



Working conditions of nationals with a foreign background

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This report is available in electronic format only.

This report presents an overview of the employment and working conditions of nationals with a foreign background (NFB) and nationals with a different ethnic affiliation (NEA) based on reports from national correspondents. It highlights the scarcity of relevant data on these groups in EU countries and the different interpretation of EU legislation in debates across the EU27 on ethnic data collection. The picture painted of the work quality of NFB/NEA is not straightforward as, although the prevalence of precarious work is sometimes higher in this group, non-nationals are often worse off. There are large differences in the labour market participation of NFB/NEA between EU countries. Apart from foreign background, other factors such as gender, ethnic origin and skills play a role. Nevertheless, stereotyping and discrimination are mentioned as an important determinant in at least 14 countries. Many EU countries still have a lot to learn about tackling work-related discrimination complaints.

Introduction

In recent years the European Foundation for the Improvement of Living and Working [Conditions](#) (Eurofound) has carried out extensive work on:

- employment and [working conditions](#) of migrant workers ([TN0701038S](#));
- occupational promotion of migrant workers ([TN0807038S](#)).

This research investigated a dimension often disregarded in such studies, namely the working and employment conditions of ‘nationals with a foreign background’. The concept of nationals with a foreign background covers people with a foreign background having acquired nationality (by naturalisation or by birth), born or not born in the country of the acquired nationality, and their descendants. According to Eurostat [statistics \(101Kb PDF\)](#), total number of persons taking on citizenship in EU27 increased steadily from 1998, but declined slightly in 2007 compared with previous years.

This report collects available information on the employment situation and working conditions of ‘nationals with a foreign background’ (NFB) and ‘nationals with a different ethnic affiliation’ (NEA) in 26 European countries. It examines the debate on the use of ethnic data in the different countries and looks closely at policies on workplace promotion and policies combating [discrimination](#) in the different countries. The report is based on the national country reports submitted to Eurofound where [European Working Conditions Observatory](#) (EWCO) country representatives answered a number of questions from a [common questionnaire](#) on the labour market situation and working conditions of NFB/NEA. The national contributions are published alongside this overview report.

Definitions

It is difficult to give a single definition for the group of classed as nationals with a different ethnic background (NEA) because the choice of terms depends on the situation in the different countries. The categorisations used are also different and can not be captured by one definition.

For instance, ‘gypsy’ is a politically incorrect and sensitive term in some countries but in others it is used widely in national policy (and sometimes contested by different groups and organisations representing the groups considered). For example, the Portugal country report states that ‘gypsies

are the main group with a specific ethnic affiliation in Portugal'. According to a 2009 [report \(in Portuguese, 2.72Mb PDF\)](#) from the High Commissioner for Immigration and Intercultural Dialogue ([ACIDI](#)), despite their Roma, Sinti, Manouche and Calé ascendancy, Portuguese gypsies are known in Portugal by social scientists, politicians and the general public under the name 'gypsies' and refer to themselves as 'gypsies'.

Since only limited data are available for some topics, this report uses the data (and therefore the definitions) available in the different countries. The definitions followed for NFB/NEA are those provided in the country reports.

Nationals with a foreign background but who are also nationals with a different ethnic affiliation (NEA) can be regarded as two groups which might suffer discrimination and could be treated differently in the labour market on the basis of a different origin (either national or ethnic). This was confirmed by the results of the recent [survey \(557Kb PDF\)](#) by the European Union Agency for Fundamental Rights ([FRA](#)) on multiple discrimination suffered by immigrants and minorities. The results indicate that 'visible minorities' (people who look different from the majority of the reference group) feel more often discriminated against compared with other minorities.

Research has shown that not only nationality but also ethnic origin are important determinants in employment position and working conditions. It is relatively easy to find information on non-nationals, but it is much harder to find data on nationals with a foreign background or different ethnic affiliation.

Statistics on nationals with a foreign background

- Debate on measuring ethnicity
- Law and legislation

At European level and in various European countries, either there has been a debate on the use of sensitive, ethnic data or the debate is ongoing. In a [report \(1.04Mb PDF\)](#) published in 2007, the European Commission against Racism and Intolerance ([ECRI](#)) declares its opinion that:

The collection of ethnic data is a beneficial instrument for shaping sound policies against racism and racial discrimination and for promoting equal opportunities. These data can provide baseline information on the situation of minority groups, which will then form the basis for social policies and later help in evaluating their progress.

Some national and international bodies involved in the fight against racism and racial discrimination agree with this opinion and are convinced that the collection of ethnic data (categorised by variables such as nationality, national or ethnic origin, language and religion) is essential for shaping sound policies against racism and racial discrimination and for promoting equal opportunities.

However, the use of ethnic data is also a subject for discussion and ECRI is aware of the reluctance surrounding the issue of ethnic data collection. The 2007 ECRI report, which looks at the legal and practical framework for ethnic data collection in Europe, gives more insight into the situation in the different European countries.

Although it is often recognised that ethnic data are useful, many European countries remain very reluctant to collect such data. This is due to the legal framework (and the guarantees that should govern the collection of this type of data) (see below), practical objections, a lack of understanding of the type of data to be collected, and more generally, to a fear of the risks of misuse. The ECRI 2007 report stated:

Ethnic data have obvious potential for stigmatisation. They can also, however, be used to highlight instances of discrimination and so help members of vulnerable groups to obtain their rights. These two uses of the same data cannot be separated. In fact, the characteristics which make a group vulnerable are intrinsically likely to prove harmful to members of those groups.

This is why international texts on data protection, freedom of information and respect for privacy term these data as ‘sensitive’ and contain special regulations on processing them.

- The Council of Europe’s [Convention for the protection of individuals with regard to automatic processing of personal data](#) (ETS No. 108; Strasbourg, 1981) was the first international convention on this theme and laid down the main principles, which were later taken up in national laws.
- At EU level, the stricter [Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data is the second reference source](#) that applies.

According to Convention ETS 108 and Directive 95/46/EC, data must be obtained ‘fairly’ and ‘for specified and legitimate purposes’. They must be ‘adequate, relevant and not excessive in relation to the purposes for which they are stored’ and ‘accurate’, and must not be identifiably linked to persons more than is necessary. Every collecting operation must:

- satisfy these criteria;
- pursue legitimate aims;
- comply with certain conditions (collection method, notification of persons concerned, security and confidentiality of processing, transmission of the information).

Convention ETS 108 Article 6 Special categories of data

Personal data revealing racial origin, political opinions or religious or other beliefs, as well as personal data concerning health or sexual life, may not be processed automatically unless domestic law provides appropriate safeguards. The same shall apply to personal data relating to criminal convictions.

Directive 95/46/EC Article 8: The processing of special categories of data

1. Member States shall *prohibit* the processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, and the processing of data concerning health or sex life.

The most persistent view in many European countries is that their legislative framework does not allow the collection of data broken down by categories such as national or ethnic origin. However, ECRI's experience has shown that, in most countries, national legislation does not formally prohibit the collection of this type of data but only restricts it and makes it conditional on the observance of certain safeguards. Its 2007 report makes the following statement on 'exemptions'.

Patterning themselves on the framework established by Convention ETS 108 and Directive 95, all national laws include a list of exemptions from the prohibition on processing 'sensitive data'. This combination – imposing a prohibition to start with, and then adding a relatively long list of conditions on which data may nonetheless be collected – reflects the spirit of these laws. The aim is not to prevent the processing of sensitive data, but to establish safeguards. The common view that the data protection laws prohibit the collection of sensitive data is thus an exaggeration.

Directive 95/46/EC presents a list of exemptions which EU Member States are required to respect (see annex). Paragraph 4, which mentions exemptions based on reasons of public interest, is the exemption that provides a genuinely functional basis for the collection of sensitive data. Recital 34 of the Directive clarifies the scope of the derogation for reasons of public interest by connecting it with public health and social protection. However, the concept of public interest applies to all areas of public action and so leaves legislators relatively substantial scope for removing certain sensitive data from the control of the protection authorities. It also specifies that scientific research and public statistics are areas where reasons of public interest apply. This opens the way to the collection of data which might seem to be prohibited.

Debate on statistics based on foreign background

Most countries have national legislation on personal data protection under which 'sensitive data' and their collection are covered. In most countries, this legislation prohibits in general the processing of data about ethnicity. Some countries mentioned the following exceptions relevant to this study when use of such data is possible:

- on an aggregate level;
- anonymously;
- for scientific purposes;
- when processing is carried out by a non-profit organisation.

But despite the existence of national laws and regulations, counting and classifying individuals on the basis of their ethnic origin is still an issue of debate in most European countries.

For Cyprus, no specific data are available; nationals with a foreign background are considered to be Cypriots with all the rights emanating from the acquisition of Cypriot nationality. However, representatives of the groups under consideration stress the need for a special approach and analysis of their working conditions because these individuals are often concentrated in certain occupations due to their ethnic origins. Although no reliable data are available, there appears to be a concentration of NFB/NEA in the service and sales sectors, as well as among clerks and cashiers.

In Austria, statistics and data are available but the debate is ongoing. Representatives of migrant organisations in particular argue that 'using the migration category' is strengthening the differences between groups instead of emphasising their integration in society. The same reason and the fear of misuse is also the concern of opponents of using ethnic statistics in the Czech Republic.

In France there is a sharp debate on this issue between those who fear that questions on origin destroys the sentiment of inclusion in the French Republic and are a violation of the privacy of individuals, and those to whom fighting against discrimination requires monitoring. The collection of this type of information is considered to be vital for developing appropriate policies aimed at improving the situation of the more vulnerable ethnic minorities and to promote equal opportunities. Similar arguments for and against can be found in the discussions in Bulgaria, Portugal and Sweden.

Some country reports mentioned that the need to collect data on ethnic groups and nationals with a foreign background has increased because of the transposition of EU anti-discrimination legislation into national law and the creation of several bodies to fight various forms of discrimination over the last few years. This is the case in Luxembourg and Belgium.

Slovakia sees the impact of the anti-discrimination legislation in a different light. The Slovakian national contribution notes that:

In accordance with the anti-discrimination law, it is not allowed to record and register job applicants according to their nationality/affiliation to ethnic group, race, religion, sexual orientation, gender, age and family status. This concerns also nationals with foreign background. Therefore, there are no specific data available about their position in the labour market.

Countries where there is no debate on this topic include Denmark. Here there is no debate as classification of people with a foreign background in statistical sources related to work and employment is not considered a problem. In addition, the existing classification and measuring of nationals and immigrants with a foreign background in statistical sources is not considered stigmatising or discriminating. No laws or other rules on 'sensitive data' have been prescribed regarding the handling of such data in employment statistics and working condition surveys. The aggregated information and data on the employment and working conditions of people with a foreign background at Statistics Denmark ([Danmarks Statistik](#)) and other sources are freely available. In Germany, data have been available since the changes in the micro-census (household survey) of 2005 when the new Immigration Act took effect and the Federal Statistical Office ([Destatis](#)) started to collect more detailed information. Based on self-categorisation by the respondents, the following categories can be distinguished:

- immigrant foreigners (born in a foreign country and not holding German citizenship);

- non-immigrant foreigners (born in Germany but holding foreign citizenship);
- immigrant Germans (born in foreign countries and holding German citizenship either by naturalisation or by right of birth);
- non-immigrant Germans (Germans with no foreign background, born in Germany and holding German citizenship).

Among other reasons, changes were made because the old statistical categories, sorting the population by nationality, were no longer deemed sufficient to describe the reality in Germany.

In the Netherlands, data are available and there is little debate on using an ethnic categorisation in population statistics. However, there is a debate on what to call groups of migrants among researchers; terms like ‘autochthon’, ‘immigrants’ and ‘foreigners’ are felt to be discriminating, while terms like ‘origin’ are considered more appropriate.

In countries like Italy, Lithuania, Poland and Spain, the use of the category of nationals with a foreign background is not an issue because the group is estimated to be very small due to the country’s recent [immigration](#) history. In Malta, no data are available and there is no debate at present about the possibility of creating a category of nationals with a foreign background in data or statistics. The estimated size of this group is also small.

[Migration](#) history and the laws on citizenship are important factors in determining the size of the group considered and the necessity of creating specific categories for nationals with a foreign background. The post-colonial history of the UK implies that there are high numbers of nationals born abroad (mostly in the former colonies, and in large part, White British) as well as large numbers of non-nationals and nationals with a foreign background born in the UK. The multi-cultural orientation of the UK implies that collecting data by ethnicity meets little resistance, unlike in other European countries.

Groups like Roma, Sinti, Manouche, Calé descendants and Irish travellers are the topic of separate debate in several countries. In Bulgaria, the focus is on the Roma ethnic group which is considered the most vulnerable. Also in the Czech Republic, the debate on the collection of ethnically differentiated statistics is primarily geared towards the Roma minority. In Spain, the Roma group is the main ethnic minority group; it is well-established in the country and a group for whom there is a relatively important amount of available information on employment and working conditions. In Hungary, employment statistics in general do not contain any information about ethnic affiliation or history of nationality; only some scientific research is available in this field, especially about the Roma population. In Slovakia, working condition surveys are conducted only exceptionally – one being surveys aimed particularly at the Roma population. Based on the 2006 Census (classification by ethnic or cultural background and country of birth), 20,564 of the 3,559,384 people born in **Ireland** are ‘Irish travellers’.

Available data

An important issue arising from the limited data on NFB/NEA is that, in many of the national country reports of ‘the working conditions of nationals with a foreign background’, information is found on

the migrant population or on non-nationals, yet not on the particular population under investigation (that is, nationals with a foreign background).

Information available

The extent of the information available in EU Member States can be roughly grouped as follows. A number of countries (Austria, Denmark, Estonia, France, Germany, Hungary, Ireland, Italy, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Sweden and the UK) gather information on NFB/NEA in some way or another when they talk about their population breakdown.

In some cases, the information is available but rather limited. Countries like France have some information available on the population characteristics of the second and third generation of migrants but not on their labour market conditions. Also countries like Ireland, Luxembourg, Malta, Poland, Portugal, Slovakia and the UK provide a statistical breakdown on actual numbers of NFB/NEA on a demographic level but do not relate them to the working conditions. In Romania, only information based on those who have applied and obtained citizenship is available.

In other cases, the range of information provided is quite broad. For example, in Hungary where data are collected for ethnic or national affiliation, data are available for nationals with a specific ethnic affiliation and for immigrants. Also for Slovenia, the employment and/or working conditions of nationals with a foreign background/specific ethnic affiliation are reported extensively.

However, other countries (Belgium, Bulgaria, Cyprus, Czech Republic, Finland, Greece, Lithuania and Spain) do not carry out much data gathering on NFB/NEA in general or with regard to their working conditions. The group is therefore hard to delineate within statistical and administrative data gathering.

Size of the group

A second variable to be taken into account is the size of the population of NFB/NEA in these countries. Is it a substantial group or is the group relatively small? This question can be examined by looking at those countries for which some kind of information is available (numbers are from the respective national reports).

For some of the countries, the population of NFB/NEA (based on the definitions used and the data available) is quite substantial:

- Austria (13% in 2009, based on citizenship statistics compiled by Statistics Austria);
- Germany ('over 16 million people with a migrant background living in Germany in 2009 with only 7.2 million falling into the category of foreigners');
- Estonia, Ireland, Luxembourg ('the number of foreigners acquiring Luxembourg citizenship is high in relation to its total population, but low in relation to its foreign population');
- the Netherlands ('about 17% of the Dutch population between age 15 and 65 has a foreign background (Central Statistical Office, [CBS](#), 2009)');
- Romania ('10.5% of the population is of a different ethnic group (census of population and dwellings 2002');

- Sweden (18.6%, Statistics Sweden 2009);
- Slovenia ('mainly migration from within the former Yugoslavia federation');
- Slovakia (14.2%, Census 2001);
- UK.

For other countries the number seems to be almost negligible. The two biggest ethnic groups in Hungary account for 2.5% of the total population (Schwab Germans, Roma) (Census 2001, based on nationality). For Malta, 3% of the population are nationals with a foreign background (Census 2005). The report for Poland describes the number of nationals with a foreign background as 'small'. In Italy, nationals with a foreign background represent just 1.5% of the population aged 15–74.

For countries like Belgium, Bulgaria, Cyprus, Denmark, France, Greece, Lithuania, Portugal and Spain, substantive information is not available to look specifically at the number of NFB/NEA. For the Czech Republic, it is known – although without any exact figures – that nationals with a foreign background form only a small part of Czech society. In Finland, 1.2% of Finnish citizens in 2008 were 'citizens who spoke as their mother tongue some other language than Finnish, Swedish or Lappish' (Statistics Finland, unpublished).

Conclusions

Based on the analysis presented in Table 1, three groups of countries can be differentiated based on the information available and the size of the group.

- Countries with available (limited) information on NFB/NEA and where the presence of NFB/NEA is substantial: Austria, Estonia, Germany, Ireland, Luxembourg, the Netherlands, Romania, Slovakia, Slovenia, Sweden and the UK.
- Countries with available (limited) information on NFB/NEA and where NFB/NEA make up a small percentage of the population: Hungary, Italy, Malta and Poland.
- Countries with limited information on NFB/NEA and with an unknown number of NFB/NEA amongst their population (France, Portugal) or countries with no information based on administrative or statistical data available on NFB/NEA: Belgium, Bulgaria, Cyprus, Czech Republic, Finland, Greece, Lithuania and Spain.

Table 1: Availability of information on NFB/NEA and size of group

EU Member State	Information available	Size of group
Austria	Yes	Substantial
Belgium	No	Unknown
Bulgaria	No	Unknown
Cyprus	No	Unknown

EU Member State	Information available	Size of group
Czech Republic	No	Small (based on own reporting)
Denmark	Yes	Unknown
Estonia	Yes	Substantial
Finland	No	Small
France	Limited	Unknown
Germany	Yes	Substantial
Greece	No	Unknown
Hungary	Yes	Small
Ireland	Limited	Substantial
Italy	Yes	Small
Lithuania	No	Unknown
Luxembourg	Limited	Substantial
Malta	Limited	Small
Netherlands	Yes	Substantial
Poland	Limited	Small
Portugal	Limited	Unknown
Romania	Limited	Substantial
Slovakia	Limited	Substantial
Slovenia	Yes	Substantial
Spain	No	Small
Sweden	Yes	Substantial
UK	Limited	Substantial

Source: Eurofound country reports 2010

Employment situation

Labour market participation

This section focuses on the [employment rate](#), unemployment rate and level of long-term unemployment of NFB/NEA.

Although general information on demographics seems to be collected by a number of countries, the general lack of statistics on the labour market situation of these nationals with a foreign background is striking. And when information is available, the different countries often use different methods and definitions to describe the group of NFB/NEA. Comparing countries is therefore difficult.

The data that are available suggest that NFB originating from EU countries seem to have fairly good or average employment rates whereas other ethnic groups originating from other continents (Asia, Africa) seem to have lower employment rates. The exception is the Chinese in Romania who have an average employment rate of 52.7%; the highest employment rate was found in the Chinese ethnic group (89.7%) while the lowest employment rate was recorded among Roma (27.1%) (data based on Census 2002). This scenario is well illustrated in the case of the UK. Given the longer immigration history of the UK, the population with a foreign background is particularly heterogeneous. On the one hand, NFB with European, North American or Australian origins show average employment rates, and qualifications and income above the national average, with a very high representation in particular the financial sector. On the other hand, NFB with Black African, Chinese and especially Pakistani/Bangladeshi origins display significant disadvantages. Some ethnic minority groups are outperforming others (Li and Heath, 2008).

However, there are countries like Austria, Estonia, Germany, Italy and Slovenia where the employment rates between nationals with and without a foreign background do not differ all that much.

In Austria, the biggest gap seems to be between the employment rates of the first and the second generation NFB; this is rather surprising given that employment rates are significantly higher for the first generation (non-native born, naturalised) than for the second generation (native born).

According to social security data for 2008 taken from a [report \(in German, 1.23Mb PDF\)](#) from the Public Employment Service ([AMS](#)) for Lower Austria, nationals with no foreign background have an employment rate of 66.4%, which is surprisingly below that of non-nationals from EU27 countries (a very high employment rate of 84.3%) and above that of non-nationals from third countries (59.0%). First generation NFB (EU27) have an employment rate of 67.4%, whereas the employment rate of the second generation NFB (EU27) is much lower (13.3%). First generation NFB originating from third countries have an employment rate of 59.4%, whereas second generation NFB from third countries have the lowest employment rate 11.8%). While 4.5% of Austrians with no foreign background were unemployed, unemployment was twice as high (10.6%) among first generation nationals with an EU27 background and four times as high (16.3%) among those with a third country background. Unemployment is higher among the second generation than among the first generation; among the second generation of nationals with an EU27 background it was 13% compared with 23% among the second generation of nationals with a third country background.

For Estonia, the employment rates of the different ethnic groups seem to be much lower (40%, Census 2000). In addition, there are only some minor differences between the employment percentages in the different ethnic groups. The distinction is made between nationals with no foreign background (40.2% employed), with a Russian background (41.1% employed) or with another ethnic background (46% employed); the last group shows the highest employment rate. According to the June 2010 [report \(in German, 3.68Mb PDF\)](#) of the Federal Government Commissioner for Migration, Refugees and Integration, the employment rate for NFB in Germany rose from 71.1% in 2005 to 72% in 2008. However, this was lower than the increase for nationals

with no foreign background whose employment rate rose from 75% to 77.4% during the same period. Thus the employment rates for nationals with and without a foreign background differ, but like the situation in Austria, the difference is not large (no information is available for the first and second generation separately). This shows that, in these two countries, there are indications of a high degree of labour market integration for (some groups of) NFB.

According to the 2009 Labour Force Survey ([LFS](#)), foreign-born non-nationals in Italy have the highest employment and unemployment rates among those aged 15–64 (64.8% and 8.2% respectively), while native-born nationals have the lowest (56.9% and 4.6% respectively). Foreign-born nationals have labour market participation rates quite close to those of native-born nationals, displaying a slightly higher employment rate (57.4%) and a higher unemployment rate (6.6%). Finally, native-born nationals display the highest long-term unemployment rate (35%) and foreign-born non-nationals the lowest (29%), with an intermediate figure (32%) for foreign-born nationals.

For Slovenia, the activity rate and the employment/population ratio for people without Slovenian citizenship do not differ much from those for people with Slovenian citizenship. The data also show that the country of the father's or mother's birth does not have a major impact on the activity rate or on the employment/population ratio (Labour Force Survey, 2008). The members of the Roma ethnic community represent a special case in this context. According to the Government's Office for National Minorities ([UVN](#)), only 2% of Roma are employed and approximately 98% are unemployed and receiving social assistance from the state. Many occupy themselves in the so-called grey economy (collecting scrap, gathering wild berries, etc.).

Differences are found in the Netherlands between the employment rates for the different ethnic groups, with the Moroccans and Turkish being the worst off. The employment rate is highest among nationals with no foreign background (70%) and next highest among nationals from other western countries (66%), nationals with Surinamese (63%) and Antillean/Aruba background (58%). The NFB employment rate is lowest among the Turkish (54%) and Moroccan (50%) groups (CBS, 2010). The first generation in the Netherlands is more often employed compared with the second generation, with many young people in the second generation experiencing difficulties finding a job. The most likely reason for low employment is ethnic background because other explanations such as low level of educational attainment, less work experience and problems with the Dutch language cannot explain the differences completely (Andriessen et al, 2007). However, the employment of those originating from non-EU countries increases in economic good times because of labour shortages and unemployment among people from non-EU countries is particularly the case in economic hard times. The percentage of long-term unemployment is also higher among people originating from non-EU countries. Unemployment of those originating from non-EU countries increases in economic bad times more than among those with a Dutch origin; the former also receive benefits later than the latter (CBS, 2010).

For Belgium the figures illustrate the less favourable position of the foreign-born population in its labour market, especially the position of those not borne in EU15 (the situation is worst for women among this group). A [study \(in Flemish, 208Kb PDF\)](#) published in 2005 and a subsequent [study \(in Flemish\)](#) published in 2010 by the Resource Centre for Labour Market Research ([Steunpunt WSE](#)) also show that naturalised immigrants have higher employment rates than non-naturalised immigrants, even after controlling for socio-economic factors such as age, gender and marital status

The impact of naturalisation is particularly large for non-EU15 immigrants. Given the relatively easy access to citizenship, this relatively strong and robust result suggests that the easing of naturalisation laws over time may have contributed to facilitating the labour market outcomes of immigrants (for example by limiting discrimination). Unpublished research by Miet Lamberts at the Resource Centre for Labour Market Research also indicates that the second generation is performing better in the labour market (after controlling for gender and age differences) than the first generation of NFB.

In Ireland, accessing the labour market is difficult for Irish travellers; the 2006 Census reveals that only 13.8% were in employment compared with a national average of 57.2%. This is also the case for the group of Roma in Hungary, Romania and Slovenia. For the Czech Republic, the unemployment rate of Roma was twice as high as the Czech average (World Bank, 2008). Roma have a very high inactivity rate in Hungary. Similar conclusions for this specific ethnic group, which does not do well in the regular labour market, are found for several other countries that report on Roma (Bulgaria, Portugal, and Slovakia). Finally, in 2005 within the active Roma population in Spain, an estimated 86.1% were employed and 13.8% were unemployed. In contrast, a slightly higher 89.6% of the overall Spanish active population was employed. These figures come from the Foundation Gypsies Secretariat ([FSG](#)), a non-profit intercultural social organisation that provides services for the development of the Roma community throughout the Spanish territory.

No specific data on the employment situation of NFB/NEA were available for the other countries.

Conclusions

Based on the available information, the following conclusions can be formulated:

- Only limited information for some countries is available, which is not always comparable.
- The limited information shows that it is important to take the heterogeneity of the group of NFB into account.
- In some countries, information is available for the first and the second generation, highlighting important differences between the two generations.
- When available, detailed information about the ethnic origin shows also that the employment situation can be very different for NFB originating from different regions (for example, EU versus non-EU background).
- Gender also matters. The female NFB population coming from certain regions experiences more difficulties in the labour market in some countries.
- Some groups are better integrated in the labour market than others.
- Other determinants are migration history, labour market situation, average level of educational attainment and qualifications, age structure, discrimination and prejudices.
- A FRA [study \(557Kb PDF\)](#) in 2010 on multiple discrimination suffered by immigrants and minorities also concluded that people who belong to 'visible' minorities such as the Roma and

people of Afro-Caribbean origin are more likely to suffer multiple discrimination than the other minorities. For instance, gender and age can have an impact on how likely a person is to suffer discrimination; for example, young ethnic minority/immigrant men tend to report high levels of discriminatory treatment.

The situation of the Roma (and Irish travellers in Ireland) in most countries with available information is very vulnerable.

Sectoral or occupational statistics

Again, there are no data available in most countries indicating the sectoral or occupational structure of nationals with a foreign background (compared with other groups). Where data are available, they generally only identify the group (native-born versus foreign-born, nationals by naturalisation versus other nationals, etc). Comparisons between countries are therefore difficult to make.

In Slovenia, segmentation of the labour market is still strong with the differences thought to be related to xenophobia, nationalism and ethnic discrimination. The population with a foreign background is often found in occupations which seem to be less attractive to nationals with a non-foreign background such as craft and related trades, plant and machine operators, and assemblers and elementary occupations. The population with a foreign background is over-represented in occupations that require a less qualified workforce, are generally lower paid and have a lower social status (Klopčič et al, 2003).

In Hungary the labour market is similarly strongly segmented. Occupations with higher prestige and higher salary are occupied more by the minority group with a German ethnic affiliation while jobs with lower prestige and lower salary are occupied more by the minority group with Roma ethnic affiliation (Census, 2001; Hungarian Central Statistical Office, [KSH](#)). Three explanatory factors are given: difference in education; where they live; and prejudices and discrimination.

In Austria, NFB are employed in virtually the same sectors as non-nationals. There is no citizenship effect on the ethnic segmentation of the labour market, which is very pronounced. According to a [report \(in German, 215Kb PDF\)](#) published by AMS in 2007, no citizenship effect can be identified in terms of an ethnic segmentation of the labour market.

In Belgium, the findings indicate that citizenship and naturalisation can be related to a (slightly) better labour market position. A report from the Resource Centre for Labour Market Research concluded that ethno-stratification is a fact on the Flemish labour market (Verhoeven, 2000). Non-nationals are more likely to work in more precarious segments of the labour market and in more precarious jobs (more job insecurity, worse working conditions, etc.). Another [study \(in Flemish, 208Kb PDF\)](#) from the Resource Centre for Labour Market Research shows that native Belgians have the best chances in the labour market and are working in the better segments of the labour market. They are followed by people from EU countries (non-nationals) and so-called 'New Belgians' (Belgians by naturalisation). New Belgians are performing slightly better than their non-national colleagues from EU15 countries. Turks and Moroccans have the highest chance of working in the worst segments of the labour market, but when they are naturalised, they do slightly better than their non-naturalised colleagues.

In Germany, the distribution of migrants across sectors is becoming more similar to that of Germans without a migrant background, although migrants still have more chance of being employed in industry. A further distinction for naturalised migrants or between separate migrant groups is not offered in the [report \(in German, 3.68Mb PDF\)](#) by the Commissioner for Migration, Refugees and Integration and therefore it is not possible to give exact German information for NFB.

Also for the Netherlands it is striking to note that employed NFB are more or less equally distributed between sectors, with minor differences between ethnic groups and generations. People with a Moroccan and Turkish background are somewhat more often employed in industry, trade and commercial services. The first generation was often originally recruited into industry while the second generation has more often found employment in trade and commercial services by founding their own company and employing people from the same cultural background. Sectors that employ relatively fewer people with a foreign background are construction, education, health and social care, and cultural and other services. The occupational structure is also relatively similar for NFB in comparison with nationals with no foreign background (Netherlands Working Conditions Survey, NEA).

For Italy, the distribution of jobs across sectors between foreign-born and native-born nationals is also fairly similar. (The term 'foreign-born nationals' is used here as a proxy for nationals with a foreign background.) However, non-nationals are more concentrated in the construction sector and less in the service sector (Italian Statistics Institute, [Istat](#), 2009; calculations by the Institute for Economic and Social Research, [Ires](#)).

Finally, foreign-born workers in the UK who have been in the country for more than 10 years display a similar occupational distribution to UK-born workers. Similar figures emerge in terms of ethnic minorities from the 2001 Census. A more in-depth [comparative analysis \(168Kb PDF\)](#) suggests that the labour market assimilation of people with foreign backgrounds in the UK is faster compared to some other (southern European) countries. However, this hides a bipolar distribution (as mentioned previously) between privileged groups from the 'developed nations' and disadvantaged groups from the 'developing nations'. In terms of sector, a British specificity is the under-representation of ethnic minorities in manufacturing, with the only exception being Indian female employees who are over-represented, for instance, in the textile industry. Ethnic minorities are concentrated in retail (especially Asians), hospitality (especially Chinese), finance (Other Whites), public sector (black women) and construction (Irish men).

In other words, where the segmentation of the labour market in Austria, Hungary and Slovenia is still strong, this seems to be diminishing in Germany, the Netherlands, Italy and the UK despite the existence of certain distinct gaps between subgroups.

Again, the employment situation of Irish travellers and Portuguese and Spanish Roma show that they have difficulty finding work and find themselves at the fringes of society. The active Roma population in Spain is more involved in the tertiary (specifically services) sector than the overall Spanish population. The higher percentage employed in agriculture and the very low percentage employed in industry is significant. Portuguese Gypsy citizens have also faced increased competition in obtaining seasonal agricultural work (particularly in neighbouring Spain) from North African and East European immigrants who are preferred by employers because they travel alone, without their

families. The situation for the Bulgarian and Czech Roma seems very similar. The vast majority of Roma thus work as unskilled workers.

Employment status

This section focuses on the information available on the employment status, type of contract and working time regime of NFB/NEA in the different countries.

In Austria, fewer nationals with a foreign background are self employed compared with non-nationals and nationals with no foreign background.

Pakistani, Indian and especially Chinese ethnic groups in the UK are more likely to be self-employed, while the opposite is the case for Bangladeshis and Blacks; the 2001 Census provides detailed data, including about parents, and therefore allows study of second generation immigrants. For the Netherlands, nationals with no foreign background have a higher percentage of self-employed compared with nationals with a foreign background. In Italy, the occupational status of native and foreign-born nationals has a similar distribution.

There are indications that, in some countries, those NFB/NEA who have a job also generally have more insecure jobs (temporary contracts, [part-time work](#)). A temporary contract means that these people are more vulnerable in the labour market during economic hard times because they have a higher chance of losing their job. Having a part-time job often indicates vulnerability in the labour market because these jobs are more often situated in the lower segment.

For the Netherlands, employees with a foreign background more often have temporary contracts compared with employees with a Dutch background. Part-time work among men is found most often among employees with a Moroccan background or a non-EU background.

For France, the youngsters among the second generation of those with a foreign background are being significantly disadvantaged in terms of the security of their job contracts. For example, for 37% of children from parents originated from North Africa, their first job is through a temporary work agency compared with 23% of children with French native parents. Similarly, only 21% of children from parents with North African origins are reported to have found an open-ended contract as a first job against 31% for children with French parents (Steichen, 2010).

For Italy, the share of those working full time is higher among native-born nationals compared with foreign-born nationals.

According to the 2001 Census in the UK, male ethnic minority workers (especially Bangladeshi) were more likely to hold part-time jobs than male white British counterparts, but the opposite was true for women.

In Ireland, many Irish travellers continue to pursue self-employment in a wide range of activities within what is defined as the 'traveller economy'; in other words, a separate economy from the mainstream economy. This also seems to be the case for the Roma in Bulgaria and Spain. In Bulgaria the share of Roma who have a labour contract is significantly lower compared with Turks and Bulgarians.

In Spain, 73.2% of the active Spanish population is employed as salaried workers compared with only 44.4% of the active Roma population. However, 41.9% of the active Roma population is either self-

employed or works in family businesses, whereas in the case of the Spanish population at large, the percentage goes down to 16.4%.

For Romania, 2002 Census data show that the highest rates of salaried workers could be found among Tartars (86.4%), Armenians (83.3%) and Jews (82.8%). This rate was low among Croats (29.3%) and Roma (34%). The occupational group formed by 'management staff and experts doing highly qualified scientific work' was found to hold the highest employment rates among the 'other ethnic groups' (74.7%), followed by Jews (70.2%) and Chinese (67.9%); the lowest rate (1.8%) was among Roma. In the class of unskilled and other types of labour, the highest percentage was found among Roma (31.8%) and Turks (21.7%), compared with only 1.2% among Italians and Jews and 2.1% among the Chinese. Family workers attending to their own household or working in other places had the most vulnerable position in the labour market, accounting for 57% of the employed population among Croats, 45% among Ukrainians and 35% among Roma.

Possible determinants of labour market disadvantages

If employment inequalities and labour market disadvantages exist for the groups considered (as is the case in most countries with available information), the national correspondents were asked to indicate which determinants are considered in recent studies and reports to be key factors in explaining them. A list of possible determinants was provided and the correspondents were asked to indicate the categories they considered relevant.

Most important reasons

The most important reasons consistently reported for most countries were:

- prevalence of stereotypes, prejudices and negative attitudes;
- discrimination.

Romania is the only country in which none of these elements is mentioned as an important factor. For the case of Belgium, an array of research points towards the occurrence of discrimination based on ethnicity. For Malta it is mentioned that certain communities are more vulnerable to discrimination and prejudice than others. These include asylum seekers, Muslims, and people of a different ethnic background who are Maltese citizens or legal long-term residents.

Other key reasons

Lack of education and training is another important reason that explains labour market differences. Only the national correspondents from Cyprus, Italy and Sweden do not mention this factor.

Labour market competition is another reason mentioned by most national correspondents apart from those from Belgium, Cyprus, France, Ireland, Italy and Romania.

The lack of recognition of skills and qualifications is also deemed to be an important factor except in Bulgaria, Hungary, Ireland, Portugal, Romania and Slovenia.

Lack of language skills appears to be an important reason found in Belgium, **Bulgaria**, **Cyprus**, Germany, **Slovakia**, Slovenia and **Sweden**. This reason is also mentioned specifically for the

Netherlands alongside discrimination and low educational attainment. Because of the language barrier many of the Moroccan and Turkish people in **the Netherlands** were attracted by industry in former decades. Language then was not a significant problem, as it is not now with the current workers from eastern European Member States.

These are the factors most frequently mentioned, based on the knowledge of recent studies or research reports. An overview of the factors influencing labour market disadvantages of nationals with a foreign background is given in Table 2 for those countries for which information is available.

Table 2: Possible determinants of labour market disadvantages for NFB/NEA

	AT	BE	BG	CY	DE	FR	HU	IE	IT	PT	RO	SE	SK	SL
No major inequalities							X							
Lack of education and training	X	X	X		X	X	X	X		X	X		X	X
Lack of language skills		X	X	X	X							X	X	X
Lack of recognition of skills and qualifications	X	X		X	X	X			X			X	X	
Lack of access to professions					X			X					X	
Lack of integration policies	X						X	X	X				X	
Stereotypes, prejudices, and negative attitudes	X	X	X	X	X	X	X	X	X	X		X	X	X
Disincentives through welfare systems														
Discrimination	X	X	X		X	X	X	X	X	X		X		X
Lack of information/network					X	X						X		
Labour market competition	X		X		X		X			X		X	X	X
Undeclared work			X				X		X	X	X		X	
Other														

Source: Eurofound country reports 2010

Roma population

The situation for the Roma population is mentioned in several of the country reports.

For Romania, the prevalence of stereotypes and discrimination on Roma do not seem to be the major problem. Also for Slovakia, discrimination does not seem to be problematic. Most of the studies cited point to the lack of education and vocational training as the main cause of the employment situation of the Roma, together with their assumed preference for crafts and occupations outside formal employment (music, metal processing, metal/plastic scrap recycling, etc.), which are, in themselves, elements of [social exclusion](#).

Similar reasons have been put forward by the Czech Republic (ethnicity, low educational attainment, long-term unemployment or inactivity, bad health and low mobility). For Portugal, a [study \(in Portuguese, 390Kb PDF\)](#) by the Portuguese Sociological Association ([APS](#)) and another [study \(in Portuguese, 2.72Mb PDF\)](#) by ACIDI have shown that the gypsy culture has systematically refused to submit to rules of a 'capitalist labour market' and has therefore distanced itself from the type of rationale that sustains it. This, together with the lack of education and training, is likely to be a major reason behind the reluctance by many employers to take on gypsy people. The persistence of prejudices and discriminatory attitudes in employment in relation to gypsy people is recognised as a serious problem.

Working conditions

Differences in working conditions can be the result of forms of direct and indirect discrimination, and a significant number of discrimination complaints are about working conditions in the workplace.

The first section looks at the level of educational attainment of NFB/NEA and their occupational position. Their participation in training and possibilities for competence development are also discussed. The second section examines the working hours of NFB/NEA and how these relate to other groups. The final section considers the [health and safety](#) of NFB/NEA at the workplace.

Training, skills and employability

A disappointing finding is the relative lack of information on this topic. The main findings from the information available are given below.

In some countries, nationals with a foreign background seem to be doing quite well in the educational area. In Austria, a 2007 [report \(in German, 97Kb PDF\)](#) states that NFB from ex-Yugoslavia and Turkey achieve occupational positions with higher social status more often than non-nationals; both naturalised second generation migrant groups attain higher educational levels than non-nationals. The differences may have to do with selection processes that are based on socio-structural characteristics. Both the selection logics of legal citizenship requirements in Austria (favouring persons with a stable job and high income) and self-selection among migrants result in naturalised migrants having higher educational achievements than non-nationals. For Italy it can be concluded that NFB have similar or slightly lower working opportunities than natives with the same

qualification. Training opportunities for native (5%) and non-native nationals (3.5%) differ but both are quite low (based on Labour Force Survey, Istat, 2009).

In other countries, however, NFB seem to be doing worse. For the Netherlands, the educational attainment level of NFB coming from Morocco or Turkey is lower than for employees with a Dutch background; the former also participate less in education and training offered by their organisation. To a lesser degree, this same conclusion can be drawn for nationals with a Surinamese background (NEA, 2009)

Yet in other countries, like Slovenia, the differences in educational attainment between the old settlers and the immigrants' descendents are marginal, while those between the old settlers and new immigrants are notably bigger (Medvešek, 2007).

Roma groups

Three national correspondents report specifically on the Roma population and their educational achievement.

In Bulgaria employers provide little or no training to their employees. The existing data show that 9.7% of Bulgarians, 3.8% of Turks and 2.1% of Roma participated in qualification courses in 2005 (Gender and Generation Survey, GGS, 2007). Most of the measures included in the active labour market policy target ethnic groups, namely Roma, providing literacy and qualification courses.

This is the case too in Spain where 66.5% of the active Roma population is illiterate or has not finished their primary studies; this figure stands at 3.2% for the active population for the whole of Spain. Roma workers therefore tend to undertake activities requiring little qualification, with practically two-thirds engaged in low qualification jobs (data from FSG).

A [report \(690Kb PDF\)](#) by the World Bank in 2008 suggests conditions in the Czech Republic may be more hopeful for the Roma population. Training opportunities for employed Roma are higher than for those without employment. Around 60% of employed Roma obtain vocational skills, mostly through on-the-job training. For those who are not employed, training opportunities were lower than 40%. For the Roma, employment means that they can gain new skills and obtain better jobs in the future.

The educational achievements of Irish travellers are also quite low. The 2006 Census found that about 69% reported that primary level was their highest level of education.

Working hours

From the limited amount of data on this topic, it can be concluded that NFB work a wider range of hours in some countries. Working in the evenings, at night or during the weekends seems to be more prevalent among NFB, as is the case in the Netherlands where evening and night work is more common among employees with a Moroccan and other non-EU background. Employees with a non-EU background also report more weekend work (NEA, 2009).

In Italy too, non-native nationals (as a proxy for NFB) do more part-time work (less than 30 hours a week) compared with native nationals. Non-native nationals and native nationals have a similar

share in shift work in general. However, non-native nationals in Italy more frequently report both night shifts and working on Sundays compared with native nationals (Labour Force Survey, Istat, 2009).

The difference in working hours between native-born and foreign-born nationals (as a proxy for NFB) is not very pronounced in every country. In Sweden, differences in the working hours between native-born men and women and foreign-born men and women are very small (Statistics Sweden, 2010).

According to a [report \(in French, 216Kb PDF\)](#) by the Ministry of Employment's Office for Research, Studies and Statistics (Dares), in France, male migrants born abroad who have become French by naturalisation (French migrants as a proxy for NFB) were the most likely (40.3%) in 2005 to have unsocial working hours (on Saturday or Sunday). Among women, non-migrants (French people born in France and having French nationality) were much more likely to work at weekends (40.8%) than female migrants born abroad and French by naturalisation (French migrants) (35.5%).

According to FSG, 42% of the Roma at work in Spain work part-time compared with 8.5% of the overall Spanish population. Concerning the number of hours worked, 38.9% work less than 30 hours per week and a fifth work more than 40 hours. About 25% of Roma workers work fewer than four hours a day.

Health and safety

The country reports also show a striking lack of information on the health and safety of NFB/NEA at work, with only a small number providing answers on this topic.

In the Netherlands, employees with a foreign background do not consider their work more dangerous compared to employees with a Dutch background. But with the exception of employees with a background from other EU countries, all other employees with a foreign background report more occupational accidents and the need for additional safety measures. Employees with a non-EU background report more physical burdens in their work compared to those with an EU or Dutch background. They report less work stress but also less autonomy compared to the situation of other employees with an EU or Dutch background. Health outcomes are almost always in favour of those employees with a Dutch background; the only exception is the lower sickness absence percentage of employees with a Surinamese background (NEA, 2009).

In Slovenia, nationals with a foreign background seem to be over-represented in lower paid jobs, which are usually connected with higher risks and accidents at work. However, there are no statistics available to support this claim.

Surprisingly, French migrants born abroad and French by naturalisation (French migrants as a proxy for NFB) seem to have similar physical exposure compared with nationals with no foreign background. In some regards, such as carrying heavy loads, the 2009 [report \(in French, 216Kb PDF\)](#) by Dares found they did better in 2005 than nationals with no foreign background. For organisational and psychosocial risks, the situation is complex and no explicit patterns are observable, although for some items the situation declared by the French migrants and by foreigners is quite similar. For example, more French migrants and non-nationals than nationals with no foreign

background declared they had to do monotonous tasks or repetitive tasks, did not learn new things and were not able to stop their own work. It is worth noting that French migrants and non-nationals do not always present the same pattern of answers regarding problems understanding managers or colleagues, or participation in meetings (more non-nationals report these problems compared with French migrants due to their different command of the language). Looking at the ability to resolve problems on their own and contradictory orders, the situation of French migrants is closer to that of nationals with no foreign background than to non-nationals.

The Spanish national correspondent reports on the general health of Spain's active Roma population; the majority of the active Roma population (77.5%) is in good health and 9.4% are disabled or chronically ill (data from FSG).

Policies of workplace promotion and combating discrimination

Anti-discrimination rules in practice: the field of work

The national correspondents were asked about statistics in relation to anti-discrimination procedures in the different countries:

- the number of work-related complaints by nationals with a foreign background or specific ethnic affiliation received and identified as discriminatory;
- the number of these complaints resulting in legal action;
- the percentage of these complaints resulting in sanctions.

The national correspondents from Austria, Greece, Spain and Poland indicated that no data were available in their countries on discrimination and anti-discrimination procedures. In Poland, nationals with a foreign background or specific ethnic affiliation are not treated as specific groups in the anti-discrimination policy, which means no data are collected on this issue.

Various bodies in countries such as Cyprus, Finland, Italy, Malta, Slovakia, Slovenia and the UK are responsible for handling discrimination complaints but, according to the national correspondents, no complaints are being filed (by nationals with a foreign background and/or by non-nationals; not every country was clear about this) regarding discrimination (and discrimination in the workplace) based on racial or ethnical grounds.

Sometimes, this is because the legislation and installation of responsible bodies is very recent. In Estonia, for instance, the Equal Treatment Act was only implemented in 2009 and, until then, only issues and complaints on gender equality were monitored. In Luxembourg, the Centre for Equal Treatment ([CET](#)), which was created in 2006, published its first activity report in 2009 in which complaint data were broken down only by gender.

In most of the other countries, complaints are registered and broken down based on racial or ethnic grounds. No distinction was made between complaints by nationals with a foreign background (or foreign ethnic affiliation) and non-nationals. This was the case in Belgium, Bulgaria, the Czech Republic, Denmark, Germany, France, Hungary, Ireland, Lithuania, the Netherlands, Romania, Sweden and the UK.

In Bulgaria, there was doubt about the exact number of work-related complaints because it is not recorded whether the complaints are work-related or not. In Hungary, figures for work-related complaints were not available by ethnic affiliation or race.

In the Czech Republic, the national correspondent stated that the statistics on work-related discrimination are incomplete and not up-to-date. The German correspondent does not give any figures, but indicates that there has not been a steep rise since 2006 in petitions or lawsuits on the grounds of the general Equal Treatment Act.

Statistics about work-related discrimination were available in Belgium, Denmark, France, Ireland, Lithuania, the Netherlands, Romania and Sweden.

According to the 2008 [annual report \(in Flemish, 5.86Mb PDF\)](#) on discrimination and diversity from the Belgian government agency, Centre for Equal Opportunities and Opposition to Racism ([CGKR](#)), 1,859 complaints had been filed in the previous year of which 19 resulted in legal actions. Almost half (827) the complaints were on racial grounds and 20% were about discrimination in the workplace. Approximately 43% of the complaints about discrimination in the workplace based on ethnic origin concerned conflicts about working conditions, 34% were about recruitment and selection (promotion and contract) and 23% were about redundancy policies.

According to the [annual report \(in Danish, 1.64Mb PDF\)](#) for 2009 from the [Board of Equal Treatment](#) in Denmark, it settled six complaints related to discrimination and unequal treatment at work due to ethnic origin, one in favour of the complainant. The Board stresses that cases related to race and ethnicity are often turned down due to conflicting explanations and lack of documentation. A member of the board emphasises that the level of discrimination in Denmark might be higher than the figures reflected in the report.

In France, 10,545 claims were recorded and dealt with in 2009; this represents an increase of 21% compared with 2008 and 69% compared with 2007 ([2009 annual report](#) of HALDE, in French). Among the claims, 28.5% were related to the ethnical background of the worker and about half to employment matters (one-third were about recruitment and two-thirds about career progression). Ethnic origin represents the primary motive for employment claims, while other motives include gender, health issues and religious views. Almost 78% of the claims heard by a tribunal have been given a favourable ruling.

In Ireland, the 2009 [annual report](#) from the [Equality Authority](#) states that it processed 318 legal case files, of which 54 cases were race-related and two were related to membership of the travelling community. Working conditions were the most common case type, with 99 legal case files. Of the 318 legal cases, there were 10 settlements, four recommendations by the [Equality Tribunal](#) and two [Labour Court](#) decisions.

In Lithuania, the Office of Equal Opportunities Ombudsman ([LGKT](#)) receives only a few work-related complaints concerning race, ethnic affiliation, nationality and language. In 2009, complaints on these topics were almost a third less than in 2008 whereas the number of such complaints grew regularly between 2005 and 2008. The decrease in the number of complaints in 2009 can be explained by the difficult economic situation in the country.

In an economic downturn, a complainant alleging discrimination often becomes the first target for dismissal. Therefore, the number of discrimination-related complaints is decreasing in general, as people are

afraid of losing their jobs. The same also refers to ethnic affiliation complaints.

(Country report Lithuania).

In past years, work-related complaints by Roma people concerning race, ethnic affiliation or nationality accounted for the majority of all recorded complaints. The complaints usually related to the refusal of employers to employ Roma people, claiming that a job vacancy was already filled. The incidence of sanction imposition is very low; peaceful settlement is usually sought by dialogue with employers.

In the Netherlands, according to a [report \(in Dutch, 1.91Mb PDF\)](#) from the Netherlands Institute for Social Research (SCP), anti-discrimination offices received on average 405 complaints about discrimination per year between 2004 and 2008. Complaints were most often received from Moroccan people (31%), with Surinamese (19%) and Turkish (14%) people submitting complaints less often (there was no difference during the period). The Dutch Equal Treatment Commission (CGB) handed out 93 verdicts in 2009 on cases of discrimination experienced in the labour market by people with a non-western background. In more than half of these cases the complaint was judged as correct. Most verdicts (40%) were about discrimination in recruitment; discrimination, harassment and insult were the problem in 30% of the cases.

In Romania, statistics for the period 2006–2008 record 71 ethnic based discrimination complaints in 2006, 82 in 2007 and 62 in 2008. The distribution of complaints by ethnic groups shows that almost half have to do with Roma individuals. The distribution of complaints by the nature of discrimination shows that in 2008 only 9.7% (six petitions) were related to access to employment and to a profession.

Finally in Sweden, a total of 1,261 complaints based on the grounds of ethnic discrimination were notified between 1 January 2009 and 20 October 2010. Of these, 515 were concerned with working life; none of these complaints resulted in sanctions though there were four conciliations.

Conclusions

When there is the possibility of filing ethnic or racial-based discrimination complaints related to the labour market, in most European countries these complaints in general seldom lead to juridical cases or verdicts.

The nature of those complaints for which there is information is mostly employment access (recruitment and selection), career opportunities and working conditions. Based on the data available, it is not possible to distinguish between cases of direct and indirect discrimination.

However, little information is provided. It is also not possible to distinguish between complaints made by nationals with a foreign background and those made by non-nationals. The data are mostly broken down by discrimination grounds and not by the complainant's characteristics. It is not therefore possible to provide specific information for NFB/NEA.

Public policies

When asked if there are specific public policies to tackle the employment inequalities of nationals with a foreign background (or nationals with a specific ethnic affiliation), some national

correspondents (from Belgium, Bulgaria, Denmark, Estonia, Ireland, Malta, Portugal and Slovakia) stated there was a general policy towards ethnic minorities, including nationals with a foreign background. Most frequently mentioned was the enactment of anti-discrimination law and regulations (see also above).

Different countries are promoting diversity at the workplace. Examples include:

- 'diversity plans' (Belgium);
- information, seminars and counselling (Denmark);
- research, training and awareness raising practices on anti-discrimination and diversity (Malta).

Measures to enhance job accessibility and to improve labour market access include:

- subsidised employment (Bulgaria);
- support for business starters (Bulgaria);
- forming a prioritised group for job coaching (Belgium).

Some countries are investing in the competences of the vulnerable group:

- language courses (Belgium, Bulgaria, Denmark, Estonia, and Malta);
- specific training and apprenticeships (Denmark);
- employability programmes (Malta).

Specific actions focusing on working conditions are not mentioned in the country reports.

Some country reports (Finland, Germany, Italy and Sweden) only describe actions concerned with the (labour market) problems of the immigrant population and on the population of newcomers to the country. Actions taken include:

- organisation of integration courses (Germany);
- integration action plans (Finland, Italy);
- improving employability and labour market participation by schooling, language training and vocational training (Germany);
- a more general inclusion policy (Finland, Germany, Italy and Sweden).

For Italy, there is no specific policy aimed at improving the health and safety at work of nationals with a foreign background, although there is an increasing attention to the health and safety of migrant workers such as 'Working safe', the 2009 campaign by the Italian National Institute of

Insurance against Accidents at Work ([Inail](#)) which aimed to train workers taking into account their cultural norms and linguistic difficulties.

Specific policies aimed at nationals with a foreign background (except for Roma) are not mentioned in the country reports for the Czech Republic, Hungary, Lithuania, Poland, Romania, Slovenia and Spain.

- Actions mentioned in the Czech Republic report include increased care for unemployed Roma by labour offices, governmental grants supporting social inclusion projects, introduction of the diversity concept and support for entrepreneurs.
- In Hungary, only one long-term work-related initiative could be found. This is called 'Roma Enterprise Development Programme'; its goals are to enhance micro- and small enterprises with a Roma owner and to enable these enterprises to employ more Roma employees.
- In Lithuania, the 'Programme for the Integration of Roma in Lithuanian Society', which ran from 2008 to 2010, provided measures that were expected to contribute to better integration of Roma in the labour market. Projects funded by the [European Social Fund](#) (ESF) might also, to a certain extent, be attributed to public policies to tackle the employment inequalities or to foster workplace promotion of nationals with a foreign background/specific ethnic affiliation. The project 'Establishment and testing of the support mechanism for the integration of Roma people into the labour market' included the setting up and testing of a support mechanism and cooperation networks, using the networks and human resources of non-governmental organisations (NGOs) to help integrate Roma people. A number of other projects of a similar nature were implemented with a view to labour market integration of various ethnic minorities.
- In Romania, the task of integrating the 'Roma' is assigned to several institutions. In addition, the National Agency for Employment ([ANOFM](#)) addressed the issue in the objectives of its 2009 national plan for vocational training. These objectives included the integration into professional life of all groups who face the risk of social marginalisation, through training and upgraded vocational courses. The Roma population has a distinct place among such groups. In 2009, ANOFM's 'employment caravan for Roma' involved 19,412 people of Roma origin, gave counselling to 13,207 Roma individuals and found employment for 953 Roma individuals. This initiative, which is carried out by ANOFM's its local offices, continues. In the same year, ANOFM succeeded in finding jobs through its 'National Programme for Employment' for 7,734 Roma ethnics.
- In Poland the only national programme aimed at ethnic and national minorities is for the Roma. There are actions in the Operational Programme Human Capital for 2007–2013 focused on education and social integration, but not specifically on monitoring labour market situation.
- In Slovenia, the Government approved a national programme of measures for Roma for 2010–2015. One of its aims is to boost employment and reduce unemployment among Roma.
- In 2006, Spain approved the 'Roma development plan 2006–2010' which includes several programmes aimed at the labour market and social insertion of the Roma population.

- Nationals with a foreign background in Austria, Cyprus, France and Greece are not a specific target group for public policies, neither with respect to employment inequalities and workplace promotion nor with respect to other issues. No details are given in the country reports about specific policies aimed at all ethnic minorities in general or at immigrants.

Role of the social partners

The impact of the [social partners](#) in general integration policymaking and specific labour market policy-making is present in some form in countries such as Belgium, Bulgaria, Cyprus, Denmark, France, Germany, the Netherlands and Romania. Collective agreements on social, cultural and ethnic diversity are mentioned in the country reports for Belgium, France and the Netherlands.

In some countries, the social partners play no active role in any actions or in the elaboration of policies against discrimination or policies for promoting diversity and equality. This is the case in the Czech Republic, Greece, Hungary, Lithuania and Poland.

In other countries, the role of the social partners is mostly restricted to participation (or consultation) in formal complaint procedures and in the further implementation of anti-discrimination legislation. This is the case in Austria, Italy, Luxembourg, Malta, Slovakia and Slovenia.

Other countries such as Cyprus, Estonia, Finland and Sweden report that the role of [trade unions](#) is to:

- defend the rights of all employees;
- inform all employees about their labour rights, issues of discrimination at work and measures that can be taken regarding violation of their rights.

No (or very few) specific targeted actions for nationals with a foreign background or ethnic affiliation were mentioned.

In some countries, however, the social partners play an important role in specific policies and actions for ethnic minorities (including nationals with a foreign background or foreign ethnic affiliation). This is the case for Belgium, Germany, Ireland, the Netherlands and Spain).

In Belgium, for instance, the *Jobkanaal* [job channel] project is jointly run by several employers' organisations and aims to promote the recruitment of disadvantaged groups in the labour market by collecting information about vacancies for which candidates from the target groups are considered to be eligible. The public employment office, temporary employment agencies and some ethnic minority associations (among other associations of other target groups) refer people to the vacancy database. Several other joint initiatives have been undertaken by employers' associations including:

- creating a 'platform of entrepreneurs on diversity';
- producing a 'declaration for diversity';
- organising information campaigns to make employers aware of the issue of diversity;
- setting up a 'service point on diversity' to support diversity management in small and medium enterprises (SMEs).

The trade unions are also strongly involved. The three main unions in Belgium employ more than 20 diversity consultants to introduce and promote the notion of diversity and proportional participation in the labour market to local union representatives, and to promote diversity plans in the workplace. Several awareness campaigns have been organised, handbooks and flyers published, etc.

In Germany, the social partners have contributed to the setting up of the first National Integration Plan. Several federal ministries and social partners have also signed a declaration to support youngsters from migrant families in their educational and training efforts. Their goal is to improve the language skills of young migrants, to lower the drop-out rate of migrants from school and to foster their integration into the German [vocational training](#) system. To this end, a variety of projects and initiatives are to be supported by these organisations including:

- creating new vocational training positions;
- setting up an advisory service which will inform both foreign companies and youngsters with a migration background of the possibilities of the German vocational training system;
- encouraging companies to take account of special skills, such as intercultural competences or the ability to speak several languages, when choosing vocational trainees.

Unions also inform works or staff councils about how to deal with discrimination in the selection of young applicants. Finally, the German Confederation of Trade Unions ([DGB](#)) advocates equal opportunities and related agreements at the company level and helps in their creation.

For Ireland, one example of a social partner initiative in the policy area of ethnic integration in workplaces is the 'Action Strategy to Support Integrated Workplaces' organised by representatives of the trade unions, the employer confederations and the government. This strategy includes a range of initiatives to assist employers and trade unions to respond effectively to the potential challenges of a culturally diverse workforce and to create integrated workplaces by:

- supporting all employees to operate effectively and without discrimination or harassment within a culturally diverse workforce;
- supporting all migrant workers and other Black and minority ethnic (including traveller) employees to adapt to the workplace;
- reviewing and further developing all workplace policies, procedures and practices to ensure that they adequately take into account and adjust for cultural and linguistic diversity within the workplace.

In the Netherlands, trade unions direct members who are employees and who have personal problems to the works council in the organisation, and to anti-discrimination offices and CGB for complaints on discrimination. Because of the many forms of discrimination there often is no special exception for discrimination on race or religion. Employer organisations promote small credits and easy access to banking credits for people with a foreign background to help them acquire work by founding a company. One point of disagreement between trade unions and employer organisations is the policy that gives preference to people with a non-EU background above Dutch people, where

two candidates are equally well-qualified; employer organisations object to this policy because it hinders employers in making their own decisions.

Social partners in Spain support the fight for equal labour and social rights and obligations among foreign workers, for instance, by signing a collaboration agreement aimed at improving access to the labour market for the Spanish Roma population. This agreement, based on the European Racial Equality Directive ([2000/43/EC](#)), seeks to implement principles of equal treatment between people in [social dialogue](#) and collective agreements. Collaboration agreements have been also signed at regional level; for example, an agreement through which the trade union will offer specific legal services, professional assessment and training programmes for the Roma population.

Role of the labour inspectorate

The national correspondents were asked whether and how the labour inspectorate in their country plays a role, especially in the monitoring and control of anti-discrimination laws.

In most countries (Austria, Belgium, Bulgaria, Denmark, Estonia, France, Greece, Ireland, Lithuania, Malta, the Netherlands, Poland, Romania and Sweden), the labour inspectorate deals with occupational health and safety issues and labour legislation. Aspects of equal treatment and social rights are therefore taken into consideration. In the Netherlands, an important recent development in the Working Conditions Law is the extension of the rule against intimidation, aggression and violence. This recognises that discrimination can cause mental health problems which employers must take steps to prevent. The labour inspectorate can now take action against companies without a policy against discrimination and can fine companies where discrimination is a structural problem. However, in Belgium, Bulgaria, France, Hungary, Ireland, Malta, the Netherlands and Sweden, the actual monitoring and execution of the anti-discrimination law and formal complaint procedures are sometimes also dealt with by other organisations.

In Cyprus, the labour inspectors and the chief inspector are responsible for ensuring that the laws on equal treatment in employment, labour and vocational training are implemented effectively in the workplace. The inspectors can file complaints on their own initiative and receive complaints.

In the Czech Republic, the labour inspectorate receives requests for controls on discrimination and can act on them (some violations have resulted in sanctions, mostly in the form of a financial penalty). In its annual reports, the labour inspectorate admits it is extremely difficult to prove discrimination but has nevertheless declared its intention to pay more attention to this issue in the future.

In Finland, the labour inspectorate investigates cases of discrimination, although many possible cases are apparently not brought to its attention. According to a report examining discrimination cases from four labour inspectorate districts (2008–2009), approximately one-third of the cases were based on ethnic affiliation. These were cases that the district had actually investigated and almost all dealt with compensation, working hours or working conditions.

In Italy, discrimination occurrences can be signalled to the labour inspectorate but, as yet, there is no plan for monitoring racial discrimination in the workplace.

In Portugal, the role of the labour inspectorate includes the prevention and control of discrimination and the conditions of employment of vulnerable groups of workers.

In Slovakia, implementation of anti-discrimination legislation is controlled and checked by the National Labour Inspectorate ([NIP](#)), which also provides counselling on its implementation. However, planned controls and checks by NIP are not particularly aimed at checking the current position in this area of nationals with foreign background. According to available information, no complaints and reports on this issue were registered by NIP.

In Slovenia, the labour inspectorate is responsible for supervising implementation of the Employment Relationships Act, which prohibits discrimination in employment. Anyone who believes they have been discriminated against can file a complaint with the labour inspectorate. The labour inspector may then mediate between the employee and the employer with the aim of reaching a friendly settlement. In cases where it is established that a violation of the prohibition of discrimination has occurred, the labour inspector can file a criminal charge with the competent district attorney. The inspector can also fine a violator for minor offences without assigning the case to court.

Conclusions

This research project used reports from EU27 countries to examine the working and employment conditions of nationals with a foreign background (NFB) and nationals with a different ethnic affiliation (NEA).

Lack of data

The first key finding is the general lack of data. Although it is recognised that ethnic data are useful, many European countries are reluctant to collect these data. Most countries have a national law on personal data protection and, in most countries, these laws and other legislation generally prohibit the processing of ethnic data, though they include a list of exceptions. Counting and classifying individuals on the basis of their ethnic origin is still an issue of debate in most European countries. In recent years some countries have made interesting and innovative decisions in statistical data gathering. Germany is a key example in this regard.

It is remarkable that EU legislation on anti-discrimination and privacy is used in opposite ways ('for' and 'against') in these debates. Some country reports note that the need to collect data on ethnic groups and nationals with a foreign background has increased because of the transposition of EU anti-discrimination legislation into national law and the creation of bodies to fight various forms of discrimination over the last few years. Other countries see the impact of the anti-discrimination legislation in a slightly different light and argue that, in accordance with anti-discrimination legislation, they are not allowed to collect ethnic data.

When data are available, they are usually fragmented and incomplete, or based on ad hoc research. In addition, different definitions are used which makes comparison difficult.

Employment situation

Differences between countries are found in the employment rates for NFB/NEA. In some countries the rates are quite different from those of nationals with no foreign background, while in others they do not differ that much.

In some countries, the segmentation of the labour market is profound. In other countries it is almost non-existent.

Different results are also found for different countries in terms of the educational attainment level of NFB/NEA. In some countries NFB seem to be doing quite well in the educational arena, while in other countries they seem to be doing worse.

The information that is available shows how important it is to take the heterogeneity of the group of NFB into account. In some countries information is available for the first and second generations, highlighting significant differences between them.

When available, detailed information about ethnic origin shows that the employment situation can be very different for NFB originating from different regions (for example, EU versus non-EU background).

Gender also matters: the female NFB population from certain regions experiences more difficulties in the labour market in some countries than their male colleagues. Some groups are better integrated into the labour market than others.

Other determinants are migration history, labour market situation, average level of education and qualifications, age structure, discrimination and prejudices.

Working conditions: evidence of precariousness?

The data (if available) and findings are more unequivocal with regard to the working conditions of NFB/NEA. There are indications in some countries that NFB/NEA, when they are employed, work more often in more insecure jobs (temporary contracts, part-time work).

- Having a temporary contract means that these people are more vulnerable in the labour market in economic hard times because they have a higher chance of losing their job.
- Having a part-time job often indicates vulnerability in the labour market because these jobs are more often situated in its lower segment.

From the limited amount of data available, it can be concluded that in some countries NFB work more within a flexible time setting. Working in the evenings, at night or during the weekends seems to be more prevalent (for example, in Italy and the Netherlands), although the difference in working hours is not that marked in every country (for example, in Sweden).

The country reports show a striking lack of information on the health and safety of NFB/NEA at work, with only two (France and the Netherlands) providing detailed answers on this topic. The results show a more negative situation for NFB on some items compared with the situation of nationals with no foreign background.

In the Netherlands, employees with a foreign background do not consider their work more dangerous than that of employees with a Dutch background. But, with the exception of employees with a background from other EU countries, all other employees with a foreign background report more occupational accidents and the need for additional safety measures. Employees with a non-EU background report more physical burdens in their work compared with employees with an EU or Dutch background. They report less work stress but also less autonomy compared with the situation of other employees with an EU or Dutch background. Health outcomes are almost always in favour of employees with a Dutch background.

French migrants born abroad and French by naturalisation (French migrants as a proxy for NFB) seem to have similar physical exposure to nationals with no foreign background. In some regards (for example, carrying heavy loads), they do better than nationals with no foreign background. For organisational and psychosocial risks, the situation is complex and no explicit patterns are observable. For some items, however, the situation declared by French migrants and by non-nationals is quite similar and worse than the situation of nationals with no foreign background (for example, monotonous or repetitive tasks, not able to learn new things and not being able to stop their own work). But for other job characteristics, the situation of French migrants is closer to that of nationals with no foreign background than to non-nationals.

Determinants: stereotyping and skills

The most important determinants explaining labour market disadvantages in EU countries are the prevalence of stereotypes, prejudices, negative attitudes and discrimination. Other factors include the lack of education and training, labour market competition, and the lack of recognition of skills and qualifications. A final important factor is the lack of language skills. A significant influencing or even determining factor, about which there is not much information, is the policy on naturalisation and citizenship and the conditions placed on them.

Policy action: curative and in development

In most European countries, ethnic or racially based discrimination complaints related to the labour market in general have seldom led to juridical cases or verdicts. The nature of the complaints is mostly about employment access (recruitment and selection), career opportunities and working conditions. It is not possible to distinguish between complaints made by nationals with a foreign background and those made by non-nationals.

Most correspondents state that there is a general policy in their country towards ethnic minorities, including nationals with a foreign background. Most frequently mentioned in the country reports is the implementation of anti-discrimination laws and regulations. There are no specific policies focusing on nationals with a foreign background apart from those for the Roma; many of the country reports provide information and policy strategies on this ethnic group. The situation of the Roma and Irish travellers appears very vulnerable in most countries for which information is available. In some countries, the social partners play no active role in any actions or in the formation of policies against discrimination or policies to promote diversity and equality. In other countries, their role is mostly restricted to participation (or consultation) in the formal complaint procedures and in

the further implementation of anti-discrimination legislation. Their role towards NFB is ambiguous. In some countries the social partners play an important role in specific policies.

In most countries the labour inspectorate deals with aspects of occupational health and safety issues and labour legislation. But they do not target NFB as a specific group to monitor.

All in all, the limited information available gives a diverse picture of NFB/NEA which illustrates the huge diversity between these groups and how countries tackle the issues.

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Annex: List of exemptions in Directive 95/46/EC

Article 8 (1) Member States shall prohibit the processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, and the processing of data concerning health or sex life.

Paragraph 1 shall not apply where:

Article 8 (2a) the data subject has given his explicit consent to the processing of those data, except where the laws of the Member State provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject's giving his consent

Article 8 (2b) processing is necessary for the purposes of carrying out the obligations and specific rights of the controller in the field of employment law insofar as it is authorized by national law providing for adequate safeguards

Article 8 (2c) processing is necessary to protect the vital interests of the data subject or of another person where the data subject is physically or legally incapable of giving his consent

Article 8 (2d) processing is carried out in the course of its legitimate activities with appropriate guarantees by a foundation, association or any other non-profit seeking body with a political, philosophical, religious or trade-union aim and on condition that the processing relates solely to the members of the body or to persons who have regular contact with it in connection with its purposes and that the data are not disclosed to a third party without the consent of the data subjects

Article 8 (2e) the processing relates to data which are manifestly made public by the data subject or the processing is necessary for the establishment, exercise or defense of legal claims.

Article 8 (3) Paragraph 1 shall not apply where processing of the data is required for the purposes of preventive medicine, medical diagnosis, the provision of care or treatment or the management of health-care services, and where those data are processed by a health professional subject under national law or rules established by national competent bodies subject to the obligation of professional secrecy or by another person also subject to an equivalent obligation of secrecy.

Article 8 (4) Subject to the provision of suitable safeguards, Member States may, for reasons of substantial public interest, lay down exemptions in addition to those laid down in paragraph 2 either by national law or by decision of the supervisory authority.

Article 8 (5) Processing of data relating to offences, criminal convictions or security measures may be carried out only under the control of official authority or if suitable specific safeguards are provided under national law, subject to derogations which may be granted by the Member State under national provisions providing suitable specific safeguards. However, a complete register of criminal convictions may be kept only under the control of official authority.

Source: [Ethnic statistics and data protection in the Council of Europe countries \(1.04Mb PDF\)](#)

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