulations do not contradict other national or international norms, they are legitimate instruments of regulating access to the labour market.¹⁴⁰ Nevertheless, the fact remains that the existing laws and regulations, and the institutional framework implementing them, are important factors that lead to inequalities on the labour market. While space does not permit a comprehensive discussion of this issue here, a few examples should illustrate the point.

Third country nationals are to a great extent *excluded from certain jobs*, particularly in the public sector. In France, for example, foreigners are ineligible for, or restricted with respect to, 7 million jobs (30% of all the jobs in France including the private sector).¹⁴¹ In Belgium, posts from which third country nationals are automatically excluded account for some 20% of all jobs.¹⁴² Other countries, where third country nationals are generally excluded from employment in the civil service are Austria and Greece (where the restrictions are not limited to core government services and include, among others, also medical personnel and teachers).

¹³⁹ Höglund, S. (1998) Svensk forskning om diskriminering av invandrare i arbetslivet 1990–1996. En kunskapsöversikt (Swedish research on discrimination of immigrants in working life 1990–1996. An outline of knowledge), Stockholm: Radet för arbetslivsforskning (the Council for research on working life).

¹⁴⁰ The EU Racial Equality Directive (2000/43/EC) prohibits direct or indirect discrimination based on racial or ethnic origin and also applies to nationals of third countries, 'but does not cover differences of treatment based on nationality and is without prejudice to provisions governing the entry and residence of third-country nationals and their access to employment and to occupation.' (para. 13).

¹⁴¹ The first note of the GED (Study Group on Discrimination, 'Groupe d'Etude sur les Discriminations'), which was published on 14 March 2000, points out the high number of reserved jobs: In the private sector, 50 occupations (615,000 jobs) are not open to foreigners, and 30 occupations (625,000 jobs, especially in the professions: lawyers, doctors, architects, pharmacists) demand a French diploma. The civil service and the main public companies are also discriminatory (only French nationals or, subject to certain restrictions, EU-members can be given statutory jobs). See: Zappi, S. (2000) Un rapport dénonce les sept millions d'emplois interdits aux étrangers (A report denounces the seven million reserved jobs), in: *Le Monde*, 19-02.03.2000; special feature, in *Libération*, 11-12.03.2000; special feature, in: *Le Monde*, 11.04.2000; special feature, in: *Le Nouvel Observateur*, 8-14.02.2001.

¹⁴² Wrench, J., Rea, A. (1999) *Migrants, Ethnic Minorities and the Labour Market. Integration and Exclusion in Europe*, Macmillan Press, p. 23.

Unemployed third country nationals are also affected by hiring restrictions for employers, when jobs are subject to *preferential hiring procedures* (mandatory official job vacancy declaration; if a national or EU national is available for the job, no permit will be granted). In addition, some countries impose additional restrictions on employers (for example, in Luxembourg a bank guarantee of 1,487.36 must be made for every employed third country national, which is only reimbursed after 7 years, after which a significant number of employees have long changed their jobs) or certain categories of third country residents (e.g. in Austria, spouses from third country origin, who come to Austria under the title of family reunification are excluded from the labour market for four years).

One form of legitimate distinction by laws and regulations is that between *regular and irregular migrants*. Third country nationals are only allowed to reside and work in the country, if they are legally entitled to do so. However, the precarious situation of irregular migrants in employment gives ample opportunities for criminal employers to exploit and discriminate against them, as they are constantly threatened with expulsion due to their unregulated status and are therefore in a very weak bargaining position vis-à-vis their employers.¹⁴³ This seems to be a particularly virulent problem in the southern Member States: The NFP reports on employment from Greece, Italy, Spain and Portugal provide ample evidence that irregular migrants are often employed in contravention to existing collective agreements and laws - remuneration below minimum wages, unpaid overtime, no extra compensation for work at night, on weekends or holidays, dangerous working conditions, etc. (see Section 4.8.).

In some Member States discrimination *between* migrants based on their *geographical or ethnic origin* is reportedly on the increase. In Spain, there seems to be a growing preference of some employers for workers from Eastern Europe (and Latin America) in comparison with those of Arab (mostly Moroccan) origin, who are viewed in general as more difficult to cope with.¹⁴⁴ At the beginning of 2002, for example, 5,000 workers, most of whom Maghribian, had been rejected as workers in the strawberry harvest in Huelva at the same time that seasonal workers from other origins were being recruited.¹⁴⁵ In reaction, and to achieve the residence and labour permits, which would allow them to stop being in an irregular situation, in June 2002, 400 Maghribian and Southsaharian migrants affected by the situation made a two week sit-in at the University Pablo Olavide (Sevilla).¹⁴⁶ A similar situation is reported from Portugal, where employers are

¹⁴³ The employment of irregular migrants in working conditions below that required by the law is often a deliberate strategy of employers. An example is provided by a study on Italian entrepreneurs who recruit people in a foreign country and send them to Italy with a visa for tourism or for study purposes. Then, these persons are employed in factories, often in the underground economy, so that they are completely subordinated to their employer. Zanfrini, L.(1999) Discrimination in the labour market: The situation in Italy, Workshop on the barriers to employment, Fourth International Metropolis Conference, Mailand.

¹⁴⁴ One specific example of this happened in Spain in the Autonomous Community of Valencia, in one of whose localities a Temporary Employment Agency rejected the recruitment of 'Arab' migrants to cover a job offer in a textile firm of the same locality [Source: El País, (09.05.2002)].

¹⁴⁵ The incidence was widely covered in the press, e.g. El País, (6.03.2002); Diario de Ibiza,(12.03.2002) and ABC, (13.03.2002).

¹⁴⁶ See: El País, 11.06.2002.

accused of preferring to hire new immigrants from Eastern Europe (mainly Ukrainians, Moldavians, and Romanians) against traditional immigrants from PALOP countries.¹⁴⁷ There are also reported cases of discrimination against recently arrived immigrants from members of earlier immigrant groups that recently became subcontractors (e.g. remunerations below average, etc.). Such reports of inter-ethnic discrimination have to be taken very seriously, as this form of group discrimination leads to migrants and employers exchanging accusations and denials of racism and can easily lead to inter-ethnic violence.

As the indicators presented in the next section (Section 5.2.) will demonstrate, not all migrants and minorities are equally exposed to racism and discrimination on the labour market. Non-European (non-Western) migrants (e.g. Africans, Arabs, Pakistani, Filipino, Turks, etc.) and certain minority groups (e.g. Roma, Travellers, Muslims, Blacks, etc.) are more exposed than others.¹⁴⁸ Finally, to assess the overall impact of discriminatory practices, it should be born in mind that disadvantages resulting from discrimination often work in interdependence with the other factors influencing the labour market performance of migrants and minorities discussed above, often leading to a vicious circle of exclusion, marginalization and further discrimination.

5.2. Indicators of discrimination

A recent ILO report¹⁴⁹ suggests that there are five main sources of evidence of discrimination (see also Table A7). The first is statistical evidence (of the kind considered in Section 5.1), which provides evidence of differences, but only indirect evidence of discrimination. Statistical evidence can give no conclusive proof of discrimination, as long as all the relevant variables have not been identified and accounted for, and thus is only able to *suggest* that labour inequalities *may* be the *outcome* of discriminatory practices (it cannot tell us anything about *processes* of discrimination). In fact, as was recently pointed out, statistical evidence may present a rather biased picture of the extent of

¹⁴⁷ PALOP: African Countries Having Portuguese as their Official Language. The number of permanence permits issued within the scope of the recent extraordinary legislation, between January 2001 and March 2002, highlight the emergence and rapid growth of this new inward migratory flow: 53% of the 147.515 permanence permits were granted to Eastern European citizens, 36% of which originated from Ukraine and 7% from Moldavia. On 31.10.2001 there was a total stock of 436.215 residence permits. Source: Ministry of Internal Affairs – Border and Aliens Service. Numbers from the extraordinary legalization process are available at: http://www.idict.gov.pt/Docum_IGT/acime/parte_2.htm, (04.04.2003). Eastern Europeans are likely to be more qualified but also, since they do not yet master the Portuguese language, to be more prone to exploitation and to end up in a job for which they are overqualified and underpaid.

¹⁴⁸ In interpreting the evidence, however, it must be pointed out that certain affected minorities (especially when they are nationals of their country of residence, e.g. Roma) are simply not covered by the available evidence on the labour market.

¹⁴⁹ Wrench, J., Modood, T. (2000) The effectiveness of employment equality policies in relation to immigrants and ethnic minorities in the UK, Report commissioned by the International Labour Office, Geneva, International Migration Papers 38, available at: <http://www-ilo-mirror.cornell.edu/public/english/protection/migrant/download/imp/imp38.pdf>, (20.03.2003), particularly pp. 24.

discrimination.¹⁵⁰ As noted before, for statistical purposes, discrimination is defined as the residual amount of labour market inequalities left unexplained after taking supply side factors into account. The very concepts used to denote supply side factors such as ‘merit’, ‘experience’, ‘educational achievement’, however, may be shaped by discriminatory practices themselves as they may be premised on a quite specific and rather exclusionary understanding of what constitutes ‘merit’ or ‘educational achievement’. In other words, discrimination cannot solely be viewed as a factor contradicting market mechanisms but may in fact be produced by market mechanisms. As statistical data and analyses only give indirect and partly biased evidence of discrimination, it is thus necessary to draw on complementary sources.¹⁵¹

The second major, and probably the single best, source of indicators of discrimination is discrimination testing, whereby the outcomes for matched applications, whether real or fictitious, to the same employer, are compared. However, such tests are relatively expensive, are rarely repeated and usually test only discrimination in relation to certain selected groups. The real potential of the method, therefore, probably lies in its utility for the evaluation of anti-discrimination legislation and as a starting point for the development of new policies, rather than as a tool to show the extent of discrimination.¹⁵² Discrimination testing has, in a European context, most extensively been applied in the UK, where the first studies of this kind were conducted in the late 1960s. One of the more recent studies commissioned by the Commission on Racial Equality and conducted in the north of England and in Scotland, showed how difficult it was for any applicant to find work by the way of job applications (in 79% of the cases none of the applicants were successful). In the remaining cases, whites’ chances to be invited to a job interview were shown to be three times greater than those of Asians and five times greater than those of Blacks.¹⁵³ A series of studies carried out in the mid-nineties by the International Labour Office (ILO) in four Member States (Belgium, Germany, the Netherlands and Spain) showed that ‘foreign’ applicants, compared to their native counterparts, were significantly less likely to succeed in being offered a job.¹⁵⁴ After all stages had been completed (application, job interview, job offer), total net discrimination rates (defined as the

¹⁵⁰ de Schutter, O. (2003) Keynote lecture on anti-discrimination legislation, presented at the Conference ‘Diversity, Justice, and Democracy’, hosted by the European Centre for Social Welfare Policy and Research and the Diplomatic Academy of Vienna, Vienna 7-8 April 2003

¹⁵¹ Thus, even if a sufficient range of data on immigrants was collected in each Member State that would allow to carry out multivariate statistical analyses, additional evidence would nevertheless be needed to allow getting a comprehensive understanding of discrimination.

¹⁵² Discrimination testing is also often used as supportive evidence for lawsuits against employers.

¹⁵³ Quoted in: Wrench, J., Modood, T. (2000) The effectiveness of employment equality policies in relation to immigrants and ethnic minorities in the UK. Report commissioned by the International Labour Office, Geneva, International Migration Papers 38, available at: <http://www-ilo-mirror.cornell.edu/public/english/protection/migrant/download/imp/imp38.pdf>, (20.03.2003), p. 27.

¹⁵⁴ Brief summaries and a comparative assessment of the results of the study can be found in: de Beijl, R. Z. (ed.) (2001) Documenting discrimination against migrant workers in the labour market. A comparative study of four European countries, Geneva: International Labour Office. See for the following quotes chapter 6, pp. 89. The individual country studies can be downloaded from the ILO’s Migration Papers Website: <http://www.ilo.org/public/english/protection/migrant/publ/imp-list.htm>, (20.03.2003).

differences in success rates between majority and minority testers) were 33% in Belgium, 37% in the Netherlands, and 36% in Spain.¹⁵⁵ All four countries surveyed displayed similar patterns in that the majority of migrants were turned down already in the initial stage of the application process. In addition, it was shown that the likelihood of discrimination was higher for certain occupations (particularly service jobs involving face-to-face contact with customers) than for others. In terms of their high methodological standards and their comparative design, the ILO studies are unique so far. Nevertheless, the occurrence of discrimination has been repeatedly shown by studies using similar techniques, as well as studies using more indirect methods (e.g. scrutiny of job offers as to the required nationality and/or language skills).

The third source of evidence is research into the activities of ‘gatekeepers’, which is usually of a qualitative nature and looks more thoroughly at directly or indirectly discriminatory recruiting practices of employers and the staff of employment agencies (e.g. ‘word of mouth’ recruiting; the inadequate use of psychometric tests; the restriction of recruitment to local catchment (all-white) areas, etc.).

A fourth indicator relates to the self-described experiences of ethnic minority members on the labour market or at the workplace. This, however, is a somewhat unreliable source since, because, as Wrench and Modood note, ‘a victim may perceive discrimination where it does not exist; conversely, (...) ethnic minorities can underestimate the discrimination they are in reality exposed to.’¹⁵⁶ Nevertheless, surveys of subjective discrimination are an important supplement to other sources. If the host society is perceived as ‘closed’ and prejudiced, this may lead to a reinforcement of ethnic ties with negative consequences for the cultural and social integration process. In Germany, a representative study by the Federal Ministry for Employment and Social Order found that some 10.1% of all Turkish people questioned felt disadvantaged whilst seeking a job.¹⁵⁷ Similar surveys conducted in the UK, in addition to giving proof of minorities’ acute awareness of being subject to discrimination, suggest that a significant number of minority job applicants have adopted ‘racism-avoiding’ strategies which in turn severely restricted the range of jobs available for them.¹⁵⁸

¹⁵⁵ The number of test persons reaching the final stage in Germany was too low to allow conclusive proof of overall discrimination. The cumulative net discrimination rate after the second stage was 19%, the same as in Belgium after the first stage and lower than the scores arising from the first stages in the Netherlands and Spain.

¹⁵⁶ Wrench, J., Modood, T. (2000) The effectiveness of employment equality policies in relation to immigrants and ethnic minorities in the UK. Report commissioned by the International Labour Office, Geneva. International Migration Papers 38, available at: <http://www-ilo-mirror.cornell.edu/public/english/protection/migrant/download/imp/imp38.pdf>, (20.03.2003), p. 31.

¹⁵⁷ Germany, Bundesministerium für Arbeit und Sozialordnung (BMA) 2002 Situation der ausländischen Arbeitnehmer und ihrer Familienangehörigen in der Bundesrepublik Deutschland. Repräsentativuntersuchung 2001 (Situation of foreign workers and their families in the Federal Republic of Germany. Representative Study 2001), Offenbach und München.

¹⁵⁸ See on these studies Wrench, J., Modood, T. (2000) The effectiveness of employment equality policies in relation to immigrants and ethnic minorities in the UK. Report commissioned by the International Labour Office, Geneva, International Migration Papers 38, available at: <http://www-ilo-mirror.cornell.edu/public/english/protection/migrant/download/imp/imp38.pdf>, (20.03.2003), p. 31.

Fifth, information on formal actions taken by aggrieved employees, whether by lodging complaints or initiating legal action before tribunals or courts can, at least to a certain extent, be used as indicators of discrimination. We will look at these more thoroughly in the following sections (Section 5.3 and 5.4).

A sixth, albeit less expressive indicator, is information from opinion polls on majority members' attitude towards migrants, which often contain questions on whether the respondents directly or indirectly support discriminatory acts or would discriminate themselves against a minority member. Similar surveys were also conducted on employers' attitudes towards minorities. However, attitudes and actual behavior don't necessarily correspond.

Finally, as an approach to analyze and measure legal discrimination a recent study of seven European countries suggested the use of a formalized index, whereby relative differences in countries' legislation in several areas (residence, employment, social rights, civil and political rights, and acquisition of citizenship) were taken as the basis on which separate indices for each area of legislation were computed. The index thus allows the rating of countries according to what extent legal barriers to immigrant integration exist.¹⁵⁹

Of all the Member States, the United Kingdom probably has the richest tradition in accounting for discrimination, with a wide range of sources of all types available for a considerable period of time. Other countries with relatively wide range of sources include France, the Netherlands, Germany and Sweden. In other countries, evidence of similar quality and scope does not exist or is available only on a very limited scale. Partly, this is due to the fact that the very presence of sizable immigrant minorities is a new phenomenon (e.g. in Ireland, Finland and Southern Europe). On the whole, it is difficult to give a more thorough account of what sources exist and what they tell us on the occurrence of discrimination in a comparative perspective, as the quality and scope of available indicators on discrimination differs widely. Statistical evidence on discrimination, for example, may exist only for certain ethnic groups but not for others, or only for foreigners but not for naturalized immigrants etc. Discrimination testing, research into activities of gatekeepers and surveys of subjective discrimination suffer similar limitations, while data on complaints and court cases are often of limited value due to incomplete data collection (particularly in respect to court cases) or the very status of such formalized mechanisms among the 'clients' and society at large.

¹⁵⁹ Waldrauch, H. (2001) Die Integration von Einwanderern. Ein Index der rechtlichen Diskriminierung (The integration of immigrants. An index of legal discrimination). Europäisches Zentrum. Frankfurt: Campus. A brief description of the index can be found in a book edited by the Council of Europe in both English and French: Hofinger, C. (1997) An index to measure legal integration, in: Council of Europe. Measurement and Indicators of Integration, Strasbourg (French title: Les mesures et indicateurs d' integration). It should be noted that the underlying understanding of 'legal discrimination' used by the research project is not universally shared. Governments, particularly, but also many researchers tend to perceive legal barriers to immigrant integration as falling within the legitimate prerogatives of sovereign states and as a corollary, would not classify legal constraints as constituting discrimination.

5.3. Complaints about discrimination

From a comparative perspective, data on complaints about discrimination reflect, first and foremost, differences in recording mechanisms. More importantly, recording complaints is not an end in itself, rather, records of complaints and statistical data drawn from it are usually by-products of activities directed at combating discrimination through some form of intervention. Therefore, several caveats on the interpretation of the data must be made. First, even where complaints are recorded meticulously, only a fraction of victims of discrimination may in fact lodge complaints. As with court cases, victims of discrimination may be sceptical as to the efficiency of lodging a complaint, or may simply not be aware of existing complaint mechanisms. Secondly, the design of the reporting mechanisms may have a significant impact on the number of complaints lodged (e.g. anonymity, easy access, area of concern).¹⁶⁰ Similarly, numerical trends may reflect diverse underlying tendencies, e.g. rising figures may simply reflect an increasing awareness of complaint mechanisms. More interesting than the overall numbers of complaints lodged, therefore, is the actual content of the complaints.¹⁶¹

In general, complaints concerning employment refer mainly to wages, payment of overtime, (oral) contracts, ethnic harassment, post appointments and job advertisements. According to the available statistics there usually are more registered complaints from men than from women. In some countries (e.g. Ireland, Sweden and the United Kingdom) there are special public bodies charged to register complaints by victims of discrimination. In others (e.g. Austria, Denmark, Finland), NGOs try to compensate for the absence of such a body by collecting information on individual cases. In still other countries, (e.g. Luxembourg, Italy and Portugal) no reporting mechanisms are in place.

Even in countries where a complaint mechanism exists (see Table A8), only a fraction of victims of discrimination are thought to lodge complaints.¹⁶² An even smaller number of complaints eventually lead to formal court cases. This does not necessarily mean that reporting mechanisms are ineffective, as other means (e.g. mediation) might be a more appropriate way to intervene. At the same time, court cases may not be initiated for other reasons, e.g. low expectation of achieving redress, lack of protection against victimisation and dismissal and because the burden of proof makes cases hard to win.¹⁶³

¹⁶⁰ The stark difference in numbers between the UK and France (about the same size in terms of population) in this respect is a case in point.

¹⁶¹ Again, this may be considerably influenced by the design of the institutions collecting the data, on which areas information is collected and what purpose the collection of information serves. In Belgium, for example, complaints can be formally or informally lodged with the Centre pour l'égalité des chances et la lutte contre le racisme. The complainant is free to choose the medium of communication him-/herself. Complaints need not be directed against particular individuals. Also, the range of complaints is extremely broad and is not limited to discrimination alone. By contrast, the file descriptions of France's main reporting mechanism, the free toll helpline 114 focus more narrowly on discrimination.

¹⁶² For example, only 4% of people subjected to discrimination are thought to have reported to the Ombudsman in Sweden. See: Ombudsman against Ethnic Discrimination, Newsletter 2002:1.

¹⁶³ This observation was made in the Dutch, Finnish, French and UK reports. See also: European Commission against Racism and Intolerance (ECRI) (2002), Second Report on Finland, adopted on 14 December 2001, Strasbourg: Council of Europe, p. 7.

To sum up, the major problems for a comparative analysis of data on complaints about discrimination are: lack of official sources on complaints, missing relevant institutions and no systematic monitoring of cases where immigrants are discriminated against. With this in mind, we can now turn to the country-specific complaint data. In Ireland, the Office of the Director of Equality Investigations (ODEI) registers complaints and regularly produces statistics on the basis of complaints lodged. The number of complaints in 2001 under the Employment Equality Act (EEA) from 1998 rose to 260, which was an 87% increase from the previous year.¹⁶⁴ While gender continued to be the most frequent ground for complaints, there were significant numbers of complaints for other reasons as well (race, membership of the Traveller community, religion and multiple grounds). Under the Traveller community ground, there were only 3 cases (1% of all complaints) in 2001 and 2 cases in the first months of 2002 under EEA. However, there were 641 (75%) cases in 2001 under the Traveller community ground under the Equal Status Act. In the first six months of 2002 the respective figure was 415 (80%). In 2001 the highest number of cases under EEA came from the private sector (155 cases). Under the Equal Status Act the highest number of cases in 2001 came from the sector pubs/hotels/night-clubs (632 cases). In the first six months of 2002 there were 459 such cases.

In Belgium, the Centre for Equal Opportunities and Opposition to Racism (CEOOR) supports victims of discrimination and racial harassment as part of its duties. In addition, it collects and analyses statistics on the complaints lodged. Throughout the five year period between 1997 and 2001, complaints concerning employment have ranked second, after public services.¹⁶⁵ The share of employment complaints has, after a decrease in 2000 (11% of all complaints received), sharply risen to 14%.

In the United Kingdom, the Commission for Racial Equality (CRE), the Employment Tribunal Service and the Arbitration and Conciliation Service (ACAS) produce data about complaints of racial discrimination in their annual reports.¹⁶⁶ Of all the employment cases received by ACAS in 2001/2002, 3,825 out of a total of 165,093 (2.3%) were related to racial discrimination.¹⁶⁷ 1,455 of the 3,697 cases completed in 2001/2002 cases were settled, 1,253 withdrawn, and 989 went to Tribunal. The Employment Tribunal Service reports 3,183 cases whose main jurisdiction was the Race Relations Act in 2001/2002, compared to 3,429 and 3,246 in 2000/2001 and 1999/2000. 4% of cases disposed in 2000/2001 were successful in Tribunal, 36% were the subject of conciliated settlements, and 34% of cases were withdrawn. The maximum compensation awarded was £66,086, the median £5,263. Although the success rate of employment cases is

¹⁶⁴ Of the total number of complaints referred to ODEI under the equality legislation, 260 cases were referred under the Employment Equality Act, which prohibits discrimination and harassment in the workplace and the remaining 854 under the Equal Status Act (ESA), which covers a wider arena beyond employment.

¹⁶⁵ CEEOR, *Égalité et Diversité*, Annual Report 2001, available at: www.antiracisme.be, (20.03.2003).

¹⁶⁶ See: CRE, Annual Report 1 January to 31 December 2001, CRE, London; Employment Tribunal Service, Annual Report 2000-2001; ACAS, Annual Report 2001-2001.

¹⁶⁷ The figures for the 2000/2001 and 1999/2000 were 4,153 and 3,922 respectively.

low and probably reflects the difficulty of proving discrimination, the figure of settled cases also needs to be considered. It seems unlikely that many will settle with complainants whose complaints they believe to lack any merit.

Another example of a country with national institutions dealing with complaints about discrimination is the Netherlands. An analysis of the complaints registered by the Anti-Discrimination Offices (ADB)¹⁶⁸ showed that there is a relatively large number of complaints which are work related. The *Trendrapportage 1999-2000*, issued by the ADB in The Hague, noted that complaints about recruitment and selection take third place (22%), after dismissal (23%) and treatment (40%).

In some countries, such as Sweden, ombudsmen (and women) fulfil a role similar to that of equality bodies in other countries. In Sweden, the Ombudsman against Ethnic Discrimination (DO)¹⁶⁹, established in 1986, is appointed by the Swedish government. During the past few years, there has been a dramatic increase in the number of complaints filed to the Ombudsman. The major part of complaints concerns direct discrimination, such as ethnic harassment, wage discrimination and post appointments. In 2001, 633 complaints of ethnic discrimination were filed, 272 of them concerned ethnic discrimination in working life.¹⁷⁰

The role of the Greek ombudsman¹⁷¹, by contrast, is limited to monitoring public institutions, making recommendations or initiating legal action. As an intermediary between citizens and the state, he has no power to intervene in cases of discrimination or harassment by physical or legal persons. There are no other bodies formally dealing with complaints about discrimination on a systematic basis in Greece.

In some countries such as Austria, Denmark, Germany and Spain, no official institutions that register and record complaints are in place; therefore, only some data on individual complaints from NGOs are available. For a number of reasons such unofficial compilations should be interpreted with even greater caution than official data, when drawing general conclusions on discrimination in the labour market.

According to the NGO ZARA, from the more than 300 cases dealt with and documented in Austria in 2002, 6% (5% in 2001, 8% in 2000,) referred to work, i.e. incidents which have to do with „work” in the widest sense – the job market, looking for work, colleagues, job advertisements, etc.¹⁷² In Denmark the NGO DRC – Documentation and Advisory Centre on Racial Discrimination – registers complaints and provides free legal aid for victims of labour market

¹⁶⁸ Anti-Discrimination Bureau.

¹⁶⁹ On the Internet site www.do.se, (20.03.2003), there are statistics on complaints on ethnic discrimination in different sectors of society. Reports and studies can be downloaded.

¹⁷⁰ Ombudsman against Ethnic Discrimination, Annual Report 2001, pp. 12-13.

¹⁷¹ This independent body was established by a law passed in 1997 (Law 2477/1997).

¹⁷² ZARA, Racism Report 2002, Wien, ZARA, Racism Report 2001, Wien and ZARA, Racism Report 2000, Wien. All reports are available in German and in English and can be downloaded at: <http://www.zara.or.at/07.html>, (08.05.2003). ZARA is the acronym for Zivilcourage und Anti-Rassismus-Arbeit (Civil Courage and Anti-Racist-Work).

discrimination. In Germany, there are also no national statistics of cases of discrimination. Only some individual cases are documented by various organisations, which are consulted by people subject to discrimination. Worth mentioning here are the anti-discrimination offices (especially in North Rhine-Westphalia) as well as the Federation of German Trade Unions (Deutscher Gewerkschaftsbund – DGB). The same situation exists in Spain, where the NGO S.O.S. Racismo publishes an Annual Report on racism in Spain.¹⁷³ Its 2002 edition summarises all the information collected by the organisation through its claims office and the systematic consultation of the mass media it undertakes. In 2001, 25 of the 145 complaints collected concerned employment. Most of these new cases related to the breach of oral contracts (in these cases there were no written contracts) between employers and migrants regarding a variety of aspects, which often concerned wages, payment of overtime and working days longer than originally contracted.¹⁷⁴

In France, since 2000, there is a free help-line (le ‘114’), meant as a general help line for victims of discrimination and racial harassment. It also registers formal complaints and brings cases registered as such to the attention of relevant local authorities. Between the 16th of May 2000 and 30th of October, 2001, 35,454 calls were received through this help-line; as a result 9,945 discrimination case files were transferred to the Departmental Commissions for Access to Citizenship (CODAC).¹⁷⁵ Among the ‘descriptions’ (cases referred to CODAC), the field of ‘employment/occupational life/training’ comes first, as it concerns 34% of descriptions, including 65% of men and 35% of women. Similar higher proportion of complaints raised by men (87%) noted the National Equal Opportunities Network (NEON) in the case of Finland. The CODAC may also launch a mediation initiative. If this is unsuccessful, or in case of grave incidences, charges may be brought against the offender.

Summarising the officially available data, reported complaints about discrimination have risen in Ireland (in 2001, 87% increase on the previous year under the EEA) and Sweden (by 60% in 2001 in comparison with the previous year)¹⁷⁶, whereas they have decreased in the United Kingdom (a drop from 1,003 applications for assistance in employment cases in 2000 to 735 in 2001).¹⁷⁷ The share of complaints on discrimination in employment has increased in

¹⁷³ S.O.S. Racismo (2002), Informe anual 2002 sobre el racismo en el Estado español (Annual report on racism in Spain) Barcelona: Icaria Editorial.

¹⁷⁴ With regard to any wage-related discrimination, the trade union UGT denounced on the 2nd of July, 2001 an alleged Ukrainian enterprise, which offered Spanish employers a chance to recruit workers from the same nationality, to whom ‘they would be able to pay lower wages than to Spanish or other Western European workers, being warranted a quality job and without having to comply with too many requirements concerning working conditions’. Available at: <http://www.ugt.es/inmigracion/bajocoste.htm>, (20.03.2003).

¹⁷⁵ According to the CNCDDH (Human Rights Commission), report 2001, La lutte contre le racisme et la xénophobie. Rapport d’activité (The Fight Against Racism and Discrimination), Paris: La Documentation française.

¹⁷⁶ Ombudsman against Ethnic Discrimination, Newsletter 2002:1.

¹⁷⁷ According to the CRE (Commission for Racial Equality) this decrease could be largely influenced by the introduction of a complaints helpline in London.

Belgium (from 11% of all complaints received in 2000 to 14% in 2001), whereas it has decreased in the case of the Netherlands (of all complaints in 2001, 16% were work-related in comparison with 20% in 2000).¹⁷⁸

5.4. Court cases of discrimination

Given the fact that discrimination against minority members is a rather widespread phenomenon and compared to the number of complaints lodged in countries with institutionalised complaint mechanisms (see section 5.1. and 5.2.), the number of court cases reported by the National Focal Points is, at least at first sight, extremely low. The main reason for this may be the high degree of uncertainty as to the outcome of legal action, which makes it usually a measure of last resort, taken only when all other channels are exhausted or not viable. At the same time, legal action requires considerable more efforts, financial costs and commitment as the stakes for both the plaintiff and the defendant are much higher than is the case in more low profile forms of intervention.

In some countries (e.g. Austria, Italy, Germany, Greece and Portugal) the absence of specific anti-discrimination legislation and specialized bodies largely explains the absence of court cases, although sometimes cases of illegitimate unequal treatment are also brought to court on the basis of constitutional provisions or for alleged breaches of labour legislation.¹⁷⁹ However, in such cases, access to legal redress may be more difficult than in cases, where specialized institutions, operating within the framework of specific anti-discrimination legislation, can assist in gaining access and legal support.

In some countries, specialized institutions, such as the Belgian CEOOR, the Northern Ireland Equality Commission, the Irish Equality Authority and the British CRE, have already a long experience in bringing cases to court.¹⁸⁰ In other countries, the lack of experience is often explained by the newness of the anti-discrimination legislation, a lack of resources, and a strategic concern to ensure that the first case brought to court will be successful (thereby establishing a precedent). Among those institutions which do bring cases to court, the Belgian CEOOR has a particularly strong mandate which allows court actions even where there is no direct victim of discrimination.¹⁸¹

With respect to court cases of discrimination, there are a number of country specific features that have to be taken into account and influence both the

¹⁷⁸ Figures provided by the National Federation of Anti-Discrimination Agencies.

¹⁷⁹ This is true in particular with respect to wages, overtime, holiday leave etc. as the principle of equality is one of the underlying norms of labour legislation. However, it is often difficult to know whether such cases relate to discrimination as legal records usually only reflect the grounds on which legal action was taken.

¹⁸⁰ The Danish DRC also has a long experience in assisting victims to take their cases to court, although this is only a rather poorly-funded NGO.

¹⁸¹ PLS Ramboll management (2002), *The European Union against discrimination. Specialized bodies to promote equality and/or combat discrimination*, Final Report, p. 12, available at: http://www.europa.eu.int/comm/employment_social/fundamental_rights/pdf/legisln/mslegln/equalitybodies_exec_en.pdf, (20.03.2003).

availability and the scope of the available data. In some countries (e.g. in Denmark), a prohibition to register ethnic origin complicates the production of statistically based evidence on discriminatory practices. In France, the absence of a central compendium of cases and lawsuits renders a systematic monitoring of court cases extremely difficult. Therefore, the media is virtually the only source of information on court decisions and procedures for the time being. As there is no specific anti-discrimination legislation in Greece, potential plaintiffs have to resort to general legislation, which may not always be applicable on immigrants. In the UK, employment discrimination cases are first heard by Employment Tribunals, with successive appeals going to the Employment Appeals Tribunal, the Court of Appeal and the House of Lords. In Sweden, the Ombudsman brings the case to the Swedish Labour Court.

As noted, only a small percentage of discrimination cases result in formal complaints (Section 5.3.), and of these only a small part are further referred to the courts. There is a characteristic tendency among immigrants to remain silent about discrimination in the workplace. Many of them fear to make a complaint or to initiate proceedings as their actions might be sanctioned by the employer.¹⁸² The relatively low number of court procedures could be also explained by the difficulties faced by the victims in proving that racial discrimination took place.¹⁸³ For a victim of discrimination, who may often belong to a marginalised group in society, the step of seeking advice and reporting a discriminatory experience may be a rather difficult task. The lack of protection against victimisation may thus become a further obstacle for initiating even well founded legal action.

In Finland, only in three instances in the year 2000 were work discrimination charges brought to the district courts. In Greece, only two court cases against discriminatory actions were reported in 2001. In Sweden, the first case concerning ethnic harassment was lodged in 2001.¹⁸⁴ Similarly in the Netherlands, only a small percentage of the complaints lodged reach the courts.

Court cases in the area of discrimination in employment refer mainly to discriminatory recruitment practices, racial harassment, language skills¹⁸⁵ and discrimination on grounds of religion (particularly in respect to Muslims), wages and holiday bonuses.

A great majority of reported court cases are wage-related cases. For example, in Spain legal action was taken by 120 seasonal migrant workers employed in the strawberry harvest in the Andalusian village of el Rocío in Huelva against their employer on several grounds (*inter alia* the deplorable accommodation

¹⁸² A recent Austrian study of cases brought to court under Austrian labour legislation by both migrants and nationals finds that the majority of cases are filed when the plaintiff is no longer employed with the employer who is sued. See: Stadler, B., (2003) Recht als Ressource in Arbeitsbeziehungen. Eine vergleichende Untersuchung der Situation von Einwanderern und Österreichern. (Law as a resource in employment relations. A comparative study of the situation of immigrants and Austrians), Ph.D. thesis, University of Vienna.

¹⁸³ The lack of experience of the Public Prosecutor was explicitly cited as an explanation for the low number of cases brought to the court in the report of the Dutch National Focal Point.

¹⁸⁴ Case No A 35/01 in the Swedish Labour Court, see: www.do.se, (20.03.2003).

¹⁸⁵ Such as unnecessarily high levels of language proficiency demanded in job recruitment.

conditions, the fact that the employer withheld 3,01 Euro of the total daily wages to pay for the rent (a practice contrary to law), and the fact that the employer paid for overtime only half the rate prescribed by collective agreements in this sector. In May 2002, the employer was found guilty of illegally withholding wages and ordered to pay back the sums he owed the workers.

There are also number of discrimination cases on grounds of religion. In the High Court case U 2000.2350 Ø in Denmark¹⁸⁶, a young Muslim woman was denied training in a warehouse with reference to her veil being incompatible to the internal dress code. On the basis of Act No. 459 of 12.06.1996 the High Court decided that the denial represented indirect discrimination and held the warehouse liable for torts. In another case U 2001.183 H¹⁸⁷, the Supreme Court found that the dismissal of a Somali man who had refused to say his prayers in a place that was placed at his and his Muslim colleagues' disposal by the employer, was legitimate. In Germany, the refusal of school authorities to employ female teachers wearing headscarves in classroom was repeatedly subject to lawsuits. However, there is no consistent ruling in these cases as yet.¹⁸⁸

In recent years the number of reported court cases concerning racist actions in the workplace is growing significantly, in particular cases of abuse and racist utterance against foreign fellow-employees. In a typical case that took place in a department store in Brussels, verbal attacks towards the black floor manager and another black worker were launched, using the company's microphone. The Magistrate's Court of Brussels decided that the statement 'sale nègre' incites racism and the person violated the 1981 Law on the suppression of acts motivated by racism or xenophobia.

Court cases filed by undocumented migrants or immigrants without an authorisation to work may be considered a special case. In Spain, the High Court of Justice of Catalonia, basing its decision upon Law 8/2000 recognised the labour rights of a Maghribian migrant who had neither a residence permit nor a labour permit and condemned a building company from Barcelona for his unfair dismissal.¹⁸⁹ In another case, in January 2002 the Supreme Court of Greece has ruled in favour of an undocumented migrant claiming wages and holiday bonuses of eight years, owed to him by his employer, despite the fact that he did not hold a valid work permit.¹⁹⁰

In a recent Supreme Court decision in Denmark¹⁹¹, Art.14 and Art.1 in the Additional protocol No. 1 of the European Convention on Human Rights (ECHR) were invoked and applied in regard to a requirement for citizenship. In June 1998, Copenhagen Taxi Tribunal announced vacant taxi licenses. Among those applicants who were turned down was taxicab owner V., a Pakistani citizen, who already had 6 licenses. The Supreme Court stated that he had no legal claim on

¹⁸⁶ The Weekly Law Gazette, 2000, pp.2350.

¹⁸⁷ The Weekly Law Gazette, 2001, pp.183.

¹⁸⁸ See: File numbers: 4S 1439/00, 1A 98/00.

¹⁸⁹ Estrella Digital, (15.06.2002).

¹⁹⁰ Supreme Court of Greece, Decision 1788/2001.

¹⁹¹ Supreme Court of Denmark, Decision U 2002.1789 H.

being allotted an additional licence. The possibility of obtaining a public permission for commercial activity was not protected by Art.14 of ECHR by employing the requirement of citizenship. Differential Treatment on the basis of citizenship was not in itself a violation of Art.5 in the UN Declaration on the Elimination of All Forms of Discrimination or of Art. 26 in the UN Convention on Civil and Political Rights.

In the UK financial compensation is regularly awarded in cases of direct discrimination and in cases of intentional indirect discrimination, and can include injury to feelings and punitive awards. Up until 1994 there was a limit of £ 11,000 on the amount of compensation that could be awarded in employment cases of racial discrimination. Since the limit was abolished, sums running into hundreds of thousands of pounds have been awarded in race cases. In a Swedish case¹⁹², an engineer of Iraqi background was subjected to ethnic harassment by his colleagues and was also to wage discrimination. In addition he was later dismissed without any reason. The Ombudsman sued the employer and took the case to the Swedish Labour Court. The man finally received SEK 150,000 in damages from the employer.

¹⁹² Case No A 35/01 in the Swedish Labour Court, see: www.do.se, (20.03.2003).

6. Strategies for reducing racism and supporting diversity

6.1. Anti-discrimination legislation

The adoption of two directives¹⁹³ on discrimination and equal treatment by the Council in June and November 2000, respectively, is probably the most important recent development in the area of anti-discrimination legislation in the period under review. The former prohibits discrimination on grounds of race¹⁹⁴ and ethnic origin, while the latter considers discrimination on grounds of religion, disability and sexual orientation. At this stage, however, it is too early to assess the progress of the implementation of the two directives on the level of the individual Member States. To date, only Belgium has fully implemented both directives, while a number of other countries are currently in the process of adapting their national legislation.

State of Implementation of the Race Directive and the Equality Directive (as of January 2003)

Member State	A	B	DK	SF	F	G	GR
State of implementation	Proposal drafted at ministerial level, not yet negotiated and agreed between coalition partners	Yes, both directives	In progress, several options discussed	In progress, several options discussed	Partially implemented (still to be done in regard to social security, social benefits, education and access to goods and services)	Draft law discussed covers only 'Race Directive' (2000/43/EC)	In progress (Committee to draw up a proposal for an anti-discrimination law appointed in December 2002)
IRL	I	LX	NL	P	E	S	UK
In progress (in the form of amendments to existing legislation)	Yes, 'Race Directive' (2000/43/EC)	No information available	In progress	In progress	No information available	In progress	Amendments to existing legislation shortly to be tabled in Parliament

¹⁹³ Council Directive 2000/43/EC of 29 June 2000, implementing the principle of equal treatment on grounds of racial and ethnic origin (Official Journal L 180, 19.07.2000, pp. 0022-0026) and to be implemented by 19 July 2003; Council Directive 2000/78/EC of 27 November 2000, establishing a general framework for equal treatment in employment and occupation (Official Journal, L 303, 02.12.2000, pp. 0016-0022) and to be implemented by 2 December 2003.

¹⁹⁴ The term race is only employed in order to denote specific forms of discrimination. See the preamble of the directive 2000/43/EC of 29 June 2000, para. 6.

Member States are free to choose how they are going to implement the two directives. The UK, for instance, has opted to amend existing anti-discrimination legislation, while other Member States have chosen to implement the directives by adopting a comprehensive anti-discrimination law. In general, there seems to be a preference to regulate anti-discrimination measures in a comprehensive way. In countries without a history of strong anti-discrimination legislation, the two council directives have indeed forced a major positive change.

Evidently, the way in which Member States implement the two directives depends very much on how and to what degree current legislation already includes anti-discrimination measures. Four basic ways, in which this can be the case need to be distinguished: (1) comprehensive anti-discrimination laws; (2) anti-discrimination provisions or general equality clauses included in labour codes or other employment laws (e.g. aliens employment laws); (3) anti-racism legislation outlawing 'hate crimes' usually incorporated into the penal code; (4) constitutional provisions that could be invoked to challenge discriminatory practices.

It is a generally held view that comprehensive anti-discrimination legislation and anti-discrimination provisions incorporated into labour legislation are the most effective way of dealing with discrimination. Labour legislation, however, is often hampered by the fact that it only extends to actual employment relations, thus referring mainly to equality of treatment in regard to wages, social benefits, employment rights, etc., whereas recruitment practices are usually not subject to such laws. Perhaps more important than the question of whether discrimination is dealt within a single, separate law or in the framework of general labour legislation, is whether there is a specialized institution providing redress to victims of discrimination and by supporting victims to take legal action.¹⁹⁵ In fact, most countries that have enacted comprehensive anti-discrimination laws have also established specialized public bodies dealing with complaints. In many cases (e.g. when victims are reluctant to bring their case to court) it seems plausible that victims of discrimination may be better helped outside the regular court system.

Anti-racism provisions are generally less effective in dealing with discrimination, as they mostly cover "hate crimes" only (incitement to racial hatred, harassment, mobbing, physical attacks, etc.) which can rarely be invoked in employment related cases. Finally, the effectiveness of equality clauses, embodied in constitutional law, is limited in two respects. First, most constitutions guarantee equal rights only to fellow citizens; second, constitutional rights are by definition meant as legal safeguards and last resort and not as a primary means of legal redress.¹⁹⁶ Due to the resources needed, both in terms of time and finances, to

¹⁹⁵ Comprehensive anti-discrimination legislation may be preferable to other ways of legally addressing discrimination in that it allows covering a broader range of areas in which discrimination occurs. In the framework of this discussion, however, discrimination laws that are aimed at employment only, are similarly treated as 'comprehensive'.

¹⁹⁶ General equality clauses can be found in virtually any constitution or charter of rights. A few constitutions also include employment specific provisions. The Portuguese constitution seems to be unique in that it explicitly states that aliens and stateless residents shall enjoy the same rights (by and large) as Portuguese citizens (Art. 15). In addition, all forms of discrimination are prohibited by that constitution. A similar, albeit much less extensive provision can be found in the Dutch constitution (see below).

challenge discriminatory practices on constitutional grounds, this may not be a realistic option for most victims of discrimination.

Half of the Member States have enacted comprehensive legislation against discrimination, most of them during the last decade and partly in anticipation or fulfillment of the two Council directives.

The UK is the Member State with the longest history of anti-discrimination legislation. Although employment discrimination was not covered by the original Race Relations Act (1965), all the subsequent amendments (1968, 1976 and 2000) have addressed the issue. The most recent amendment places a duty on public authorities to carry out their functions with due regard to the need to eliminate unlawful racial discrimination. In addition, public authorities explicitly listed by the act are called upon to ethnically monitor their workforce and applications for employment, training and promotion. In Northern Ireland, where the Race Relations Act is not in force, religious discrimination is prohibited by the Fair Employment Act 1976, revised in 1998 to create the Fair Employment and Treatment Order. The 1997 Race Relations Order prohibits discrimination on racial grounds. In response to the Council directives, the government reviewed the existing legislation and will table a proposal in the first half of 2003.

In Belgium, an anti-discrimination law was passed in late 2002 and came into force in February 2003. A first draft was originally tabled in Parliament already in 1999, but was subsequently amended to include the stipulations of both directives. Along the lines of the 1981 Law on the Suppression of Racist Acts¹⁹⁷, the law establishes incitement to discriminatory acts as an offence under criminal law. Partly anticipating the federal anti-discrimination legislation and in response to the Council Directives the Flemish parliament has passed a decree on proportional labour representation in April 2002. The decree covers industrial relations (labour negotiations), professional training and career support as well as services to, or dependent on, the Flemish government, including schools. It is guided by two major principles, namely proportional representation and equal treatment.

In Denmark, a law on the prohibition of discrimination in the labour market (Act No. 459) was passed in 1996. The law covers both indirect and direct discrimination on the grounds of race, skin colour, religion, political view, sexual orientation and national, social or ethnic origin and allows certain types of positive action. Several deficiencies of the law (most importantly the burden of proof which largely rest on the victim) will be addressed by bringing the law in line with the Council Directive on racial equality. In addition, the deprivation of civil and political rights on the basis of origin or religion is prohibited by the constitution.

In France, the French Parliament passed an anti-discrimination bill in November 2001. It is specifically aimed at discrimination in employment and amends several provisions of the labour code to this effect.¹⁹⁸ Both direct and indirect discrimination are prohibited in respect to a broad range of situations, including

¹⁹⁷ This law has in the past also been invoked to challenge discriminatory practices in employment. See section 5.4.

job-applications, training, promotion, wages, etc. Four new grounds of discrimination were introduced, namely sexual preference, age, actual and supposed belonging to an ethnic group, and physical appearances (in addition to the already existing ones including gender, origin, race, nationality, political opinion, etc.). The burden of proof was shifted to the defendant. Also, trade unions may now refer cases to the court while employees launching legal action enjoy special protection from potential sanctions their employers might impose.

In Ireland, two recent Acts, the Employment Equality Act (1998) and the Equal Status Act (2000) address the issue of discrimination in a comprehensive way. The former prohibits discrimination and harassment at the workplace on nine grounds (including religion, race and membership to the Traveller community), while the latter concerns equal treatment in regard to the provision of goods and services, accommodation, and education. The Equality Authority, established in 1999, is charged, among others, to monitor the implementation of the Acts and to provide information to the public on the issue of discrimination. A second authority, the Office of the Director of Equality Investigations, also established in 1999, is charged to provide redress to victims of discrimination who have lodged a complaint on the basis of either of the two equality laws. Finally, the Labour Court specifically deals with unlawful dismissals under the 1998 Employment Equality Act.

The Netherlands was the first Member State to pass a comprehensive anti-discrimination law, covering a broad range of grounds (race, ethnic origin, religion, belief, political opinion, nationality, sexual orientation, civil status). The Equal Treatment Act (*Algemene wet gelijke behandeling*) has been in force since 1994. A public authority, the Equal Treatment Commission (*Commissie Gelijke Behandeling*) was established as a semi-judicial body to investigate claims of discrimination. Its rulings, however, are non-binding. A directive in force since 1999 specifies how the judiciary and the public prosecutor have to respond to cases of discrimination. The equality legislation has recently been under extensive review and will be amended shortly. While the amendment will partly also incorporate the stipulations of the Racial Equality Directive, the implementation of the latter is handled separately. In addition to the equality legislation, the Constitution protects the equal status of all individuals living in the Netherlands vis-à-vis the state.

In Portugal, the constitution includes a number of provisions endorsing the principle of equal-treatment and non-discrimination.¹⁹⁹ In addition, a law on racial

¹⁹⁸ In this sense, the French anti-discrimination bill is different to the other anti-discrimination laws discussed in this context.

¹⁹⁹ For example, Article 13 states that all citizens have the same social dignity and are equal before the law. Nobody may be privileged, favoured or disadvantaged, deprived of a right or excused from performance of a duty by virtue of ancestry, race, language or place of origin. Article 15, already quoted, endorses that legally resident non-citizens enjoy the same rights as citizens. Finally, article 59 specifically protects workers against discrimination on grounds of nationality, place of origin, religion or political or ideological opinion.

and ethnic discrimination was passed in 1999 (Law 134/99), specified by decree-law 111/2000. Its understanding of discrimination is modeled on that proposed by the UN Convention on the Elimination of all Forms of Racial Discrimination (CERD). The law specifically addresses several forms of discrimination at the workplace, e.g. discrimination in recruitment, ethnically profiled job advertisements, or any other employment practice that has the effect of discriminating against an employee. A committee for equality and against discrimination was set up as a public authority collecting information and hearing cases, among others. The law protects employees who take legal action against possible sanctions from their employers.

In Sweden, a law prohibiting and sanctioning discrimination in employment (Measures to Counteract Ethnic Discrimination in Working Life Act) came into force in 1999. A special body, the Ombudsman against Ethnic Discrimination, is charged with monitoring the implementation of the Act and with counteracting, or proposing measures against discrimination in employment. In 2001, the government presented a national action plan against racism, xenophobia, homophobia and discrimination, in which several legislative measures are proposed. A year later, in 2002, a parliamentary committee was appointed to consider a single law on discrimination on various grounds and covering all relevant areas of social life. A proposal for a law is expected no later than December 2004. In response to a review of the employment equality legislation, the Swedish government has proposed to extend the scope of the legislation, extending, *inter alia*, to trade unions, employment offices and the self-employed.

While other countries may not possess a similarly developed legal anti-discrimination framework, some countries do have quite strong provisions embedded in labour or immigration laws, which do address discrimination. In Finland, for example, the recently enacted Employment Contracts Act (Law 55/2001), states (Chapter 2, section 2) that an employer may not, without acceptable reason, place workers in a different position on grounds of national origin, language or on other similar grounds. Discrimination in public employment is addressed by the State Civil Servants Act and the Act on Employment Security of Municipal Office Holders. In addition, two provisions in the Penal Code address discriminatory practices.

In Italy, articles 43 and 44 of the 1998 immigration law extensively address discrimination, provide for anti-discrimination measures and stipulate the creation of regional discrimination observatories. While the burden of proof rests with the plaintiff, there are several interesting features worth noting. For example, the plaintiff may cite aggregate factual evidence of a statistical kind, e.g. data on recruitment, contributions, distribution of tasks and jobs, etc. In case of ‘group discrimination’ trade unions may stand in litigation on behalf of the discriminated workers.

Finally, a number of Member states (e.g. Austria and Italy) have provisions incorporated in employment laws prohibiting the employment of non-nationals on conditions below those guaranteed to nationals (primarily addressing wages, working conditions and insurance conditions).

6.2. Strategies and initiatives

In general, strategies and initiatives aimed at combating discrimination, social exclusion and marginalization and empowering disadvantaged labour market participants are, by and large, of a rather recent date.²⁰⁰ In many countries, the absence of comprehensive legal provisions guaranteeing the fight against discrimination and the scattering of such regulations over various laws has not been very helpful in raising awareness for discrimination.²⁰¹ On the other hand, specific anti-discrimination or equality legislation, for example in Ireland, the Netherlands and the United Kingdom were crucial for the inception of concrete measures aimed at redressing discrimination and social exclusion. In the UK, for example, the key mechanisms for combating discrimination include properly balanced efforts to enforce the legislation. There is a general consensus that without appropriate legislation there would be very few initiatives and projects combating discrimination in the employment sector and few voluntary efforts. However, while in many countries a variety of anti-discrimination strategies and initiatives are reported, evaluation mechanisms are less developed. Frequently, no evaluation is undertaken at all or when undertaken, is rarely published.

However, there are exceptions to this general observation. In Sweden, for example, an evaluation of local government initiatives highlighted the limited extent of diversity initiatives (only 14% of local governments had adopted a diversity plan detailing strategies to increase the ethnic diversity of their staff).²⁰² On the positive side it is noted that the knowledge of inequalities regarding immigrants on the labour market has been markedly enhanced, which led to a number of suggestions and initiatives for further improvements in the labour market. Another notable example is the Greek evaluation report of the Community Initiative 'Employment 1996-2000'.²⁰³ It criticized that minority groups such as Muslims, Roma, migrants or refugees have very low participation rates in the community's projects or are not targeted at all.

A large number of projects and initiatives are carried out within the scope of the European Social Fund (ESF) EQUAL Initiative.²⁰⁴ It seeks to promote new

²⁰⁰ One notable exception is the United Kingdom, where racial equality policies have a fairly long tradition.

²⁰¹ To some degree, the absence of strategies and initiatives for anti-discrimination policies is also tied to a reluctance of policy makers to cast the issue of weak labour market performance in terms of ethnicity.

²⁰² Swedish Integration Board, *Kommunernas mångfaldsarbete* (The diversity work of the local authorities), 2001:10, p. 20.

²⁰³ Amitsis, G., Ioannou, N., Evaluation of Community Initiative Employment, Management Consultants REMACO, available at: http://www.europeanevaluation.org/pdf/2-3_Ioannou.pdf, (10.07.2002).

²⁰⁴ All projects are documented and accessible on the EQUAL Common Database (ECDB) website: www.europa.eu.int/comm/equal, (20.03.2003). EQUAL co-finances activities in all EU Member States in five thematic areas. The EU contribution to EQUAL of 3,026 million EUR will be matched by national funding. The first of two calls for proposals for EQUAL projects in the Member States took place during the 1st half of 2001. By 2002, most projects that received funding were in the implementation stage. Responsibility for the implementation of the Community Initiative programmes in the Member States lies with the national authorities.

means of promoting equality and combating all forms of discrimination in connection with the labour market in EU Member States. By the end of 2002, 11 Member States were involved in a total of 76 development partnerships in Thematic Field B (Combating Racism). Measures co-financed by these initiatives include language courses and special employment and vocational training courses designed for vulnerable groups among immigrants and minorities. Other EQUAL projects (e.g. in Austria and France) put a particular emphasis on involving labour market relevant actors (social partner institutions, labour market administrations etc.) in projects fighting and preventing racism at the workplace. Encouraging the adoption of, and improving existing codes of conduct has been the focus of a number of other EQUAL projects (e.g. the initiative ‘*Companies Care*’ in the Netherlands). The Irish project ‘*Diversity at Work Network*’ involves anti-racism training and the establishment of further education courses. Underlining the importance of community initiatives in triggering the development and implementation of measures aimed at (immigrant) minorities is the example of Italy where the majority of vocational training activities for immigrants undertaken in recent years have been co-financed by the ESF. Often, however, very little information on the actual operation and the impact of the projects is available.²⁰⁵

Many governments show a genuine concern for anti-discrimination and anti-racism initiatives in their own right. In France, three structures – the Departmental Commissions for Access to Citizenship (CODAC)²⁰⁶, the *Groupement d'intérêt Public/Groupe d'Etude sur les Discriminations* (GIP-GED) (Public Interest Group/Study Group on Discrimination) and the toll free telephone hotline ‘*le 114*’ – were established in 1999 as mechanisms to help victims of discrimination. In Finland, two large-scale anti-discrimination projects started in 2001 under the framework of a government action plan to combat racism and xenophobia - namely JOIN (Joint Promotion of Anti-discrimination at Local Level)²⁰⁷, a project co-funded by the EU and including project partners from Germany and Ireland, and *Seis-Suomi Eteenpain Ilman Syrjintaa* (Finland Forward without Discrimination)²⁰⁸, a national awareness raising project. In Denmark, regional government authorities have initiated a number of initiatives, including one formulating targeted recruitment and personnel policies.

In Portugal, the government established the office of the High Commissioner for Immigrants and Ethnic Minorities (ACIME) in 1996. The Commissioner is responsible for improving the living conditions of immigrants and ethnic minorities, safeguarding their integration into Portuguese society, fighting ethnic discrimination and social exclusion of immigrants and informing the Portuguese society on immigrants. In Spain, the formulation and implementation of initiatives

²⁰⁵ For example, migrant organisations in Greece criticized that very few migrants actually participated in or were even aware of EU-co-financed programmes which suggests that the way programmes are planned and implemented is far from being perfect.

²⁰⁶ The CODACs were established in 1999 to ‘help children of immigrant parents find a job and integrate in society, and to make hiring discrimination, and discrimination in the fields of housing and the leisure activities decrease’ (Circular of 01.18.1999).

²⁰⁷ www.join.fi, (20.03.2003).

²⁰⁸ <http://www.join.fi/english/index.html>, (20.03.2003).

to further the integration of immigrants in the labour market and society in general largely lies within the responsibility of the autonomous regions. For example, the Catalan government instituted an Interdepartmental Migration Plan (2001-2004), which includes a number of actions such as measures of vocational training, workshops and information for immigrants on prospects for self-employment. The autonomous region of Aragon has also launched a comprehensive plan for the integration of immigrants which includes a total number of 170 measures aimed at training, employment, housing, education, health, social services, legal counselling and awareness-rising.²⁰⁹

In Italy, the *Ente Nazionale Acli Istruzione Professionale* – ENAIP (National Professional Training Agency of ACLI)²¹⁰ in Bologna has launched an interesting initiative, which has tried to identify the strengths and weaknesses of training policies and has produced a guide for institutions and persons offering such courses. Another strategy promoting cultural diversity in the workplace, implemented directly by the state, was the establishment of the ‘Pacts for work’ (*patto di lavoro*) initiative, which should encourage companies to employ immigrants. The policy has proved quite successful as many companies have taken advantage of the favourable conditions provided for by the pacts and have consequently employed more immigrants. A Swedish diversity initiative by the Ministry of Industry, Employment and Communications²¹¹ aimed at mapping and describing how factors such as gender, age, class, ethnicity, sexual orientation and physical disability can affect the situation and opportunities for an individual in working life. In the UK an upgraded employment service called ‘Jobcentre Plus’ has been specifically designed to reduce the 17% gap in overall and ethnic minority employment rates. Interventions dealing with disadvantage include some that are targeted at all those who are economically disadvantaged, and some that focus specifically on ethnic minorities.

There are also an increasing number of initiatives from NGOs, trade unions and employers’ organisations. Currently, the NGO ASTI in Luxembourg is organizing a campaign intended to raise awareness of politicians, civil society actors, the media, the youth and the general public regarding migration issues. It comprises a series of conferences, a scientific colloquium, consciousness-raising activity in the media and in schools. In a separate covenant, signed already in 2000 by the Dutch Federation of Small and Medium-Sized Enterprises (MKB) and a group of ministers, it was agreed that 20,000 ethnic job seekers would be channelled into vacancies in small and medium-sized companies. The covenant, with a three-year term, has been successful. As more and more organisations are operating in a multicultural environment and are searching for suitable solutions in this field, Intercultural Management Policy (ICM), focusing mainly on recruitment and selection, is promoted as an important strategy for businesses and institutions in the Netherlands to create a more diverse and multicultural personnel file. However, in a survey, only 7% of the companies actually stated that they had taken ICM measures.

²⁰⁹ A draft version of this plan was presented in March 2002.

²¹⁰ <http://www.enaip.bologna.it>, (22.08.2002).

²¹¹ Swedish Ministry of Industry, Employment and Communications, Ds 2000:69.

A number of initiatives in the Member States are targeted at specific sections of minority populations, such as women, youngsters, disabled persons, Roma/Travellers, or persons with specific professions (e.g. foreign teachers²¹² or physicians²¹³). In 2001, the State Secretary for Labour, Health Care and Emancipation and the Minister for Integration and Urban Policy of the Netherlands set up the commission for Participation of Ethnic Minority Women in the Workforce.²¹⁴ The aim of the commission is to promote the participation in the workforce of women from ethnic minority groups.²¹⁵ In Germany, numerous initiatives aimed at preparation and training of young foreigners for professional life are carried out within general labour market programmes. The intention here is to avoid stigmatisation of young foreigners who need special help. An evaluation of the “Immediate Programme of the Federal Government: 100,000 jobs and training positions”, showed that after completing the programme, foreigners and immigrants have an even lower risk of being unemployed than German young people do: 28.9% against 33.5%.²¹⁶ In Italy, there are a number of specific initiatives to protect the rights of disabled workers (in which group there are a great number of foreign workers). The *Associazione Nazionale Oltre le Frontiere* – ANOLF (Beyond Frontiers National Association)²¹⁷ and *Associazione Professionale Italiana Collaboratori Familiari* – APICOLF (Italian Professional Association of Domestic Workers) have promoted initiatives in this area.

6.3. Organized interest groups

Trade unions²¹⁸ have a particular responsibility towards migrants and other minorities, to develop strategies to combat discrimination, social exclusion and marginalization, and to promote the goal of more equitable societies. In practice,

²¹² In Sweden, a project resulted in two reports examining the experience of foreign teachers entering the Swedish school system: The National Agency for Higher Education, *Från gräns till kateder – Introduktionsperiod och lämplighetsprov för lärare med. Utländsk utbildning* (From the border to the teacher’s desk – Introductory period and test in suitability for teachers with foreign exam), Stockholm, 2002, and *Behörig att undervisa – Utländska lärare i svensk skola* (Qualified to teach – Foreign teachers in Swedish schools), Stockholm, 2002.

²¹³ For example, the Portuguese project ‘Support to medical doctors’ is directed at migrant doctors who wish to practice medicine again, but are currently in jobs demanding lesser qualifications. Similarly, in 1999 a project was initiated in Sweden with the aim to improve the possibilities for unemployed foreign physicians to be included in the Swedish medical register. (Press release from Swedish Ministry of Industry dated 27.06.002).

²¹⁴ *Arbeidsdeelname Vrouwen uit Etnische Minderheidsgroepen* (AVEM).

²¹⁵ Similar initiative to support and promote immigrants women (with special stress on education and counseling) was launched by the Kvinnor Kan Foundation (Women can do) in 2001 in Sweden.

²¹⁶ Similarly, in Denmark, the campaign ‘Need for youth’ (Brug for alle unge) was launched in November 2002 with the aim of ensuring that all young people – regardless of ethnic background – enjoy equal opportunities in the education system and on the labour market.

²¹⁷ <http://www.anolf.it>, (22.08.2002).

²¹⁸ The main focus in this section is on the activities of Trade Unions, but other organized interest groups (employers’ associations, networks of immigrant groups) are touched upon where it seems appropriate to do so.

however, trade unions often find it difficult to translate their awareness of specific problems of immigrants and minorities into a real commitment to develop strategies and to actively press for change. Partly, this reflects a historical ambivalence towards labour migrants - often perceived as undermining the rights of established (native) workers in general.²¹⁹ On the other hand, this is also a reflection of the relatively weak representation of migrants and minority members in most unions themselves.²²⁰ However, particularly in countries with a long history of immigration and established (migrant) minorities (e.g. in France, the Netherlands and the UK), there is a sizable number of union activists of immigrant/ minority background²²¹ and unions there usually do have a history of anti-discrimination campaigning.

Across Europe, there are strong indications that unions increasingly move away from their traditional focus on the protection of native workers towards a more proactive role in regard to anti-discrimination and anti-racism.²²² Still, union membership may confer fewer benefits to minority members (in terms of protection from unequal treatment) than for the majority population, as evidence from a recent study on the UK suggests.²²³ It is therefore no coincidence that networks of minority groups (or networks organized by specialized institutions existing in a number of Member states such as Denmark, Sweden and the UK) are, from the perspective of the migrants, perhaps more effective and important than organized labour.

In some countries, the traditional ambiguity of trade unions towards migrants is compounded by the existence of formal barriers. In Austria, trade unionism is closely linked to the Chamber of Labour (a formal, quasi-governmental body of which every employee is a member by law). On the shop floor level, shop stewards are elected in legally regulated elections, while on the regional and national levels, interest groups within the trade union movement (close to the

²¹⁹ For a theoretical model supporting the thesis that immigration negatively affects wage levels of natives – at least in cases where migrants are predominantly allocated jobs in non-unionised sectors of the labour market – see: Fuest, C., Thum, M. (2000) Welfare effects of immigration in dual labour markets, in: *Regional Science and Economics* No.30, pp. 551-663. From the perspective of Trade Unions, proactive unionisation of migrants might be an appropriate answer.

²²⁰ This is generally true in regard to activists, particularly at higher levels of hierarchy, but may also be true in regard to the rank and file. To what extent migrants and minorities are unionised and how they are able to promote their interests using union channels has – to our knowledge – not systematically been researched.

²²¹ A notable and widely renowned example is Bill Morris, secretary general of the British Transport and General Workers Union, and Jamaican by birth.

²²² See for example: Avci, G., McDonald, C. (2000) Chipping away the fortress: Unions, Immigration and Transnational Labour Markets, in: *International Migration*, Vol. 38, No. 2, pp. 191-213.

²²³ Noon, M., Hoque, K. (2001) Ethnic minorities and equal treatment. The impact of gender, equal opportunities policies and trade unions, in: *National Economic Institute Review*, Vol. 176, No. 1 (April), pp. 105-116. The analysis of an extensive sample of British employees and work places showed that while white men and women in unionised workplaces were generally better off than their white counterparts in non-unionised workplaces, this did not hold true for minority members. The presence of a recognized trade union was found to have little impact on the presence or absence of unequal treatment. The crucial factor was found to be whether or not employers implemented effective equal treatment policies.

established political parties) stand for election for positions in the Chamber of Labour. Foreigners, however, are denied the right to stand for these elections (no passive voting rights), a restriction long criticized by trade unions, the Chamber of Labour and immigrant groups. Similarly, in Greece, migrants were until recently excluded from trade union membership and were thus largely denied the services offered by the unions.²²⁴ However, in 2001 the General Federation of Trade Unions announced to open up membership to migrants as well and established an information office for migrants in the same year.

Trade union activities generally concentrate on three areas: initiating and promoting legal reform; negotiating collective agreements, and protecting individual rights through a range of measures and ad hoc services. In regard to migrant workers, shop floor and industry wide activities (incl. agreements) are by far the most frequent. For example, unions in Italy have been pressing for the inclusion of a number of provisions into collective agreements that specifically cater for the needs of migrants (e.g. language courses offered by employers, special holiday rights for non-Christian workers etc.). In Luxembourg an exemplary intra-firm agreement against harassment and mobbing was concluded, after a shop steward of a local clothing department store commissioned a study on the occurrence of harassment and mobbing, which demonstrated how widespread the phenomenon was. In France, the trade union CGT established a database on union activities and experiences in regard to anti-discrimination and anti-racism at the work place. The main rationale of the project was to provide local shop stewards with resources to initiate activities on their own. In Germany, a number of large companies (e.g. Ford, Opel, VW, Fraport) have reached agreements with trade unions against discrimination and racism.²²⁵ The Federation of German Trade Unions has also developed a model agreement on the basis of the EU anti-discrimination directives. In Portugal, the largest trade unions have played a crucial role during the most recent legalization exercise, providing information and – in case employers declined to provide workers with employment contracts – providing workers with the necessary documents in lieu of their employers.²²⁶ In the UK, the national Trades Union Congress (TUC) has a long history of anti-discrimination and anti-racism work and undertakes a broad range of activities, including research, conferences, newsletters and the operation of a telephone hotline for victims of harassment. In Denmark, a network of ethnic minorities has been established within the trade union movement (*Netvaerk i Fagebevaegelsen* – NIF) whose aim is twofold, namely to promote the interests of minority members and to bridge the gap between minorities and the trade unions.

On a European level, trade unions have only recently begun to formulate a common position. A recent resolution of the European Trade Union Confederation (ETUC) calls on European governments and the European Commission to implement a European-wide integration policy that ‘should be

²²⁴ Despite their exclusion from union membership, there have already been examples of successful industrial action by migrant workers employed in agriculture.

²²⁵ These agreements can be consulted on the website of the trade union, IG Metall (www.igmetall.de).

²²⁶ Legalization is usually conditional on having proof of one’s employment status.

based on the principle of equal treatment and opportunities and should form part of the European strategies for employment and social inclusion.²²⁷

Apart from trade unions, established migrant support organizations, migrant organizations and other institutions increasingly network around labour market issues. Equally important, are employers' initiatives. In the Netherlands, for example, roughly a third of companies now undertake activities on behalf of minority employees. In Portugal, two of the largest employers' associations (*Confederacao da Industriai Portugesa* and *Associacao de Empresas de Constrocao e Obras Públicas*) were firm supporters of the recent legalization campaign. The latter also provides support to migrants striving to become self-employed. Further examples of employers' initiatives can be found in Section 6.4.

6.4. Good practices

While a large number of projects and initiatives aimed at combating discrimination and social exclusion are carried out in the Member States (see also section 6.2.), only limited information exists on both their actual operation and impact. Besides the general lack of evaluations that would allow to assess initiatives and projects more thoroughly, very little information is available on how members of the target groups i.e. migrants and minorities get involved in the programmes.

In order to more effectively guide employers in adopting equal opportunity policies, many institutions seek to define and promulgate 'best practices' in the combat of discrimination. Key purposes are to help employers sharing experience and saving time and money by providing illustrative examples on how, for example, to increase the ethnic minority representation.²²⁸

National authorities play an important role in promoting and supporting best practices in the labour market. As a part of a new integration policy in Denmark, launched in March 2002, a special website²²⁹ was established to give enterprises the possibility to find any information or guidance concerning the appointment of persons belonging to ethnic minorities. The government has also instituted six integration awards in November 2002, covering initiatives and projects improving integration within the labour market, personal involvement in the societal process of integration and the integration of youth and children. A number of research projects have also started in 2002. Additionally, as a part of the implementation of

²²⁷ See the Confederation's website under www.etuc.org, (14.05.2003).

²²⁸ However, ethnic monitoring in employment has so far gained significance only in Great Britain, where the Commission for Racial Equality (CRE) has recommended the practice for the last two decades (the principle was endorsed by the British Parliament in 1983 but is actually proscribed in some other European countries). The GB Race Relations Amendment Act 2000 places specific duties on many public bodies and ethnic monitoring of a range of employment processes, including promotion, applications, appraisal outcomes, and reasons for leaving, is now required of many public authorities.

²²⁹ www.jobintegration.dk, (20.03.2003)

the project ‘Short-cut to the labour market’, in August 2002 the government granted 334,000 to a project aimed at procuring knowledge on the integration of persons with an academic education in the labour market. A grant of 400,000 has also been given to 12 municipalities and employment service centres to fund so-called ‘Bridge Building Projects’.

In January 2002, the Swedish Integration Board established a web portal called ‘*Sverige mot rasism*’ (Sweden against racism).²³⁰ It is a database, where information on measures, statistics and organisations working against racism and xenophobia are available. In Germany, the programme XENOS²³¹ – living and working in diversity (*XENOS – Leben und Arbeiten in Vielfalt*) deserves particular mention. It is co-funded by the European Social Fund and the Federal Government. XENOS pursues the aim of fighting racism, xenophobia and intolerance by means of concrete measures and projects. In the first phase of the program up to 2002, 150 projects have been selected for funding within the framework of XENOS.

Apart from the state and NGOs, private companies are increasingly important actors in regard to fostering diversity and fighting discrimination. In Ireland, for example, the management of the Jury’s Hotel Group observed that the employment of non-EEA workers in their hotels frequently leads to a situation, where the dividing line between natives and immigrants increasingly governs the ordinary relations between employees and leads to perceptions of ‘us’ vs. ‘them’. To overcome this situation, the management launched a number of initiatives such as the translation of relevant information into different languages (e.g. staff contracts) and a poster campaign aimed at creating awareness about racism.²³² Public companies such as Eircom (telecommunications) and Dublin Bus have recently also developed policies that address racism and promote cultural diversity in employment. Eircom has developed an action plan ‘*Dignity at work*’, which includes a focus on anti-racism. Dublin Bus has developed awareness initiatives and anti-racism training for staff.²³³

Another interesting example is provided in the Finnish Study of the European Foundation for the Improvement of Living and Working Conditions.²³⁴ The Helsinki Mail Centre in Finland is one of the few employers with a greater number of immigrants (50 immigrant workers in 1997, 3.2% of the centre’s personnel). Their equality policy includes equal treatment in pay, work, contracts and recruitment. As the most effective way to break cultural barriers free-time activities for the personnel promoting tolerant, positive attitudes among employees are stressed.

²³⁰ www.sverigemotrasism.nu, (20.03.2003).

²³¹ www.XENOS-de.de, (21.02.2003).

²³² ICTU (2001), Anti Racism. Indicative Action Plan, 2001-2003, p. 15.

²³³ Equality Authority (2001), Promoting an Intercultural Workplace, p. 8.

²³⁴ European Foundation for the Improvement of Living and Working Conditions (1997) Case studies of good practice for the prevention of racial discrimination and xenophobia and the promotion of equal treatment in the workplace. Finnish Study, p. 4, available at: http://www.eurofound.eu.int/publications/Working%20Conditions_1997.htm, (20.03.2003).

In Wallonia, FOREM, a public training and placement agency, has initiated a series of projects to promote the socio-professional integration of immigrants and to combat discrimination. Its project *'Interculturalité et Exportation'* targets the training of commercial liaison officers of foreign descent in the export of products to non-EU countries. Here, the foreign background and the knowledge of a foreign language are seen as positive tools in the export business. In the framework of this project dozens of people of foreign origin were recruited. FOREM has also launched the campaign *'Donnez les Chances à l'égalité'* targeting not only discrimination on the basis of belonging to a particular ethnic group but also on the basis of handicap, sexual preference, age, health and sex. In the Brussels capital region, a partnership was forged involving two labour mediation organisations, namely ORBEM-BGDA and Bruxelles-Formation, on the one hand, and local organisations and NGOs on the other. Within this partnership several initiatives have been started: sensibilization of labour mediators concerning the issue of discrimination at the recruitment level, setting up a specific unit to support jobseekers of foreign descent and the application of the administrative procedure for the treatment of discriminatory job advertisements.

Several examples of good practices organised by local governments and local government agencies should be mentioned. In Greece, the municipality of Sapes has published three information booklets in Greek, Turkish and Russian, providing information for the citizens of Sapes on local government, legislation, rights and employment.²³⁵ The information specifically targets immigrants (incl. 'repatriates'), refugees and the Muslims living in the area. The municipality of Agia Varvara has set up a Service Centre targeting mainly socially vulnerable groups threatened by unemployment. The Centre attempts to bring local businesses and local unemployed people in touch.²³⁶ In Denmark, the service centre of the city council in Nørrebro (a district in the Copenhagen area with a very high percentage of immigrants – around 30%) has established integration strategies for immigrant workers such as cultural and free time activities.

There are a number of projects targeting specific vulnerable immigrant/minority groups. According to surveys and studies in Sweden, Africans in Sweden are more affected by discrimination than other immigrant groups. Thus, in 2001, the Afro-Swedes' National Association initiated a yearlong project concerning the Africans' situation in the Swedish labour market. In Italy, a number of firms have made appropriate arrangements respecting the dietary requirements of Muslims. Some of them (e.g. Zanussi) have also modified the working hours for their Muslim employees during the time of Ramadan. Other companies in the Veneto region have made special prayer rooms available and have arranged appropriate breaks for praying.

In Austria, in April 2000 an interactive multilingual internet portal was set up as a part of the international networking programme 'roma-net'. The idea is to collect

²³⁵ More information available on line in both Greek and English at: <http://www.dsapes.gr>, (05.06.2002).

²³⁶ More information available on line in both Greek and English at: <http://www.agoavarvara.gr>, (01.05.2002).

information on work and training projects for Roma in Austria, Hungary, the Czech Republic and Slovakia that may be helpful to design better projects aimed at reducing unemployment among the target group as well as raising awareness of the particular disadvantages Roma are facing.²³⁷ In 1988, the ‘Jewish Vocational Training Centre’ was founded by and for the Jewish minority in Vienna. This centre is subsidised by the Labour Market Service and the City of Vienna and offers work places for apprentices and training opportunities for vocational adult education and also functions as a placement agency.²³⁸ Another innovative project concentrates on the situation of self-employed aliens in Vienna and was carried out in the framework of the project URBAN-Wien Gürtel Plus.²³⁹ In workshops strategies improving the situation of ethnic businesses were developed. Moreover, an information brochure was edited in four languages containing information on how to start and lead a business. Another recent project designed to promote the integration of migrants is the Austrian website „Integrationsportal.at“. The main goal of this project is to provide extensive information concerning the main aspects of asylum, refugee and migration policy in Austria. It is designed to serve not only as an information medium for experts working in the area, but as a source for recognized refugees, asylum seekers, and migrants as well.²⁴⁰

One interesting possibility to increase the participation of migrant women in the labour market is pointed out in a recent Spanish study entitled ‘Municipality-based initiatives in the world of migration’.²⁴¹ The study describes how some Catalan municipalities have created nursery services, which look after children and are managed by immigrant women themselves. Finally, one good practice in the field of the media should be noticed. The multicultural radio programme Radio Circuit Marconi, part of a normal Italian radio station, offers local, national and international news and spreads information relevant to immigrants (e.g. work, official documents, young people etc.).

²³⁷ More information on this project is available at: <http://www.roma-net.at>, (11.06.2002).

²³⁸ More information on the centre is available at: <http://www.jbbz.at/>, (18.06.2002).

²³⁹ Haberfellner, R., Betz, F. (1998) *Ethnische Ökonomien als Lebens-, Arbeits- und Ausbildungsstätten im Projektrahmen Urban Gürtel Plus. Inhaltlicher Endbericht (Ethnic businesses as living, working and educational spaces in the framework of the project ‘Urban Gürtel Plus’. Final report)*, Vienna.

²⁴⁰ More information on this project is available at: <http://www.integrationsportal.at>, (28.05.2003)

²⁴¹ Available (in Spanish) at: <http://www.fbofill.org>, (20.03.2003).

Part III: Common Problems and Conclusions

7. Common and specific problems

7.1. Common and Specific Problems in Data Collection

The complex interplay of a variety of factors (including discrimination) influencing the labour market performance of various groups means that analytical work in this area is complex and depends on the availability of relevant data. However, for effective policy development, current, reliable and sufficiently detailed socio-economic data are an indispensable prerequisite.

To assess the current state of data collection on migrants and minorities in the labour market and to identify persistent data gaps, four sets of questions have to be asked: First, what kind of data are collected? Second, on whom are data collected and on whom are data missing? Third, how are these data collected? Fourth, are the data easily accessible and available for the wider public?

Data on the labour market performance of certain groups of migrants and minorities are usually collected as a by-product of official labour market statistics, which has implications for all four questions asked above. Thus, data regularly collected by national statistical institutes and other government bodies (e.g. Ministries of Labour, social security agencies) include general employment data from which labour force participation rates (activity rates), employment rates, unemployment rates and self-employment rates can be computed. The data regularly collected usually contain also information on incomes, occupations, sectors, industries, branches, educational attainment and working conditions.²⁴² However, such a comprehensive set of data is seldom available for specific groups of migrants and minorities.²⁴³ In general, the question of which data are available for which groups depends on the specific concept of migrants and minorities that is used in a given Member State (see Sections 3.1. and 3.2.) and, secondly on what information is actually collected. In Austria and Germany activity rates and unemployment rates of foreigners (non-nationals) are regularly available from statistics of the labour market services, but employment data on naturalized immigrants, or second generation immigrants and minorities who are nationals of the country, are usually not. In contrast, in Denmark, the Netherlands and Sweden

²⁴² For existing differences in the national definitions of labour market indicators, see Tables A3, A4 and A5. For a discussion, why the European Labour Force Survey is not sufficiently geared to provide the detailed information needed, see Section 4.2.

²⁴³ A notable exception is the Dutch SPVA survey program which focuses on non-western allochthones, i.e. persons of non-western foreign origin.

activity rates and unemployment rates of certain immigrant groups²⁴⁴ irrespective of citizenship are available, whereas the UK uses its own idiosyncratic concept of ethnic minorities in its Labour Force Surveys.

From all the different concepts used for data collection on migrants and minorities, the purely ‘foreigners concept’ is by far the simplest but also the most problematic in terms of its descriptive content. As immigration to the traditional labour recruiting countries of Western Europe has already a long history, a growing share of their population with foreign origins (naturalized immigrants and second generation migrants with citizenship) simply disappears from the statistics.²⁴⁵ However, especially the young generation with an immigrant background (with or without citizenship) often experience special problems in terms of labour market integration, making the lack of systematic information on them all the more problematic. The same is true for the almost universal lack of data on the labour market performance of autochthonous ethnic minority groups, who are citizens of their countries. For example, in the case of the Roma, who are widely known to face special difficulties and disadvantages in the labour market, the absence of systematic data is a major impediment to the formulation of targeted policy measures. Similarly, data on informally employed migrants are, at best, only partly available, in the form of individual studies on small samples of migrants or in the form of data produced in the framework of regularization exercises.²⁴⁶

In addition, the quality of labour market data as well as of basic demographic data varies greatly. This is a reflection of the various purposes of data collection as well as of the methods of data collection. Four basic types of data collection can be identified: censuses (whether traditional or register based), registers, counts (of events) and surveys. For our purposes, censuses (albeit only containing limited information on socio-economic characteristics of the population) and registers²⁴⁷

²⁴⁴ These are variously defined; see Tables A3 and A5 in the appendix.

²⁴⁵ From 1985 to 2001 about 250,000 foreigners have been naturalized in Austria, while the foreign resident population in 2001 stood at 730,000. In Belgium, some 360,000 naturalizations were carried out since the enactment of a relatively liberal nationality code in 1983, while in 2000 about 900,000 residents held foreign citizenship. In Germany, about 850,000 foreigners have been naturalized from 1995 to 2001, while the foreign resident population in 2001 stood at 7,319,000. The number of naturalisations, especially of Turks, has significantly increased. On the whole, more than 400,000 Turkish nationals have been granted German citizenship over the last 10 years. In addition, over the last decade about 2 million ethnic Germans (‘Spätaussiedler’) immigrated to Germany from the CIS and other Eastern European countries. This latter group is given immediate citizenship by law and is therefore for all practical purposes no longer accounted for in official statistics. In Luxembourg, a total of 4,601 foreigners were naturalized between 1995 and 2001, of which about half concerned foreigners from neighbouring countries [Annuaire Statistique Luxembourg, available at: www.statec.lu, (20.03.2003)].

²⁴⁶ Greek regularization figures are a case in point: In principle, the statistics also include information on the occupations of migrants. However, the figures are based on insurance vouchers (ensima) of the national insurance body (IKA). Apparently, vouchers were often “bought” by migrants from employers without actually being employed with the respective employer. In addition, migrants frequently change jobs, often moving into other sectors at the same time. Therefore, the figures are of little use for describing the employment characteristics of irregular migrants (Greek NFP, information provided to the authors).

²⁴⁷ E.g. register of unemployed persons, registers of employed persons and so on.

are usually the most important data sources.²⁴⁸ Both registers and counts are normally produced for some other administrative purpose, implying that only a very narrow range of variables is contained or that some variables, not essential to the *raison d'être* of the dataset, may be of rather dubious quality.²⁴⁹ Surveys, on the other hand, are often constrained by the fact that the number of immigrants and/or minority members included in the sample is often too small to achieve meaningful results.²⁵⁰ Even where data of sufficient quality and scope exist, such data are often not easily accessible and available for a wider public. Regular publications (both in print and on the internet) often contain only global data on the whole population but little information on migrants and minorities

For the analysis of discrimination on the labour market, defining the most important employment indicators and the most appropriate sub-groups of migrants and minorities for whom these indicators are to be collected, is but the first step. The use of such data in relevant comparisons can establish existing differences and disadvantages that certain migrant and minority groups face on the labour market (e.g. employment gap, unemployment gap, wage gap) and indicate the need for targeted policy responses, irrespective of the causes of these inequalities. To comprehensively document and fight discrimination on the labour market, especially on the European level, however, additional indicators are needed that can provide direct evidence of discrimination (see Chapter 5).

Indicators of direct discrimination have been compiled only on a case-by-case basis for a number of Member States but not systematically and not for all States (e.g. studies of 'discrimination testing'; research into the activities of 'gatekeepers'; surveys on subjectively perceived discrimination of migrants and minorities; opinion surveys on discriminatory attitudes of the majority population). From a comparative perspective the random availability of such studies is clearly insufficient to draw general conclusions about the intensity and pervasiveness of discriminatory practices in any or all Member States, as the absence of data collection does not imply the absence of discrimination. However, the experiences gained through these studies for the development of better methodologies for research into discrimination could and should be used for carrying out comparable studies in other Member States.

Data on work-related complaints reflect, first and foremost, the existing differences in recording mechanisms and legal and extra-legal systems to redress discriminatory behaviour (see Section 5.3.). Generally, statistics from public institutions charged to register complaints by victims of discrimination are seen as

²⁴⁸ Conversely, counts of events (e.g. naturalizations, issuing of residence and work permits) are the least interesting sources of information since little can be inferred on their basis on the labour market performance of migrants.

²⁴⁹ Most importantly, registers and counts are heavily influenced by respective legislation which sets the rules who is to be covered and how. For example, from the perspective of an unemployed person, registration as being unemployed only makes sense if there is some incentive to do so (e.g. if benefits are tied to it), which often does not apply to persons entering the job market for the first time.

²⁵⁰ In addition, surveys are often based on relatively old sampling frames, which is particularly problematic in fluid demographic situations such as the rapidly growing immigrant population in the southern Member States.

more objective ('official') than those collected by NGOs. Nevertheless, the latter can at least partly compensate for the absence of official bodies and provide important qualitative information on discrimination on the labour market, while in other Member States no reporting mechanism exists that can provide such vital information. Finally, although initiatives and policy measures initiated by the state, Trade Unions, employers or other societal actors as well as 'good' and 'best practices' are in general well documented, there remains ample room for improvement. To date, little systematic knowledge exists on these issues, particularly when the actual impact and scope of such activities is concerned.

7.2. Common Problems with Racism and Discrimination in the Labour Market

The evidence presented in this report clearly shows that discrimination in employment on grounds of 'race' and ethnicity does occur to a considerable extent, even though it may be difficult to establish the exact magnitude of the problem. Although individual countries display considerable idiosyncrasies, a number of commonalities can be observed.

In countries where the extent of immigration has historically been low (as, for example, in Ireland, Finland and in the southern European countries), the occurrence of racism and discrimination is perceived, at least as far as migrants are concerned, as a rather new phenomenon. On the other hand, in northern and western European countries, where the presence of sizable immigrant communities dates back to the 1960s and longer, the problems migrants are facing can no longer be viewed solely as a consequence or side-effect of the process of migration itself (e.g. in terms of language proficiency of first generation migrants, 'selective immigration'). In these long established immigration countries, recent migrants are only a minor proportion of the population with a migrant background, and the issue of integration of long-term migrants and second generation migrants has become much more important. The continuing weak labour market performance of large segments within these groups is certainly the most pressing issue there, and the problem is compounded by the widespread occurrence of discrimination. In Southern Europe, by contrast, immigrants are often actively preferred and recruited because they are cheaper and more exploitable in terms of work intensity or working hours. They experience a perverse kind of 'positive discrimination' in the selection process, while suffering from 'negative' discrimination in their jobs (in terms of employment conditions which indigenous workers would not tolerate).²⁵¹

The discussion in the preceding chapters clearly shows the complexity of the problem. First, labour market inequalities between the majority population on the one hand, and immigrant and ethnic minorities on the other, cannot be equated with the occurrence of discrimination or racism. In fact, much of the inequality

²⁵¹ Wrench J. (1996) Preventing Racism at the Workplace in the European Union. A report on 16 European countries. European Foundation for the Improvement of Living and Working Conditions, Dublin: Loughlinstown House, Shankhill, Co., p. 184.

observed can be explained by a variety of human capital factors and, for immigrants, by the selective nature of immigration in the first place. However, there are good reasons to be concerned about the convergence of descriptive characteristics, such as membership in a particular migrant minority and low socio-economic status, since this may contribute to discriminatory practices and racism in the long run. Still, enough evidence exists to show that discrimination occurs in various forms and disguises across Europe. Unequal wages ('unequal pay for equal work'), unequal access to promotion and to professional training, discriminatory hiring procedures, uneven granting of bonus payments and ethnic harassment at the workplace are only the most common discriminatory practices. There is also plenty of evidence that equal qualifications do not lead to equal opportunities in the labour market. A better recognition of qualifications, professional experience and education acquired in countries of origin could both reduce discrimination and enhance the efficiency of labour allocation. In addition, discrimination outside the labour market (e.g. in education and housing) is known to contribute to the weak labour market performance of minority groups.

There still seems to be a stubborn reluctance to acknowledge the reality of discrimination, sometimes even an outright denial. Where a European country has no history of major colonial oppression of non-white people, this is, *mutatis mutandis*, considered to be the reason for an 'absence of racism' towards migrants in their society. On the other hand, in traditional countries of emigration it is often stated that people are naturally sympathetic to the experiences of migrants, and this is a reason why there is 'no racism there'. Also the lack of systematic evidence in many countries leads to an automatic assumption that 'racism is not part of our society'. Often, however, the reality of a multicultural society is not taken into account, where society as a whole is still organised as a homogenous entity. In addition, there is a lot of confusion on the scope and meaning of terms like 'discrimination' and 'anti-discrimination'.

The Racial Equality Directive (2000/43/EC) and the Equal Treatment Directive (2000/78/EC) have certainly brought about a turning point in respect to anti-discrimination legislation (see section 6.1.). However, anti-discrimination legislation – however effective it might be – can not eliminate outright discrimination in general, and more subtle forms of discrimination and exclusion in particular. Anti-discrimination legislation at the national level is rightly considered as a necessary first step towards the eradication of discrimination and social exclusion, but legislation alone is not a sufficient means to reduce racial discrimination in employment. To achieve this goal a range of measures on various levels and including a wide range of actors are called for (e.g. equal opportunities programmes, comprehensive employment strategies, quotas, codes of conduct, training etc.).

For some Member States, the absence of direct evidence of discrimination (whether in the form of formal complaints, court cases or scientific evidence) should not lead them to the conclusion that the problem itself does not exist. Often, circumstantial evidence suggests that this only indicates that current mechanisms to monitor discrimination are insufficient. Regarding complaints and court cases, a common problem in the Member States is the heavy burden of proof

(addressed, however, by the Racial Equality Directive), fear of dismissal and other sanctions employers might impose which influence the aggrieved party's decision to submit a formal complaint or take legal action.

Some migrant/minority groups are particularly vulnerable to discrimination in the labour market in all EU-countries. Particularly migrant women often face a double and complex form of discrimination. Furthermore, young people with a foreign nationality, even if born within their country of residence, typically face higher unemployment rates and are often relegated to certain types of jobs. It is a common problem in EU-countries with a long tradition of immigration, that even second and third generation "migrants" do not have the same rights as 'native' workers. As in many countries (e.g. Austria, Germany, Belgium, France) citizenship is not easy to obtain, a significant part of those with a migrant background still hold a foreign citizenship and many jobs in the public sector are not open to foreigners.

Other vulnerable groups, particularly exposed to exploitation, racism and discrimination are undocumented/illegal workers (see section 4.8.), refugees and asylum seekers. Also, elderly ethnic minority people are more at risk of poverty, primarily as a result of discrimination in the labour market, service provision and inadequate social security systems. Additionally, there are a considerable number of discrimination cases against Muslim workers. As to autochthonous minority groups, it is particularly the Roma minority (Travellers in Ireland), who are still facing racism, discrimination and exclusion in employment across the European Union.

Reflecting a heightened awareness of the problems faced by migrants and minorities in employment, most Member States have initiated special programmes targeting various vulnerable groups on the labour market. However, a common problem for the assessment of such programmes and initiatives is the widespread absence of any serious evaluation studies, which would allow ascertaining the impact and value of the actions taken. Moreover, to date, a systematic inventory of 'good practices' countering discrimination and racism in employment in all Member States is missing, but would certainly bring much added value to the design of future programmes and initiatives.

8. Conclusions and recommendations

8.1. Options and Strategies for Improved Data Comparability

In preceding sections, several shortcomings of the currently available socio-economic data on migrants and minorities have already been pointed out, both from a national point of view and in a comparative perspective. Similar shortcomings concern the data on the occurrence of acts and mechanisms of discrimination. There is also a need to develop more systematic methods for the evaluation of general policies and strategies as well as of individual projects aimed at combating discrimination and social exclusion.

Before going into more detail, a distinction must be made, between primary data collected on a regular basis, and data collected in the course of specific studies as well as primary data of a very specific nature. As will be laid out in the following, the distinction is important in that different strategies will have to be followed to overcome deficiencies in the two types of data.

In order to establish the options available to address the shortcomings of present data collection on minorities, three questions need to be addressed:

- Are data on minority groups available for a sufficiently broad range of issues?
- Are the data of sufficient quality?
- Can the data available be compared between countries?

Only the last question is explicitly tied to the issue of data comparability on a European level, whereas the first two questions mainly concern the nature of data collection on the national level. One should add, however, that a comparison of (immigrant) minorities' performance on the labour market, and a comparative investigation of the causes thereof on the European level, do not fundamentally rest on the comparability of the data as such but can be undertaken also at an aggregate level. For a comparative analysis in a narrow sense, however, the comparability of the data itself is a prerequisite and is certainly desirable.²⁵² The first step, however, must be to improve national systems of data collection in order to allow answering such questions on the level of the individual Member States.

As the individual Member States are the actors on whom primary responsibility for integration and anti-discrimination policies rests, it should be their vital interest to address deficiencies in regard to the statistical monitoring of their populations in general and (migrant) minorities in particular. To achieve this goal, two main options are available:

²⁵² E.g.: The feasibility of a comparison of occupational mobility of certain immigrant groups in Member States depends (1) on the availability of a common group variable (e.g. second generation Turks), defined in similar terms across countries and (2) on the same concepts used to describe the labour market performance of immigrants. Finally, (3) it would be desirable to have similar types of data across countries (e.g. census data in all countries).

- Establishing new datasets (e.g. by introducing an additional survey programme); or
- Upgrading or reorganizing existing datasets or data collection systems (e.g. by including new variables or by transforming aggregate datasets into micro-datasets²⁵³ that can be used for statistical analyses).

Any steps in this direction should be guided by two considerations: first, by a review of the relevance and accurateness of presently used definitions²⁵⁴, and, secondly, by a review of the scope of data collection (i.e. which variables are covered). For example, often only the most global information on minority employment is available, while more specific information (on working conditions, working hours, etc.) is hard to retrieve. Yet, when aiming at relevant improvements of national data collection practices, it is necessary to coordinate such activities on a European level. In fact, there are presently several attempts at data-harmonization at various levels of cooperation (e.g. OECD, Council of Europe, Eurostat). However, at present, the incentives to upgrade national data systems are rather weak and more political commitment is certainly needed. One possible option would be to give Eurostat a stronger mandate than is presently the case, that is, a mandate exceeding the collection, compilation and dissemination of given data-sets submitted by the Member States and including the power to initiate reforms and to call upon Member States to collect data of a certain scope in a given subject area.

A second, no less important issue concerns the availability and accessibility of regularly produced data sets for interested researchers, policy-makers and the wider public. To date, the scope of information on (migrant) minorities publicly available is rather limited. If the labour market performance of migrants and the occurrence of discrimination are indeed to be issues of concern on a European level, at least the most basic information should be made publicly available and be updated on a regular basis. Eurostat needs to be given a mandate and sufficient resources to coordinate the (timely) provision of such information on both the national and the supranational levels, using different channels of dissemination including the internet.

To broaden the scope for comparative analysis in the narrow sense, additional steps need to be taken. A first step is to enhance the knowledge on what data are, in fact, collected in the Member states and for what purposes these data can actually be used (e.g. by way of an inventory of available datasets in the Member States, a strategy that has been strongly recommended by a recent European research project).²⁵⁵ A second step is to devote additional efforts to the harmonization of

²⁵³ Micro-datasets are datasets that contain all the information on individual cases. Micro-data are a prerequisite for performing more sophisticated statistical operations.

²⁵⁴ The main issue at stake here is, of course, how immigrant minorities should be defined (as foreigners, foreign-born, persons of foreign-origin, ethnic minorities, etc.).

²⁵⁵ The COMPSTAT project provides an analysis of the availability and comparability of integration related data in eight European countries. The project, which has been conducted within the European Union's 5th Framework programme, has established a meta-database containing full descriptions of over 300 micro-datasets with information on migrants. See: www.compstat.org, (12.05.2003).

national data systems. It is clear that considerable differences will remain for the foreseeable future (due to historical peculiarities and differences in legal and administrative frameworks). Still, there is ample room for improvement.

The availability of analyses of specific primary sources, such as the availability of studies on discrimination, is quite another matter. The limited availability of direct scientific evidence of discrimination suggests that more efforts are called for to promote research in this area, e.g. by adapting available funding schemes²⁵⁶ or by commissioning European-wide surveys and studies. The latter would have the advantage of bringing about results of higher comparability by using a common methodology (as in the case of the discrimination testing studies carried out by the ILO in the 1990s) and by addressing the same research questions. While secondary research along the lines of this report is indeed a very useful way of exploring causes and processes of social exclusion and discrimination of migrants and minorities in the labour market, it cannot surpass the limitations set by the underlying primary data.

8.2. Recommendations to the EU and its Member States

The following 10 recommendations have been extracted and compiled from the recommendations made in the Analytical Reports on Employment by the 15 National Focal Points of the EUMC RAXEN network, official documents of the EU and further research by the authors. Structurally similar recommendations that were made in several country reports have been prioritized.

1. The development of policies to combat discrimination and racism in employment requires good and comparable knowledge on the phenomenon on the national as well as at the EU level. The European Union and the Member states should therefore take the necessary steps for the improvement of the availability, scope, and quality of the data on migrant and minorities as outlined in Section 8.1. of this report.
2. The European Union should continue its work towards the approximation of national legislations on the conditions for admission and residence of third country nationals in the Member States. This involves setting out a legally proscribed route to a long-term status that acknowledges that migrants who are legally resident in a Member state on a long-term basis should not be denied the civic, social and economic rights enjoyed by Union citizens.²⁵⁷

²⁵⁶ For example, the framework programmes for European research under the EC Directorate General for Research.

²⁵⁷ Already in October 1999, the presidency conclusion of the European Council in Tampere stated that '[a] person, who has resided legally in a Member State for a period of time to be determined and who holds a long-term residence permit, should be granted in that Member State a set of uniform rights which are as near as possible to those enjoyed by EU citizens; e.g. the right to reside, receive education, and work as an employee or self-employed person, as well as the principle of non-discrimination vis-à-vis the citizens of the State of residence.' Tampere European Council, Presidency Conclusion, III, 21, available under http://www.europarl.eu.int/summits/tam_en.htm, (22.04.2003).

3. Public authorities at the national, regional and local levels as well as other public and semi-public institutions should serve as a role model for anti-discrimination and equal opportunity policies.²⁵⁸ Therefore, legislators should review the regulations restricting access to employment in the public sector for third country nationals, especially in occupations like teaching, social work, public transport and health. Furthermore, public authorities should consider adopting positive action programmes for specific vulnerable minority groups.
4. Those Member States who have not already done so, should in due course establish specialized mediation or arbitration centres – or make existing mechanisms more accessible to migrants and minorities – that can help to mediate conflicts relating to discrimination in employment before the parties actually have to face each other in court.
5. To improve the employability of immigrants and foster their integration into the labour market, more stress should be placed on the special educational needs of immigrants. Sufficient financial resources should be allocated to fulfill the needs for language, preparatory and vocational training courses. Special programmes should target particularly vulnerable groups such as migrant women, second generation migrant youth and disadvantaged autochthonous minorities, while taking care to avoid marginalization and ghettoisation through the creation of parallel systems.
6. Member States should undertake comprehensive efforts, coordinated at the national level by the relevant Ministries of Employment, Labour and Education, to establish reliable and efficient systems for the evaluation and recognition of foreign qualifications and diplomas. Such systems could help to alleviate the widely observed phenomenon of dequalification of skilled migrants, contribute to reducing discrimination in recruitment as well as enhance the efficient allocation of human capital.
7. Member States should set up a task force (e.g. within the National Action Plans on Employment), made up of representatives from the relevant Ministries, Social Partners, NGOs and other participants in the area of labour and enterprise, that is charged with elaborating a practical programme for the labour market integration of migrants and minorities, including the setting and monitoring of specific operational targets and measures against discrimination and exclusion. In addition, the relevant Ministries of Employment and Labour, in association with Social Partners, Employers' and Workers' Associations should develop Codes of Conduct against discrimination and in support of diversity. These actors should also stimulate and support such agreements between the management and the works council on the firm level.

²⁵⁸ Member States could consider adopting the European Communities' anti-racism provisions (Council Regulation No 781/98 of 7 April 1998 amending the Staff Regulations of Officials and Conditions of Employment of other Servants of the European Communities in respect of equal treatment) for the recruitment practices and regulations of their own public services.

8. The European Union (either through its EQUAL programme, the EUMC or another body) should collect, analyse, compile and disseminate information on ‘good practice’ models in the field of equality and anti-discrimination measures, including via a special website on the internet. Special consideration should be given to a systematic and rigorous independent evaluation of such actions and initiatives in order to develop a tried and tested ‘tool-box’ for governments, social actors and companies.
9. The European Union and its Member States should pursue further legislative and other measures directed at the combat of illegal migration and against the exploitation of irregular migrants. In the field of illegal employment of aliens such measures could also include higher obligatory sanctions against employers, who are found to have violated labour laws, as well as efforts to recover lost wages and withheld benefits for illegal migrants.²⁵⁹ As a corollary, Member States should carefully balance the need to penalise illegal residence and/or employment and the well-being of the individual migrant.
10. The European Union should consider financing and implementing a comprehensive awareness-raising campaign that draws attention to the value and contribution of cultural diversity, but also addresses discriminatory attitudes and practices, at the various dimensions of social and economic life. Such a campaign would target the general public, various social actors (employers, unions, civil servants, NGOs) as well as migrants and minorities by providing relevant information on attitudes, prejudices, misconceptions as well as legal rights.

²⁵⁹ Thus, the Communication from the Commission to the Council and the European Parliament on a Common Policy on Illegal Immigration, Brussels, 15.11.2001, COM (2001) 672 final, notes: ‘The cost of illegal immigration should be raised by a number of measures with financial impact on traffickers and smugglers, but also on employers of illegal residents (...)’. In addition, the competitive advantages enjoyed by employers of illegal workers could be negated by financial sanctions”. (p. 11).

Annex

Table A1: Foreigners and Immigrant Minorities in EU Member States

	Core definitions used for data collection	Immigrant Minorities Absolute Numbers	Total population	Immigrants Minorities in % of total population	Referenece Date
A ¹	Foreign Citizens	710,926	8,032,926	8.9%	15.5.2001
B ²	Foreign Citizens	897,110	10,239,089	8.7%	31.1.2000
DK ³	Foreign Citizens (FC); Immigrants and their descendants (ImD)	FC: 258,629 ImD: 419.308	5,300,000	FC: 4,9% ImD: 7.1%	FC: 1.1.2001, ImD: 1.4.2002
SF ⁴	Foreign Citizens	91,074	5,181,115	1.76%	31.12.2000
F ⁵	Foreign Citizens (FC), Immigrants (Im), Foreigners by nationality or origin (FNO) ⁶	FC: 3,263,000 Im: 4,310,000 FNO: 5,620,000	58,518,000	FC: 5.6% Im: 7.4% FNO: 9.6%	March 1999
G ⁷	Foreign Citizens	7,318,628	82,440,400	8.9%	31.12.2001
GR ⁸	Foreign Citizens	7,97,093	10,964,080	7.3%	18.3.2001
IRL ⁹	Foreign Citizens	144,000	3,917,000	3.0%	FC: 1999, Total: 2002
I ¹⁰	Foreign Citizens	1,460,000	57,600,000	2.5%	FC: 2001, Total: 2000

¹ Statistik Austria, Census 2001. See: Statistik Austria (2003): Statistisches Jahrbuch 2003/ Statistical Yearbook 2003, Tab. 2.14 under www.statistik.at/jahrbuch/pdf/k02.pdf, (25.04.2003).

² NIS/INS (2000): Statistique Demographique. Population étrangère au 1.1.2000.

³ Foreign Citizens: Danmarks Statistik 2002, www.dst.dk, (25.04.2003); Immigrants and descendants: Nyt fra Danmarks Statistik nr. 206, May 21st 2002.

⁴ Ministry of Labour for the OECD (2002), Finland Country Report for the OECD's Sopemi report 2001, using figures of Statistics Finland, under: <http://www.mol.fi/migration/finrep2001.pdf>, (25.04.2003).

⁵ INSEE, Census 1999. See Julien Boeldieu et al. (2000) : Recensement de la population 1999 – la population d'immigrés est stable depuis 25 ans, Insee Premier, No. 748 under: http://www.insee.fr/fr/ffc/docs_ffc/IP748.pdf, (25.04.2003).

⁶ The category 'foreigner by nationality or origin' is a composite category, computed on the basis of the two variables used in the Census to account for immigrants, namely citizenship and country of birth.

⁷ Federal Statistical Office, 2002.

⁸ National Statistical Office, Census 2001.

⁹ Foreign Citizens: Eurostat; Total Population: Central Statistical Office, Provisional Census Results.

¹⁰ Foreign Citizens: ISTAT 2001; Total Population: Eurostat.

Table A1 (continued): Foreigners and Immigrant Minorities in EU Member States

	Core definitions used for data collection	Immigrant Minorities Absolute Numbers	Total population	Immigrants Minorities in % of total population	Referenece Date
LX ¹	Foreign Citizens	164,700	441,300	37.3%	1.1.2001
NL ²	Foreign Citizens Persons with a foreign background: 1 st generation (born abroad), 2 nd generation (born in NL)	FC: 651,531 Total Immigrants: 2,775,302 Born abroad: 1,431,122	15,863,950	FC: 4.1% Total Immigrants: 17.5% Born abroad: 9.0%	1.1.2000
P ³	Foreign Citizens	223,000	10,356,000	2.1%	2001
E ⁴	Foreign Citizens	1,109,060	40,847,371	2.6%	2001
S ⁵	Foreign Citizens Foreign born (FB)	FC: 475,986 FB: 1,027,927	8,909,128	FC: 5.3% FB: 11.5%	31.12.2001
UK ⁶	Foreign Citizens Ethnic Minorities	FC: 2,450,000 EM: 4,000,000	59,750,000	FC: 4.1% EM: 7.1%	FC: annual average 2000, EM mid 2000

¹ Statec, Annuaire Statistique, under: http://www.statec.lu/html_fr/annuaire/accueil.htm, (25.04.2003), (registration required).

² Central Bureau of Statistics/ STATLINE under: <http://statline.cbs.nl/StatWeb/Start.asp?lp=Search/Search&LA=EN&DM=SLEN>, (25.04.2003). Foreign citizens: Council of Europe (2002), Recent Demographic Developments in Europe 2001. Strassbourg.

³ Total: 2001 Census; all National Statistical Institute.

⁴ Census 2001, National Institute of Statistics.

⁵ Statistics Sweden, <http://www.scb.se>, (20.03.2003).

⁶ Office for National Statistics (ONS), Labour Force Survey Autumn 2001; Foreign Citizens: Council of Europe (2002) Recent Demographic Developments in Europe, Strassbourg.

Table A2: Immigrants and Minorities in EU Member States – Major Countries of Origin/Major Groups

	EU nationals as percentage of foreigners (immigrants if available)	Labour migrants from EU countries (in % of all foreigners)	Third country nationals, most important countries of origin	Recognized autochthonous minorities¹
A	15.0% (2001) ²	–	FRY: 21.3% BiH: 13.2% Turkey 17%	Croatians (40-50,000), Slovenes (50,000), Czechs (15-20,000), Slovaks (5-10,000), Hungarians (30-50,000), Roma (10-20,000) ³
B ⁴	65.7%	Italy: 22.7% Spain: 5.6%	Morocco: 12.4% Turkey: 6.5% DRC: 1.3%	
DK	Foreign born ⁵ : 22%; foreigners ⁴ : 21%		Foreigners ⁴ : Turkey: 13.6% BiH: 7.8% Somalia: 5.6% Immigrants ⁵ : Turkey: 7.2% BiH: 6.1% Iraq: 4.2%	
SF ⁴	18.3%		Russia: 22.6% Estonia: 11.9%	Roma (around 10,000), Saami (around 5,000)
F ⁶	Immigrants: 37.1%	Immigrants: Portugal: 13.2% Italy: 8.8% Spain: 7.3%	Immigrants: Algeria: 13.4% Morocco: 12.1% Subsaharan Africa: 9.3%	
G ⁷	25.3%	Italy: 8.4% Greece: 5.0%	Turkey: 28.8% Ex-Yugoslavia: 9.8%	
GR	n.a.		Albania, Romania, Bulgaria, Philippines	Roma (150,000-300,000) – not recognized, Muslim minority of Thrace, approx. 100,000-130,000

¹ As reported by the National Focal points. In any case, it is difficult to give a comprehensive overview of minorities. Although minorities may not have a special legal status, they may nevertheless be targeted by specific integration and anti-discrimination measures *qua minority*.

² Census 2001, own computations (reference date: 15 May 2001).

³ Estimates: Österreichisches Volksgruppenzentrum (2000): Note: the estimates lie considerably above census results for 1991 (the 2001 results on ethnic groups are not yet published). Ethnic group membership is measured by a single question (on the 'colloquial language' of the respondent) in the census. Apparently, a significant number of minority members decline to state a minority language as one of their colloquial languages.

⁴ Council of Europe (2002), Recent Demographic developments in Europe 2001, Strasbourg, Foreign citizens as of 01.01.2001.

⁵ OECD (2001), SOPEMI 2001. Trends in international migration. Paris (reference year: 1999).

⁶ INSEE, Census 1999. The figure refers to immigrants, defined as persons born abroad with foreign citizenship at birth. See: Boëldieu, J., Borrel, C. (2000) Recensement 1999. La proportion d'immigrés est stable depuis 25 ans. Insee Première Nr. 748.

⁷ Council of Europe (2002), Recent Demographic developments in Europe 2001, Strasbourg, as of 01.01.2000.

Table A2 (continued): Immigrants and Minorities in EU Member States – Major Countries of Origin/Major Groups

	EU nationals as percentage of foreigners (immigrants if available)	Labour migrants from EU countries (in % of all foreigners)	Third country nationals, most important countries of origin	Recognized autochthonous minoritie¹
IRL	72.89% ²		n.a.	Travellers ³ 10.891
I ⁴	11.13%		Morocco: 13.5%; Albania: 10.0%; Philippines: 5.1%	
LX ⁵	87.04%	Portugal: 35.5% Italy: 12.3%	Ex-Yugoslavia	
NL	30.7% (foreigners) ⁴	Foreigners ⁴ : Italy: 2.75% Spain: 2.60% Immigrants ⁶ : Italy: 1.22% Spain: 1.10%	Foreigners ⁴ : Morocco 18.4%; Turkey: 15.5% Immigrants ⁶ : Indonesia: 14.6 %; Turkey: 11.1%; Morocco: 9.5%	
P ⁷	27.5%		Cape Verde: 22.3% Brazil: 10.5% Angola: 101%	
E ⁵	34.2%		Morocco: 22.3% Ecuador: 3.5% China: 3.2%	
S ⁵	37.0%		Iraq: 6.9% BiH: 4.8% Poland: 3.5%	
UK	EU-Foreigners ⁸ : 34.9%		Foreigners ¹² : India: 6.1%; Pakistan: 2.6% Ethnic minorities ⁹ – Black Carribeans, Black Africans, Indians, Chinese, Pakistani, Bangladeshi (12.5% in England and Wales)	

¹ As reported by the National Focal points. In any case, it is difficult to give a comprehensive overview of minorities. Although minorities may not have a special legal status, they may nevertheless be targeted by specific integration and anti-discrimination measures *qua minority*.

² Council of Europe (2002), Recent Demographic developments in Europe 2001, Strasbourg, as of 15.04.2000.

³ Central Statistical Office, Census 1996.

⁴ Council of Europe (2002), Recent Demographic developments in Europe 2001, Strasbourg, as of 01.01.2000.

⁵ Council of Europe (2002), Recent Demographic developments in Europe 2001, Strasbourg, Foreign citizens as of 01.01.2001.

⁶ Central Bureau of Statistics as of 01.01.2000.

⁷ National Statistical Institute, Demographic Statistics, 2002, according to the Ministry of Internal Affairs – Border and Alien Service.

⁸ Council of Europe (2002), Recent Demographic Developments in Europe 2001, yearly average (based on LFS).

⁹ Although (immigrant) minorities are primarily referred to as ethnic groups (or racial groups), the majority of them are immigrant in a narrow sense (born abroad, parent(s) born abroad), and therefore included in this table. The census 2001 in the UK was only carried out in England and Wales (leaving out Scotland and Northern Ireland). Three variables were used to 'measure' ethnicity: ethnic self-definition (5 categories), country of birth and religion. See ONS: <http://www.statistics.gov.uk/census2001/profiles/commentaries/background>, (20.04.2003).

Table A3: Immigrants and minorities: Labour force participation rates¹

	A	B	DK	SF	F	G	GR
Total population				80%	69%		62.1%
Nationals	66.5% ²	51.7%	80% ³			72%	
Foreigners/ Immigrants/ Minorities ⁴ (A)	58.7%	50.7%	53% ⁵	64%	68%	66%	n.a.
Source/year	1999 Statistik Austria; Public Employment Service (AMS). Author's calculations	1991 P. Arrijn, S Feld, A Nayer Geneva, ILO, IMP 23, 1998 ⁵	2001 Ministry of Interior	2002 Statistic Finland	1999 Insee, Census 1999	2000 Federal Statistical Office, Microcensus	2001 EU DG Employment and Social Affairs: Employment in Europe 2002
Specific subgroups or nationalities	(B) Former Yugoslavia: 61.6% (C) Turks: 61% (D) Other: 53.8%		(B) EU and Nordic countries: 67% ⁷	(B) Former USSR: 68% (C) Estonians: 65% (D) Foreign Women: 57%	(B) Female Immigrants: 57.1% (C) Male Immigrants: 78.6%	(B) Turks: 60% (C) Former Yugoslavs: 70% (D) Greeks: 73% (E) Italiens: 77%	

¹ The **labour force participation rate** (or: activity rate) is calculated as the percentage of labour force (employed, self-employed + unemployed persons), in relation to all persons between 15 and 64 years of age (working age population), unless otherwise specified.

² Labour force participation rate defined as (employed and unemployed) in percent of the working age population in 1999.

³ For the 16-66 year old Danes.

⁴ For definitions of the relevant categories of Foreigners, Immigrants and Minorities see Table A1 and Section 3.2.

⁵ For the 16-66 year old immigrants and their descendants from third countries only.

⁶ Discrimination in access to employment on grounds of foreign origin: the case of Belgium, Arrijn, P., Feld, S., Nayer, A., Geneva, ILO, IMP 23, 1998.

⁷ For the 16-66 year old immigrants and their descendants from other EU and Nordic countries as well as from North America.

Table A3 (continued): Immigrants and minorities: Labour force participation rates

	IRL	I	LX	NL	P	E	S	UK
Total population	n.a.		62%	65%	51.6%	54%		78.9%
Nationals	n.a.		60%	67%				79.8%
Foreigners/ Immigrants/ Minorities ¹		n.a.	66%	50% ²	n.a.	65.3% ³	n.a.	66%
Reference Year/Source			1998 Jean Langers, STATEC, 1999 ⁴	2001 CBS (2002)	2001 National Statistics Bureau	2000 National Statistical Institute (INE)		1998 Social Exclusion Unit ⁵
Specific subgroups or nationalities				(B) Western Immigrants: 63% (C) Non-Western immigrants/Males: 60% (D) Non-Western immigrants/Females: 40%		(B) European Union: 52.3% (C) Rest of Europe: 75.9% (D) Morocco: 65.2% (E) Rest of Africa: 73% (F) Latin America: 76.8%		(B) Black Carribean: 76% (C) Indians: 71% (D) Pakistani: 51% (E) Bangladeshi: 45% (F) Chinese: 62%

¹ For definitions of the relevant categories of Foreigners, Immigrants and Minorities see Table A1 and Section 3.2.

² Non-Western Immigrants only; Including: Turks, Maroccans, Surinamese, Antilleans/ Arubans.

³ These figures refer to foreigners (rather than all migrants) only, living in a household unit, which means that they do not include foreigners living in hostels or similar places. Source: <http://www.ine.es/inebase.cgi.um>, (20.04.2003).

⁴ Langers, J., STATEC (1999) Migration assumptions in a small open economy: The case of Luxembourg, under www.restena.lu, (20.04.2003)(ressources).

⁵ Social Exclusion Unit Policy Action Team 1 (no date), Jobs for All, p. 21. Department for Work and Pensions, <http://www.dwp.gov.uk/jfa/index-content.htm>, (28.01.2003) The definition of 'economically active' used is the ILO one, which includes employed, job seekers and self-employed of the age group 16-64 for men and 16-59 for women.

Table A4: Immigrants and minorities: Employment rates¹

	A	B	DK	SF	F	G	GR
Total population				67%			55.4%
Nationals	62.3%		76% ²			68%	
Foreigners/ Immigrants/ Minorities ³	53.8%	n.a.	47% ⁴	60%	n.a.	57%	n.a.
Source/year	1999 Statistik Austria; Public Employment Service (AMS). Author's calculations		2001 Ministry of Interior	2000 Ministry of Labour		2000 Federal Statistical Office, Microcensus	2001 EU DG Employment and Social Affairs: Employment in Europe 2002
Specific subgroups or nationalities	Former Yugoslavia: 56% Turks: 54.6% Other: 50.3%		EU and Nordic countries: 64% ⁵			Turks: 48% Former Yugoslavs: 60% Greeks: 65% Italians: 70%	

¹ The **employment rate** represents the share of employed persons in all persons between 15 and 64 years of age (working age population), unless otherwise specified.

² For the 16-66 year old Danes.

³ For definitions of the relevant categories of Foreigners, Immigrants and Minorities see Table A1 and Section 3.2.

⁴ For the 16-66 year old immigrants and their descendants from third countries only.

⁵ For the 16-66 year old immigrants and their descendants from other EU and Nordic countries as well as from North America.

Table A4 (continued): Immigrants and minorities: Employment rates

	IRL	I	LX	NL	P	E	S	UK
Total population			63.1%					
Nationals							77% ¹	76%
Foreigners/ Immigrants/ Minorities ²		n.a.	n.a.	n.a.	n.a.	n.a.	54% ³	57%
Source/year			2001 STATEC (LFS)				2001 Swedish Government ⁴	2001 LFS (Spring 2001) ⁵
Specific subgroups or nationalities							People born in an EU/EEA country: 70% People born in the Rest of Europe: 61%	

¹ The statistics on employment regard the Swedish population in the 16-64 age bracket.

² For definitions of the relevant categories of Foreigners, Immigrants and Minorities see Table A1 and Section 3.2.

³ Only people born outside of Europe.

⁴ Swedish Government, Written Government Communication 2001/02:129 p. 37 (original source: SCB)

⁵ The UK Labour Force Survey distinguishes between 'whites' and 'ethnic minorities'. see:
http://www.statistics.gov.uk/downloads/theme_labour/LMT_March02.pdf, (27.01.2003).

Table A5: Immigrants and minorities: Unemployment rates¹

	A	B	DK	SF	F	G	GR	IRL
Total population		6.2%			13%	8%	10.2%	4.2%
Nationals	6.3% ²		4% ³	9.1%				
Foreigners/ Immigrants/ Minorities ⁴	8.5%	n.a.	13% ⁵	31.6%	22%	17%	n.a.	n.a.
Source/year	1999 Statistik Austria; Public Employment Service (AMS).	2001 EUROSTAT, 2002	2001 Ministry of Interior	2001 Statistisc Finland and Ministry of Labour	1999 INSEE, Census 1999	2001 Federal Employment Service, ANBA	2001 EUROSTAT, 2002	2002 Central Statistics Office
Specific subgroups or nationalities	(B) Former Yugoslavia: 9.1% (C) Turks: 10.5% (D) Other: 6.5%		(B) EU and Nordic countries: 5% ⁶	In 2002: Forsander (2002) ⁷ Iraqis: 76% Bosnia: 50% Former USSR: 47% Estonia: 29% Sweden: 10%	(B) Foreigners – Males: 22% (C) Foreigners – Females: 18% (D) Naturalized Immigrants – Males: 15% (E) Naturalized Immigrants – Females: 21%	(B) Turks: 21% (C) Former Yugoslavs: 12.9% (D) Greeks: 15% (E) Italiens: 15%		

¹ The **unemployment rate** represents the share of unemployed persons in the labour force (employed, self-employed + unemployed persons), unless otherwise specified.

² According to the national definition of the unemployment rate in Austria, the denominator consists of the registered unemployed and the formally employed, but not the self-employed, resulting in a higher rate than the one computed according to the EUROSTAT definition. Using the latter definition, unemployment rates in Austria are very favourable compared to other EU countries. (3.7 % in 2001, compared to 7.3 % for the EU as a whole). Source: Eurostat, Arbeitskräfteerhebung – Wichtigste Ergebnisse 2001, Thema 3 – 19/2002 (Labour Force Survey – Key Results, Theme 3 – 19/2002).

³ For the 16-66 year old Danes.

⁴ For definitions of the relevant categories of Foreigners, Immigrants and Minorities see Table A1 and Section 3.2.

⁵ For the 16-66 year old immigrants and their descendants from third countries only.

⁶ For the 16-66 year old immigrants and their descendants from other EU and Nordic countries as well as from North America.

⁷ Forsander, A. (2002) Maahanmuuttajien työmarkkinaintegraatio. Luento Svenska Social- och Kommunalhögskolanissa, Helsingissä 22.04.2002 [Labour market integration of immigrants. A lecture given in Swedish school for Social Sciences, Helsinki the 22nd of April 2002]

Table A5 (continued): Immigrants and minorities: Unemployment rates

	I	LX	NL	P	E	S	UK (1)	UK (2)
Total population	11.4%	2.6%	3%		13.4%		6.2%	
Nationals			3%	6.7%		3.2%	5.8%	4%
Foreigners/ Immigrants/ Minorities ¹	7.4% ²	n.a.	9% ³	5.3% ⁴	15.7 ⁵	14.2% ⁶	13%	11%
Source/year	2001 Caritas, Dossier Statistico Immigrazione	2001 STATEC (LFS)	2001 CBS (2002)	1997 I.E.F.P., National Statistics Office	2000 National Statistical Institute (INE)	2001 Swedish Government ⁷	1998 Social Exclusion Unit	2001 LFS (Spring 2001) ⁸
Specific subgroups or nationalities			(B) Western Immigrants: 4% (C) Non-Western immigrants – Males: 9% (D) Non-Western immigrants – Females: 9%	(B) Africa: 7.2% (C) Europe: 3.5% (D) Brazil: 3.9%	(B) EU: 10.1% (C) Rest of Europe: 21% (D) Morocco: 25.4% (E) Rest of Africa: 20.2% (F) Latin America: 15.8%	(B) People born in an EU/EEA country: 5.3% (C) People born in the Rest of Europe: 9.5%	(B) Black Caribbean: 13% (C) Indians: 9% (D) Pakistani: 20% (E) Bangladeshi: 23% (F) Chinese: 9%	

¹ For definitions of the relevant categories of Foreigners, Immigrants and Minorities see Table A1 and Section 3.2.

² Rate of resident workers with work permits but without employment.

³ Non-Western Immigrants only; Including: Turks, Maroccans, Surinamese, Antilleans/ Arubans.

⁴ Unemployment rates estimated on the basis of the number of unemployed registered at the I.E.F.P. and the active population holding residence permits in Portugal. In the same period the unemployment rate among Portuguese was 6.7 % (1997). Source: <http://www.ine.pt/prodserv/series/serie.asp>, (20.03.2003) In 2001, total unemployment stood at 4.1 % (Source: National Statistics Bureau).

⁵ These figures refer to foreigners (rather than all migrants) only, living in a household unit, which means that they do not include foreigners living in hostels or similar places. Source: <http://www.ine.es/inebase/cgi.um>, (20.03.2003).

⁶ Only people born outside of Europe.

⁷ Swedish Government, Written Government Communication 2001/02:129 p. 37 (original source: SCB).

⁸ The UK Labour Force Survey distinguishes between 'whites' and 'ethnic minorities', only. Source: http://www.statistics.gov.uk/downloads/theme_labour/LMT_March02.pdf, (27.01.2003).

Table A6: Immigrants and minorities in employment: Main concentration in sectors, industries and branches

	A¹	B²	DK	SF³	F⁴
Sectors	Industry		Personal and public services (1/3); commerce, clerical work and catering (22%); industry (20%)	Service, industries, cleaning and caring	Services (75%) of all immigrants), industry including construction (15%)
Industries and branches	Construction, Metal industries, Textiles, clothing and leather industries, agriculture, tourism, cleaning	Metal industry; agri- and horticulture; advice and assistance; fabrication of transport means		Catering (15%) and metal, electronic and wood industries (15%), cleaning (9%), caring (8%), construction industry (6%)	Semi-finished goods industry, capital equipment industry, car building, textile and clothing, hotel services

¹ Arbeitsmarktservice Österreich (2001), Statistiken: Arbeitsmarkt 2000: Table: BA 301: Jahresdurchschnitt 2000: Bewilligungspflichtig beschäftigte Ausländer/innen nach Berufen in Österreich (Annual average 2000: Foreign employees obliged to have a work permit by vocations in Austria), p.65 and Arbeitsmarktservice Österreich (2002), Statistiken: Arbeitsmarktdaten 2001: Table : BA 301 (Annual average 2001: Foreign employees obliged to have a work permit by vocations in Austria), p.65 and own calculations.

² Martens, A. (1993) 'Zelfde zweet, ander brood. Onderzoek naar de arbeidsmarktpositie van Belgen en migranten op twee lokale arbeidsmarkten: Antwerpen en Gent' (Same sweat, other bread. Research into the labour market position of Belgians and migrants in two local labour markets: Antwerp and Ghent), Brussels, DPW.

³ According to Forsander, A. & Alitolppa-Niitamo, A. (2000) Maahanmuuttajien työllistyminen ja työhallinto - keitä, miten ja minne. Työhallinnon julkaisu 242, Helsinki: työministeriö, pp. 77 [Forsander, A. & Alitolppa-Niitamo, A. (2000) Employment of immigrants and the labour administration – who, how and where. Labour administration publication 242, Helsinki: Ministry of Labour, pp. 77]. Federal Statistical Office. Cited in: Bericht der Beauftragten der Bundesregierung für Ausländerfragen, pp. 436, 438 with own calculations.

⁴ INSEE, Tableaux thématiques, exploitation complémentaire, population immigrée, population étrangère, Paris, décembre 2001, p.36.

Table A6 (continued): Immigrants and minorities in employment: Main concentration in sectors, industries and branches

	G¹	GR	IRL²	I³	LX⁴
Sectors	Manufacturing (37%), construction (7%), services (33%), commerce (5%)	Agriculture, construction, transport	Service (37%), catering (25%), agriculture and fisheries (15%), industry (7%), medical and nursing sector (7%)	Services (49%), industry (36%), agriculture (15%)	
Industries and branches	Mining, industrial production, catering, laundry, cleaning	Domestic help			Commerce, hotel and catering (22%); construction (18%); real estate, professional services (13%); financial services (12%); Other services (17%); industry (10%)
	NL	P⁵	E	S⁶	UK
Sectors	Services, industry, public sector	Services (22%); industry transforming sector (14%)	Agriculture, building industry, hotel and catering, domestic help		Service
Industries and branches	Personal services	Constructions (40%); hotels and restaurants sector (11%); trade sector (8%); agriculture, fisheries and extraction sector (4%)		Personal and cultural services ⁷ , caring	Textiles, clothing, restaurant industry, transport and communications, public health, education

¹ Federal Statistical Office. Cited in: Bericht der Beauftragten der Bundesregierung für Ausländerfragen, pp. 436, 438 with own calculations.

² Central Statistics Office (September 2002).

³ Caritas (2002) Dossier Statistico Immigrazione 2002 (Immigration Statistical Reports 2002), www.caritasroma.it/immigrazione.

⁴ STATEC (31st of March 2000).

⁵ Census 2001.

⁶ Swedish Integration Board, Rapport Integration 2001, p.97 (original source: SCB, AKU).

⁷ I.e. according to Statistics Sweden (SCB) includes branches of business such as work in hotels and restaurants, work with sewage and purification, work in interest groups, such as labour unions or employment organisations, production and distribution of media, artistic activities, etc.

Table A7: Selected Indicators of Discrimination

	Discrimination testing	Surveys of subjective discrimination	Other evidence (without statistical evidence, complaints and court cases)
A	A limited survey was conducted in 2000 on African migrants ¹ whereby written applications were submitted to employers, one each for an Austrian and an Austro-African, respectively. Of 36 native Austrians, 24 were invited whereas only 13 of Africans (out of 36) were. African women were found to be more often invited than African males.	A study on migrants' subjective feeling of discrimination ² found significant differences between groups and different areas of concern. While Turkish migrants felt highly discriminated in regard to accommodation, their feeling of discrimination was lesser so in regard to employment. By contrast, Bosnians felt the same level of discrimination in both areas. The 20-40 age group overall felt more discriminated than other age groups.	A survey on the readiness of Viennese employers to employ Africans and immigrants from six other countries in highly skilled occupations (conducted in 2000) showed that employers preferred any other immigrant group over Africans. ³
B	ILO Study ⁴ on migrants of Moroccan descent. After the completion of the three stage application process (initial contact by telephone, telephone interview, job offer in interview), the accumulated net discrimination rate (NDR, i.e. the share of cases where only the national was accepted minus those where migrants were preferred) was 33%. After stage 1, the NDR was 19%, after stage 2 NDR was 31%. Overall Discrimination rates were highest in hotel/catering (50%), followed by retail and other services (31% each).		

¹ Ebermann, E. (ed.) *AfrikanerInnen in Wien*. Hamburg: Lit, p. 191.

² Hofinger, C., Liegl, B., Ogris, G., Unger, T., Waldrauch, H., Wroblewski, A., Zusa, P. (1998) *Einwanderung und Niederlassung II*, Vienna: Institute for Advanced Studies. SORA, pp. 29 The study is an analysis of a survey conducted in Vienna in 1994/95.

³ Ebermann, E. (ed.) *AfrikanerInnen in Wien*, Hamburg: Lit, p. 194.

⁴ de Beijl, R. Z. (ed.) *Documenting discrimination against migrant workers in the labour market. A Comparative Study of Four European Countries*. Geneva: International Labour Office. The actual data collection in the field was conducted between February and June 1996, and between October 1996 and 1997 in the case of Belgium; between November 1993 and January 1994 in the case of Germany (North Rhine-Westphalia); between December 1993 and April 1994 in the case of the Netherlands, and between September 1994 and January 1995 in the case of Spain.

Table A7 (continued): Selected Indicators of Discrimination

	Discrimination testing	Surveys of subjective discrimination	Other evidence (without statistical evidence, complaints and court cases)
DK			CEPR Discussion Paper investigates whether there is a double-negative effect on the wages of immigrant women in Denmark stemming from a negative effect from both gender and foreign country of origin. Based on a Danish panel of register data, the authors find that all women are affected by a substantial gender discrimination in wages, but only Pakistani women experience a double-negative effect. ¹
SF			A study compiled by Erkki Laukkanen ² is based on the situation at unionized workplaces in spring 1997. The author finds that racial discrimination had occurred in 12 % of the workplaces with employees from an ethnic minority group. Both employers (6% of multiethnic workplaces) and colleagues (11% of multiethnic workplaces) had discriminated against ethnic minorities. Discrimination seems to be most flagrant in the public sector (16% of multiethnic workplaces) and lowest in industry (7% of multiethnic workplaces).
F	–		

¹ Nielsen H., Rosholm M., Smith N. (2000) Hit Twice? Danish Evidence on the Double-Negative Effect on the Wages of Immigrant Women, available at: <http://netec.mcc.ac.uk/WoPEc/data/Papers/cprceprdp2502.html>, (20.03.2003).

² Laukkanen E. (1997) Racial Discrimination at the Workplace in Finland, at: http://netti.sak.fi/sak/englanti/articles/archive/racial_discr.htm, (20.03.2003).

Table A7 (continued): Selected Indicators of Discrimination

	Discrimination testing	Surveys of subjective discrimination	Other evidence (without statistical evidence, complaints and court cases)
G	ILO study ¹ on migrants of Turkish origin. Methodology as in B, only first two stages completed. In stage 1, NDR was 13%, after completion of stage 2, NDR was 19%. Cumulated NDR (Stage 1&2) was highest in services (23%), followed by industry (13%) and Construction (75).	EFFNATIS study: substantial share of the respondents reported rejections in the search for an apprenticeship or a job as well as verbal abuse and unfair treatment on the job. Representative study 2001: some 10.1% of all Turkish people questioned felt disadvantaged whilst seeking a job.	
GR			An ethnographic study ² comparing tourist workers from the European Union and Albanian migrant workers (a total of 73 persons were interviewed) observed stark differences in treatment of tourist workers on the one hand, and Albanians on the other. While both groups share some commonalities (informal undeclared work, high turnover) Albanians are subject to much worse conditions, e.g. they receive lower wages, and most importantly, they are usually forced to return when they are no longer needed, sometimes by outright force, whereas tourist workers have a good chance of finding new appointments. Interviews with employers revealed that employers were quite conscious of the weak bargaining position of Albanians and indicated that they knew well how to exploit the fact to their advantage.

¹ de Beijl, R. Z. (ed.) Documenting discrimination against migrant workers in the labour market. A Comparative Study of Four European Countries. Geneva: International Labour Office. The actual data collection in the field was conducted between February and June 1996, and between October 1996 and 1997 in the case of Belgium; between November 1993 and January 1994 in the case of Germany (North Rhine-Westphalia); between December 1993 and April 1994 in the case of the Netherlands, and between September 1994 and January 1995 in the case of Spain.

² Lazaridis, G., Wickens, E. (1999) "Us" and the "Others". Ethnic Minorities in Greece. *Annals of Tourism Research*, 26, 3, pp. 632-655.

Table A7 (continued): Selected Indicators of Discrimination

	Discrimination testing	Surveys of subjective discrimination	Other evidence (without statistical evidence, complaints and court cases)
I	–		
IRL	–		
LX	–		
NL	ILO study ¹ on migrants of Moroccan origin (same methodology as in B). Cumulated NDR was 23% after stage 1, after stage 2 it was 32%, with overall NDR being 37%. Overall NDR was highest in retail (53%) and hotel and catering (40%). Additional tests carried out on Surinamese men. NDR differed little between ethnic groups, but enormously between different occupational levels.		
P	–		
E	ILO study ¹ on migrants of Moroccan origin (same methodology as in B). Cumulated NDR was 25% after stage 1, 33% after stage 2, and 36 % after stage 3. NDR was highest in Hotel and Catering (50%), followed by industry (43%) and the remainder of the service sector (39%).		

¹ de Beijl, R. Z. (ed.) Documenting discrimination against migrant workers in the labour market. A Comparative Study of Four European Countries. Geneva: International Labour Office. The actual data collection in the field was conducted between February and June 1996, and between October 1996 and 1997 in the case of Belgium; between November 1993 and January 1994 in the case of Germany (North Rhine-Westphalia); between December 1993 and April 1994 in the case of the Netherlands, and between September 1994 and January 1995 in the case of Spain.

Table A7 (continued): Selected Indicators of Discrimination

	Discrimination testing	Surveys of subjective discrimination	Other evidence (without statistical evidence, complaints and court cases)
S	No studies available ¹		Working Paper of Trade Union Institute for Economic Research studies the unemployment risk during 1992 and 1995 for a sample of employees in 1991 and finds that immigrants from non-European countries run a risk of unemployment that is twice the corresponding risk for native workers. The conclusion is that discriminatory behaviour and stereotype beliefs must be involved. The results indicate that the existing income-gap between immigrants and natives in Sweden is almost entirely due to unequal employment opportunities. ²
UK	Study commissioned by the Commission on Racial Equality (1996). ³ Applications were made to 219 vacancies, (mainly clerical, administrative or sales positions). Tests carried out either by letter or in person on Whites, Asians, Blacks, and Chinese. In 79 % of the cases none of the applicants were successful. Of the remaining, Whites' chances of getting an interview were nearly three times greater than those of Asians, and almost five times more than Blacks. Applicants in the "Irish" category were found to fare less well than the white indigenous but better than the Chinese, Asians or Blacks.	Exposing Racism at Work, report of the 'Root out Racism' hotline suggests that many ethnic minorities have had personal experience of fairly obvious discrimination. ⁴	Discussion Paper of the Institute for the Study of Labour (IZA) investigates the determinants of racial harassment at the workplace and its impact, via job satisfaction, on intentions to quit. Using data for ethnic minority nurses in the UK, the authors find that nearly 40% of nurses have experienced racial harassment at the workplace from work colleagues, whilst more than 64% have suffered racial harassment from patients. ⁵

¹ The Swedish Social Research Council declined an invitation to participate in the ILO discrimination study project for ethical reasons.

² Arai M., Vilhelmsson R. (2001) Immigrants' and Natives' Unemployment risk: Productivity Differentials or Discrimination? available at: <http://netec.mcc.ac.uk/WoPEc/data/Papers/hhsfiefwp0169.html>.

³ CRE (1996) We regret to inform you.... Commission for Racial Equality, London as presented in John Wrench, Tariq Modood (2000): The effectiveness of employment equality policies in relation to immigrants and ethnic minorities in the UK. Report commissioned by the International Labour Office, Geneva. International Migration Papers 38, under: <http://www-ilo-mirror.cornell.edu/public/english/protection/migrant/download/imp/imp38.pdf>, p. 27.

⁴ See: TUC (2000), Exposing Racism at Work, report of the "Root out Racism" hotline, available at <http://www.tuc.org.uk/equality/tuc-761-f0.cfm>.

⁵ Shields M., Wheatley Price S. (2000) Racial Harassment, Job Satisfaction and Intentions to Quit: Evidence from the British Nursing Profession, available at: <http://netec.mcc.ac.uk/WoPEc/data/Papers/izaizadpsdp164.html>.

Table A8: Mechanisms reporting complaints about discrimination and other equality bodies

Country	Reporting Mechanism: Public Institution/NGO	Name	Areas of concern	Complaints, total and employment
A	NGO	Civil Courage and Anti-Racist-Work (ZARA) ¹	All matters related to racism and discrimination	Of more than 300 reported cases in 2002 ² , 6% referred to work ³
B	Public body	The Centre for Equal Opportunities and Opposition to Racism (CEOR) ⁴	All matters related to discrimination or racial harassment	
DK	NGO	Documentation and Advisory Centre on Racial Discrimination ⁵	All matters related to racial discrimination, ethnicity or religion	
SF	Public bodies	The National Equal Opportunities Network (NEON) ⁶ ; Office of the Ombudsman for Minorities ⁷	All matters related to discrimination (systematic collection and following-up of cases) Promoting good ethnic relations, monitoring and improving the status and rights of ethnic minorities, reporting, taking initiatives and informing	
F	Public bodies	The free help line (le '114') – Group to study and combat Discrimination); the Departmental Commissions for Access to Citizenship (CODAC)	All matters related to discrimination or racial harassment	Between the 16 th of May 2000 and 30 th of October 2001, 35,454 calls were received through the 114 help-line, 9,945 of them were transferred to the CODAC (34% of them concerned the field of employment)

¹ <http://www.zara.ot.at>, (20.03.2003).

² Racism Report 2002 available at: http://www.zara.or.at/download/rass_rep_2002_e.pdf, (20.03.2003).

³ 'Work' in the widest sense: the job market, looking for work, job advertisements etc.

⁴ http://www.antiracisme.be/en/kader_eng.htm, (20.03.2003).

⁵ <http://www.drcenter.dk/>, (20.03.2003).

⁶ <mailto:equal@neon.inet.fi>, (20.03.2003).

⁷ <http://www.mol.fi/vahemmistovaltuutettu/ombudsmaneng.html>, (20.03.2003).

Table A8 (continued): Mechanisms reporting complaints about discrimination and other equality bodies

Country	Reporting Mechanism: Public Institution/NGO	Name	Areas of concern	Complaints, total and employment
G	Public bodies Trade Unions	The anti-discrimination offices (e.g. D.I.R. ¹ , BDB ² , ZDK ³), the Federation of German Trade Unions (DGB) ⁴	Intermediary body between citizen and state, cannot intervene in cases of discrimination or harassment by physical or legal persons (occasional collection of cases)	
GR	Public body	The Greek Ombudsman ⁵	All matters related to discrimination and racism	
IRL	Public bodies	Equality Authority ⁶ ; The Office of the director of Equality Investigations (ODEI) ⁷	Establishing observatories for discrimination and racism	In 2001, the total number of complaints referred to ODEI under the Equality legislation was 1,114. 260 of them were referred to the Employment Equality Act (45% of the were related to gender, 17% to multiple grounds, 10% to race)
I	Public body	Territorial Council on Immigration	Establishing observatories for discrimination and racism	Pilot project since Spring 2001
LX	Public body	Special Commission against Racial Discrimination	Proposals and policy advice in matters of race and ethnicity	

¹ <http://www.dir-info.de/>, (20.03.2003).

² <http://www.bdb-germany.de/>, (20.03.2003).

³ <http://www.zdk-berlin.de/>, (20.03.2003).

⁴ <http://www.dgb.de/>, (20.03.2003).

⁵ http://www.synigoros.gr/en_index.htm, (20.03.2003).

⁶ <http://www.equality.ie/>, (20.03.2003).

⁷ <http://www.odei.ie/>, (20.03.2003).

Table A8 (continued): Mechanisms reporting complaints about discrimination and other equality bodies

Country	Reporting Mechanism: Public Institution/NGO	Name	Areas of concern	Complaints, total and employment
NL	Public bodies	National Federation of Anti-Discrimination Agencies (ADB); Equal Treatment Commission ¹	All matters related to discrimination	In 2001, of all complaints 16% were work-related complaints
P	Public body	Commission for Equality and Against Racial Discrimination ²	Recommendations for adoption of legal measures in the area of race, colour, ethnicity and origin	
E	NGO	SOS Racism (Claim Office) ³	All matters related to discrimination or racial harassment	In 2001, 25 of the 145 complaints concerned employment
S	Public body	The Ombudsman against Ethnic Discrimination (DO) ⁴	All matters related to ethnic discrimination	In 2001, 633 complaints about ethnic discrimination were filed, 272 of them concerned ethnic discrimination in working life ⁵
UK	Public bodies	The Commission for Racial Equality (CRE) ⁶ , the Employment Tribunal Service ⁷ and the Arbitration and Conciliation Service (ACAS) ⁸	All matters related to racial discrimination	The CRE reports a total of 735 formal applications for assistance in employment cases in 2001 In 2001/02, 3,825 out of a total of 165,093 cases received by ACAS related to racial discrimination

¹ <http://www.cgb.nl>, (20.03.2003).

² <http://www.acime.gov.pt/>, (20.03.2003).

³ <http://www.sosracisme.org/>, (20.03.2003).

⁴ <http://www.do.se>, (20.03.2003).

⁵ Ombudsman against Ethnic Discrimination, Annual Report for 2001, available at: <http://www.do.se/o.o.i.s?id=17>, (20.03.2003).

⁶ <http://www.cre.gov.uk/>, (20.03.2003).

⁷ <http://www.ets.gov.uk/>, (20.03.2003).

⁸ <http://www.acas.org.uk/>, (20.03.2003).

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List of contributors

Principal Authors of the Comparative Report:

Michael Jandl,
Senior Research Officer,
International Centre for Migration Policy Development (ICMPD), Vienna

Albert Kraler
Research Officer,
International Centre for Migration Policy Development (ICMPD), Vienna

Anna Stepien
Consultant
International Centre for Migration Policy Development (ICMPD), Vienna

Responsible for the National Reports:

Austria

National Focal Point Austria – Ludwig Boltzmann Institute of Human Rights, Vienna, in cooperation with the Department of Linguistics, University of Vienna and the Institute of Conflict Research, Vienna

Belgium

National Focal Point Belgium – Centre pour l'Égalité des Chances et la Lutte contre le Racisme/ Centre for Equal Opportunities and Opposition to Racism (CEOOR), Brussels

Denmark

National Focal Point Denmark- Board for Ethnic Equality, Copenhagen; The Danish Centre for Human Rights, Copenhagen; Federation of Ethnic Minority Organizations, Copenhagen; Danish Centre for Migration and Ethnic Studies, Esbjerg; Danish National Institute of Social Research, Copenhagen; Documentation and Advisory Centre on Racial Discrimination, Copenhagen

Finland

National Focal Point Finland – Finnish League for Human Rights, Helsinki

France

National Focal Point France – Agence pour le Développement des Relations Interculturelles/ Agency for the Development of Intercultural Relations (ADRI), Paris

Germany

Elmar Könekopp, Stefan Rühl and Gisela Will for the National Focal Point Germany – European Forum for Migration Studies (EFMS), Bamberg

Greece

National Focal Point Greece – Antigone. Information and Documentation Centre on Racism, Ecology, Peace and Non-Violence, Athens

Ireland

National Focal Point Ireland – Equality Authority and the National Consultative Committee on Racism and Interculturalism, Dublin

Italy

Pietro Pinto (Associated Observatories on Immigration/ O.A.S.I), Bologna and Udo Clement Enwereuzor for the National Focal Point Italy – Cooperazione per lo sviluppo dei paesi emergenti (COSPE)/ Cooperation for the Development of Emerging Countries, Florence

Luxembourg

Claudia Hartmann-Hirsch for the National Focal Point Luxembourg – Association de Soutien aux Travailleurs Immigrés (ASTI)/ Association for the Support of Immigrant Workers, Luxembourg

Netherlands

Dick Houtzager and Peter R. Rodrigues for the National Focal Point Netherlands – The Dutch Monitoring Centre on Racism and Xenophobia (Consortium composed of the Department of Public Administration, University of Leiden; Anne Frank House, Amsterdam; National Federation of Local and Regional Anti-Discrimination Organisations, Rotterdam; and the National Bureau against Racial Discrimination, Rotterdam)

Portugal

Bruno Dias, , Pedro Góis, José Carlos Marques, and Catarina Oliveira for the National Focal Point Portugal – Centro de Investigacao em Ciencias Sociais e

Humans (NUMENA)/ Research Centre on Human and Social Sciences, Porto Salvo; Presidencia de Conselho – Gabinete do Alto Comissário para a Imigração e Minorias Etnicas, Lisbon

Spain

National Focal Point Spain – Movimiento por la Paz, el Desarme y la Libertad (MPDL)/ Movement for Peace, Disarmament and Liberty , Madrid

Sweden

Cecilia Englund for the National Focal Point Sweden – EXPO Foundation, Stockholm

United Kingdom

National Focal Point UK – Commission for Racial Equality (CRE), London

European Monitoring Centre on Racism and Xenophobia

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