



**SOC/642**

**Diversity management in the EU Member States**

## **OPINION**

European Economic and Social Committee

**Diversity management in the EU Member States**

[Exploratory opinion at the request of the German Presidency]

Rapporteur: This opinion was prepared by **Adam Rogalewski**, EESC member from October 2015 to September 2020, as rapporteur, and presented during the first session of the EESC's 2020-2025 term in October 2020 by **Carlos Manuel Trindade**, as rapporteur general.

Request by the German Presidency of the Council	Letter, 18/02/2020
Legal basis	Article 304 of the Treaty on the Functioning of the European Union
Section responsible	Employment, Social Affairs and Citizenship
Adopted in section	09/09/2020
Adopted at plenary	29/10/2020
Plenary session No	555
Outcome of vote (for/against/abstentions)	237/4/10

## 1. **Conclusions and recommendations**

- 1.1 This opinion was requested by the German presidency and focuses on diversity management in relation to migrants and ethnic minorities in society and the workplace. Case studies of four EU countries representing four geographical regions are examined in the appendix to this opinion: Northern Europe (Finland), Central and Eastern Europe (CEE) (Poland), Western Europe (France) and Southern Europe (Italy).
- 1.2 The European Economic and Social Committee (EESC) calls for using a holistic approach in diversity management policies. Such policies need to focus on all aspects of the work and daily lives of the groups in question, including in terms of workplaces, education, public services, local communities and social rights.
- 1.3 Diversity management should take into consideration heterogeneity and multiple identities. Migrants and ethnic minorities are not a homogeneous group, and recognising intersectionality is crucial to developing successful diversity policies.
- 1.4 Addressing structural racism across all institutions requires social justice for ethnic minorities and migrants. To that end, the EESC calls on the EU and the Member States to increase their legal and political efforts to tackle racism and xenophobia. Recent global events demonstrate the urgency. COVID-19 is exacerbating structural racism in Europe. Ethnic minorities and migrants not only face greater exposure to the disease, but are at greater risk of associated inequalities, and are less likely to be supported. Across Europe, Black Lives Matter protests following the murder of George Floyd in the United States reveal that institutional racism and xenophobia remain embedded in our European societies.
- 1.5 Migrants and ethnic minorities are, in many instances, at the forefront of tackling the pandemic and its consequences, while also disproportionately bearing the risks. Their contribution must be recognised, and the diversity strategy should play an important role in this. Recognition of their contribution should include the provision of quality working conditions, fair wages and social protection. Migrants should have access to the same standards of quality accommodation, education and health as those available to European citizens. Furthermore, policies to protect undocumented migrants should be implemented, with the participation and approval of the social partners and civil society organisations.
- 1.6 EU and Member States need to proactively secure more funds for diversity management for the benefit of all citizens, social justice, fundamental rights and the economy. The COVID-19 pandemic and economic crisis must not be allowed to undercut spending or reduce Member States' capacity in that area. In particular, social partners and civil society organisations should be provided with adequate and long-lasting funding for developing and implementing diversity policies. One of them should be the new ESF+ fund.
- 1.7 Diversity policies should address skill underutilisation. The EESC reiterates its recommendations for better recognition of qualifications, and especially in the health and long-

term care sectors<sup>1</sup>. Improvement to qualification and prior learning recognition processes should follow recommendations of UNESCO, which urges coherent, transparent and flexible frameworks targeted at migrants and refugees<sup>2</sup>.

- 1.8 The EESC emphasises the important role of public services and their adequate funding in protecting diversity.
- 1.9 The Committee calls on the EU and the Member States to provide free and universal education trainings including language courses to enable migrants to fully participate in the labour market.
- 1.10 The EESC calls for diversity management to be mainstreamed across different EU policy areas and incorporated into the EU rules on public procurement, by taking into account whether companies have diversity policies as a criterion for awarding public contracts.
- 1.11 The EESC underlines the crucial role of the social partners in developing, implementing and assessing diversity management. Research and the case studies presented demonstrate that collective bargaining and social dialogue are essential and that workplaces with a trade union presence are more likely to have in place inclusion policies and better anti-discrimination practices. Moreover, trade unions and employers' organisations play an important role in empowering migrant workers and entrepreneurs within their structures through special support mechanisms.
- 1.12 The EESC underlines the important role of civil society organisations and advocacy groups focused on the rights of migrants and ethnic minorities. Migrant-led organisations explicitly call for structured dialogue and meaningful participation in all stages of labour migration and employment policy impacting migrant and ethnic minority workers. For diversity management to be meaningful, all stakeholders must be included in social and civil dialogue.
- 1.13 The Committee encourages employers to develop robust diversity management strategies in collaboration with trade unions that go beyond statements of Corporate Social Responsibility (CSR) and through proper monitoring to deliver change. In particular, employers should be helped to make use of existing toolkits and methodologies, such as those developed by the European Network Against Racism (ENAR). Employers should aim to apply diversity policies across the entire supply chain.
- 1.14 To develop comprehensive strategies to tackle systemic racism and promote diversity, the Member States should develop National Action Plans Against Racism, as proposed by the UN World Conference Against Racism which took place in South Africa in 2018<sup>3</sup>.
- 1.15 The EESC calls on the Commission to urgently develop a new plan on the inclusion of third-country nationals, since the previous one expired in 2018. Furthermore, positive action to

---

<sup>1</sup> [OJ C 487, 28.12.2016, p. 7–13.](#)

<sup>2</sup> [GEM \(2018\). Policy Paper 37. UNESCO.](#)

<sup>3</sup> Sweden, the Netherlands and France are examples of countries that have [recently adopted such policies.](#)

strengthen the inclusion of migrants should be incorporated into the proposed Pact on Asylum and Migration.

- 1.16 The Committee believes that there is a need to improve data collection and monitoring of diversity policies in the labour market in the Member States and at EU level. Without improved data collection, we will not be able to monitor and improve relevant strategies. To that end, the EESC calls on all relevant stakeholders to work together to advance data collection on ethnic minority and migrant workers' participation in the labour market.
- 1.17 Inclusion and diversity are essential to democracy. Our workplaces and societies become more democratic when ethnic minorities and migrants participate in civil society, trade unions and formal democratic processes such as elections. To promote active citizenship, the Member States should encourage migrants to actively participate not only in the labour market but also in decision-making processes such as politics. To promote diversity in our societies, it is important to enfranchise migrants so that they can participate in local elections on the same basis as EU citizens and stand as representatives of local communities.
- 1.18 The EU institutions, including the EESC, should lead by example in diversity management, including by increasing the number of members and personnel from ethnic minority backgrounds<sup>4</sup>. One good example is the Committee's opinion on gender equality<sup>5</sup>, which resulted in the establishment of an internal group on gender equality.

## 2. Introduction

- 2.1 For the purpose of this opinion, "migrants" refers to people born in countries other than the one in which they currently live, including European citizens and third-country nationals. "Ethnic minorities" refers to people of racial, ethnic or religious minority backgrounds who are born in their country of residence. The opinion uses the more positive term "inclusion" rather than "integration", which is also commonly used in diversity discourse.
- 2.2 Racism and discrimination can be individual, involving acts such as unequal treatment, harassment or hate crime. It can also be structural, involving institutional discrimination, represented by labour market inequality, or exclusion of social rights resulting from irregular employment or migration status<sup>6</sup>. Diversity policies should therefore pay special attention to "racialised groups" - marginalised communities that face structural or institutional racism, discrimination or profiling as a consequence of belonging to certain ethnic or religious groups.
- 2.3 As a best practice, diversity management in the workplace involves businesses working with trade unions through collective bargaining – with the support of NGOs and governments – to co-develop strategies aimed at improving workforce inclusion and equality. Special attention should be given to companies in Member States with a low level of collective bargaining

---

<sup>4</sup> See the [speech](#) by European Commission president Ursula von der Leyen of 17 June 2020.

<sup>5</sup> [O J C 240, 16.7.2019, p. 3-9.](#)

<sup>6</sup> [ENAR, Shadow Report: Racism and Discrimination in Europe 2013-2017.](#)

coverage and to micro and small enterprises, which also employ many migrants and ethnic minorities and which should be supported, through social dialogue, to develop diversity policies. This requires a participatory assessment of obstacles to diversity and inclusion in the workplace and how it will be managed, monitored and evaluated. Strategies can include addressing organisational structures which have discriminatory impacts (such as recruitment and hiring practices), ensuring diversity in governance structures and collecting data to report outcomes related to staff retention, career progression and equal treatment. Diversity management strategies can also include reviewing conflict resolution and internal complaint mechanisms, where management in consultation with trade unions establishes clear processes for how complaints are investigated and appropriate measures taken to remedy any rights violations, while protecting complainants from retaliation. Activities can include running training courses, setting up support groups and developing mentoring programmes. Furthermore, diversity policies can encourage ethnic minorities and migrants to take part in workplace consultative bodies such as workplace councils.

- 2.4 It has been 20 years since the Race Equality Directive (2000/43/EC) was adopted. This directive established a European framework for promoting equal treatment between persons irrespective of racial or ethnic origin and set out positive action (diversity management). Likewise, it has been 20 years since the adoption of the Equality Framework Directive (2000/78/EC) to combat discrimination in the workplace. However, neither of these directives specifically prevent structural discrimination on the grounds of nationality or country of origin, and as such do not provide migrants with sufficient protection against discrimination. Furthermore, the Council failed to adopt the so-called Horizontal Directive intended to protect people from discrimination on several grounds both within and outside the workplace.
- 2.5 Combating discrimination and promoting equality is also included in the EU Treaties and the European Pillar of Social Rights. In 2004, the Council adopted the Common Basic Principles for Immigrant Integration Policy in the EU. On the basis of these principles, the Zaragoza Declaration adopted in 2010 stressed the need to develop a new agenda on integration and established a set of indicators to analyse and monitor integration of migrants in Europe<sup>7</sup>. As a result of this process, the European Website on Integration (EWSI) was established; this is a core resource for comparative research, monitoring of migrant integration strategies at country level and the assessment of best practices<sup>8</sup>. The European Integration Network (EIN) was also established in the process, which brings together representatives of ministries responsible for migrant integration from all EU countries, plus Iceland and Norway, to consult with the Commission on integration policy<sup>9</sup>.
- 2.6 In 2010, the Commission created the EU Platform of Diversity Charters<sup>10</sup>, which encourage organisations to develop and implement diversity and inclusion policies and offer a place to exchange and share experiences and best practices. Currently, there are 24 European Diversity

---

7 [European Ministerial Conference on Inclusion, 16/04/2010.](#)

8 [EWSI.](#)

9 [EIN.](#)

10 [European Commission, EU Platform of Diversity Charters.](#)

Charters. By signing a charter, an organisation voluntarily commits to promoting diversity and equal opportunities in the workplace. Becoming a signatory to a Diversity Charter provides access to a vast peer network, publications and support tools for benchmarking, measuring and monitoring.

### 3. General comments

- 3.1 The situation of migrants and ethnic minorities has deteriorated recently, and we are seeing more attacks on those groups and an increase in hate speech fuelled by racists and xenophobic prejudices. The EU urgently needs to do more in this respect and one method is the promotion of diversity management.
- 3.2 Furthermore, asylum seekers and migration inflows have put pressure on the capacity of integration services in the Member States. The next MFF funds such as EFS+ should have increased financial capacity to support inclusion policies.
- 3.3 Recent research for the European Commission found that, on average across all Member States, 13% of workers in "key professions" are immigrants and that non-EU migrants are overrepresented in essential frontline service jobs in sectors such as healthcare, food, distribution and transport<sup>11</sup>. Recent evidence collected by the ENAR shows that the crisis has had significant negative consequences for ethnic minorities in terms of housing, police abuse, employment, healthcare, hate speech and the capacity of civil society networks to engage in advocacy on their behalf<sup>12</sup>. Migrants and ethnic minorities are, in many instances, at the forefront of tackling the pandemic and its consequences, while also disproportionately bearing the risks. Their contribution must be recognised, and the diversity strategy should play an important role in this. Recognition of their contribution should include the provision of quality working conditions, fair wages and social protection. Migrants should have access to the same standards of quality accommodation, education and health as those available to European citizens. Furthermore, policies to protect undocumented migrants should be implemented, with the participation and approval of the social partners and civil society organisations.
- 3.4 An intersectional approach is important for diversity policies. Ethnic minorities and migrants are not a homogeneous group. Many are women – recent migration has been highly feminised. Some are young, have religious backgrounds, are disabled or belong to the LGBTIQ+ community. Often, they experience multiple forms of discrimination which arise from institutional and structural biases. This is especially the case in terms of access to the labour market and job segregation, linked for example to people's residence status, hiring practices and racist prejudices about people of certain nationalities, religious or ethnic backgrounds.
- 3.5 Ensuring universal access to public services is a major part of inclusion. In many instances, migrants and ethnic minority communities benefit from public-sector services. In other cases, they are employed by the public sector, which has specific responsibilities to promote equality.

---

<sup>11</sup> [Fasani, F. & Mazza, J. \(2020\). Immigrant Key Workers: Their Contribution to Europe's COVID-19 Response. Briefing Note JRC120537. European Commission.](#)

<sup>12</sup> [ENAR \(2020\). Covid Impact Paper.](#)

However, many migrants, especially asylum seekers and racialised groups also face significant barriers in accessing public services. Due to privatisation and a general lack of investment in public services, authorities also face major challenges in delivering equality policies.

- 3.6 Many migrants undertake work below their skills or qualifications. The causes of this are often structural, such as when education, qualifications and skills acquired outside the EU are not recognised, resulting in discrimination in hiring practices and job segmentation. Insufficient language skills are often perceived as a barrier to employment, yet the advantages of cultural and linguistic diversity that migrant workers bring into the workplace are often overlooked. Diversity management can help to address this issue and, in doing so, increase the overall productivity of the workforce.
- 3.7 Diversity policies should be implemented not only as an inclusion strategy for the group in question but also as an education tool for the EU population at large. To that end, there should be a greater focus on teaching older and younger people about ethnic diversity and migration, including the vital contribution these bring to our culture, society and economy. Furthermore, schools' curricula should focus more on racism, including structural racism. The EU, together with the Member States and with the active participation of the social partners and community organisations, should initiate information campaigns to promote diversity and tackle racism at the European and national level.
- 3.8 Education and training are also important for enhancing inclusion for migrant and ethnic minority communities. Training could also include volunteering or establishing various forms of mentoring schemes, with mentors being local citizens or migrants themselves. The COVID-19 crisis has underlined the importance of health awareness among migrant communities to protect themselves from the pandemic.
- 3.9 Many social partners and civil society organisations engage in diversity management within their own structures, for example through migrants' committees or self-organised groups within trade unions. Such structures not only help boost civil rights activism but also help improve democracy in the workplace and in society as a whole<sup>13</sup>. Migrants who have no voting rights cannot participate in democratic decisions in their country of residence except through civil society organisations and trade unions.
- 3.10 With adequate support, migrant workers contribute not only to the economy but also to social justice. Examples of trade unions organising migrant workers show that they can be more proactive than other workers in mobilising for social justice and better working conditions for all<sup>14</sup>.

---

<sup>13</sup> Rogalewski, A. (2018). Organising and mobilising Central and Eastern European migrant women working in care. *Transfer: European Review of Labour and Research*, 24(4), 421–436.

<sup>14</sup> Ibid.



- 3.11 Language learning plays an important role in the inclusion of migrants<sup>15</sup>. All countries require language proficiency to become a citizen, yet few provide language courses for free<sup>16</sup>. The EU and Member States should facilitate free language classes for migrants intending to become citizens.
- 3.12 Diversity management is sometimes included in employers' CSR policies and encouraged by some Member States. While CSR policies could be used to support diversity management principles, in the absence of engagement with trade unions and civil society relying on this to deliver diversity management is problematic.
- 3.13 Some Member States are moving away from diversity strategies. In particular, CEE countries are using a model of guest worker migration that allows mainly short-stay visas for foreign workers. This model has not only proved economically inefficient, it has also endorsed discrimination and xenophobia<sup>17</sup>.
- 3.14 There are limited data on the ethnic and migration background of workers in the EU. However, these data are crucial in order to monitor and improve diversity in recruiting, career patterns and retention of workers. While the EESC acknowledges that there are some concerns that collecting such data could itself be a form of discrimination, it emphasises that EU law allows equality data collection where such data are provided voluntarily and according to data protection standards, including confidentiality<sup>18</sup>. For equality policies to be effective, employers need to pursue best-practice approaches to diversity management that include the collection of equality data for the purpose of countering workplace discrimination. Collection of sensitive personal data concerning ethnicity, religion and migration background should only occur with proper safeguards in place, ensuring informed consent, self-identification, voluntary participation, respecting privacy and confidentiality of personal data and in consultation with groups at risk of discrimination. Various employers, as well as many trade unions and civil society organisations, already pursue such an approach to promote inclusion and improve diversity in their workforce and membership.
- 3.15 A change in discourse on diversity management is needed, in particular relating to small and medium-sized enterprises (SMEs). Diversity should be an investment with long-term benefits and not seen as an administrative burden for SMEs or limited to multinational companies with large budgets. Inclusion policies should be implemented with the participation of trade unions by all companies, in particular those operating in sectors with a high proportion of migrant and ethnic minority workers such as catering, hospitality and construction.
- 3.16 Diversity management should mean not only fulfilling quotas but proactively breaking down barriers in the workplace that create racial inequality. Structural racism results in situations

---

<sup>15</sup> [Together in the EU - Promoting the participation of migrants and their descendants \(2017\), European Union Agency for Fundamental Rights.](#)

<sup>16</sup> [www.sirius-project.eu](http://www.sirius-project.eu).

<sup>17</sup> Penninx, R., Roosblad, J. (eds) (2000) Trade Unions, Immigration and Immigrants in Europe, 1960–1993. A Comparative Study of the Attitudes and Actions of Trade Unions in Seven West European Countries. New York: Berghahn.

<sup>18</sup> [ENAR \(2016\), Equality Data Collection: Facts and Principles.](#)

where workers from ethnic minority and migrant backgrounds are disproportionately employed in precarious, more dangerous, low paid and temporary jobs compared to white workers. Cases of indirect racial discrimination are difficult to pursue legally and it is even more difficult to prove institutional racism. When taken seriously, diversity management strategies can be an effective tool to eliminate discrimination based on race and migration backgrounds.

#### **4. Comparison of diversity management strategies in four countries**

- 4.1 There are significant differences between France, Italy, Finland and Poland in terms of migration patterns, the labour market situation and the status of ethnic minorities. However, all four countries face common challenges regarding structural discrimination.
- 4.2 A common factor in all four countries is the segmentation of the labour market, which sees migrant workers concentrated in low paid and precarious employment. Italy has the most extreme situation, followed by France. Poland is also trending in this direction. In these countries, there are civil society demands to regularise the status of migrants. In Finland, there is evidence of a wide pay gap between migrants and white Finns, but the data predates the Non-Discrimination Act adopted in 2014.
- 4.3 The intersection of gender discrimination with migrant background of women emerges as a strong theme in all countries, with evidence indicating that women of colour experience the highest rates of employment discrimination, compared to white Europeans as well as men of the same ethnic groups.
- 4.4 There are varying degrees of governmental, employer and civil society activity in relation to diversity management. Diversity Charters are active in all four countries, as part of the EU Platform of Diversity Charters. France adopted an anti-racism national plan in 2015 which promotes social dialogue. However, Finland is pursuing a strong regulatory approach which establishes discrimination as a crime under the penal code and establishes a legal obligation for employers with over 30 employees to develop plans to promote equality in the workplace.
- 4.5 Marginalisation of Roma and Sinti is a common issue in all four countries - the group facing the highest levels of employment discrimination.
- 4.6 Italy, as part of a research programme with Belgium and Sweden organised through its Diversity Charter, is working with employers and job seekers and sharing best practices of strategies for inclusion in the labour market.
- 4.7 Migration inclusion policies in Poland are developed autonomously by some NGOs, local communities and social partner organisations. Due to fragmentation of the labour market, it is difficult for existing initiatives to reach migrants and protect their rights. Language seems to be less of an issue because the majority of migrants are from Ukraine, which has a language similar to Polish.

Brussels, 29 October 2020

Christa Schweng  
The president of the European Economic and Social Committee

\*

\*      \*

**N.B.:** Appendix overleaf.

## APPENDIX

This appendix includes country case studies related to the opinion topic and the summary of the round table on diversity management in the EU, which took place on 27 August 2020

### 1. Diversity management in Poland

- Since 2016, Poland has had no coherent migration policy that offers a pathway to migrants' inclusion as the current government terminated the previous policy following the 2015 election. A new policy is urgently required. Poland is close to becoming a net-immigration country, where more people are coming to the country than leaving. According to the figures from 2019, there were about 2.5 million migrants in Poland, predominantly from Eastern Europe and particularly Ukraine<sup>19</sup>. Moreover, in 2018, Poland issued 328 000 work permits for third-country nationals, the highest number in the EU, constituting 37% of all work permits issued that year in Europe<sup>20</sup>.
- Poland, along with some other CEE countries, does not participate in refugee relocation in the EU. Again, the decision was made by the current government, which did not fulfil the commitment made by the previous government to accept refugees.
- There is no dedicated body monitoring migration to Poland, hence research data are poor. Ukrainian migrant workers are usually segmented into lower-paid jobs in agriculture, construction and domestic service. However, there is also growing demand for migrant workers in finance and IT<sup>21</sup>. The COVID-19 pandemic has seen massive disruption to this employment-migration pattern. Employed under temporary civil law contracts, Ukrainian workers lack the social protection rights that workers with employment contracts received. Up to half a million have returned home, due to being fired or in fear of being trapped due to border closures. There are reports that large numbers of workers terminating their contracts early have not been paid<sup>22</sup>.
- Diversity management in relation to migration does not appear to be an area of interest for companies based in Poland. As in other countries in the CEE region, diversity policies mainly exist for foreign subsidiaries operating in Poland<sup>23</sup> and often they are not related to migration but to gender or age.
- As a result, migration inclusion policies are developed autonomously by NGOs, some local communities (cities such as Gdańsk, Poznań and Kraków) and some social partners like the All Poland Alliance of Trade Unions (OPZZ). However, due to a low level of collective bargaining and trade union density (one of the lowest in the EU), migrant workers face difficulties in being protected by and engaging with trade unions.

---

<sup>19</sup> Duda, K., (2020) "Organizacje wspierające migrantów na polskim rynku pracy", Friedrich-Ebert-Stiftung, Przedstawicielstwo w Polsce oraz Ogólnopolskie Porozumienie Związków Zawodowych.

<sup>20</sup> [EWSI, 20/05/2019.](#)

<sup>21</sup> [Filipek, K. and Polowska D., \(2020\) "The Latent Precariousness of Migrant Workers: a Study of Ukrainians Legally Employed in Poland". Journal of International Migration and Integration, 21, 205–220.](#)

<sup>22</sup> [Semchuk, K. \(2020\) "The pandemic has returned migrant workers to Ukraine. Will they stay?". openDemocracy, 24 June 2020.](#)

<sup>23</sup> European Commission (2017). Diversity Management in Central and Eastern Europe - Lessons learned and potential for growth.

- For instance in 2016, OPZZ supported the creation of a trade union for Eastern European workers, predominantly from Ukraine: Międzyzakładowy Związek Zawodowy Pracowników Ukraińskich w Polsce (Inter-company Trade Union of Ukrainian Workers in Poland)<sup>24</sup>. The organisation aims to inform workers about their rights and support their inclusion in the workplace and trade unions. It also focuses on promoting Ukrainian culture and history, represents Ukrainian workers in Poland and cooperates with Ukrainian trade unions. The number of people recruited as union members is however very low due to the precarious working conditions of Ukrainian citizens (less than 1000 workers).
- One positive example of support for migrants was an initiative involving Citibank<sup>25</sup> in Poland. This included a programme supporting migrant entrepreneurship launched by the Ashoka Foundation "Hello Entrepreneurship"<sup>26</sup>. It aimed to support migrant social entrepreneurship in Poland as well as to provide information about legislation on doing business in Poland. During the first edition of the programme in 2019-2020, 125 people were trained and its graduates established nine social enterprises. Another such initiative is "The working together initiative"<sup>27</sup> #razemwpracy of which the bank was the main partner and which was initiated by the Association of Business Service Leaders. The initiative aimed to support diversity and openness to different cultures and nations, showing how important foreigners are for the bank, local communities and Poland. As described by the initiators of the programme, it predominantly focuses on organising debates, diversity workshops, flash mobs, fairs and lectures. Two rallies (flash mobs) were organised in 2018 and 2019.
- A Polish employment agency, Job Impulse, which specialises in hiring migrant workers organises regular "Welcome to Poland" meetings aimed at supporting better integration of migrants and their families in Poland<sup>28</sup>.
- In 2016, the city of Krakow<sup>29</sup> together with the NGO Interkulturalni.pl launched the initiative Otwarty Kraków<sup>30</sup> (Open Krakow) and set up an intersectionality group to manage it. The group aims to improve the integration of migrant workers in Krakow and to work with relevant stakeholders. The group was involved in establishing a prize for the ambassador for multiculturalism in Krakow (to be awarded to individuals and organisations promoting diversity) and actions on how to tackle hate crimes. In 2017, the initiative established an information point for migrants managed by local NGOs. The information point provides free information on staying and working in Poland such as legal rights (including employment and immigration rights), social insurance, education and training. The point also organises free language classes and training courses.
- The Polish Charter of Diversity was launched in February 2012 by the Responsible Business Forum. A very important role in the process of establishing the charter has been played by the Polish state administration, i.e. the Office of the Government Plenipotentiary for Equal

---

24 <https://www.facebook.com/ZwiazekZawodowyPracownikowUkrajnskich/>.

25 Correspondence from the Polish Forum of Responsible Business (Forum Odpowiedzialnego Biznesu).

26 <https://helloentrepreneurship.ashoka.org/>.

27 <https://absl.pl/en/news/p/why-workingtogether>.

28 <https://jobimpulse.pl/#oferta>.

29 Correspondence from the Polish Forum of Responsible Business (Forum Odpowiedzialnego Biznesu).

30 [www.otwarty.krakow.pl](http://www.otwarty.krakow.pl).

Treatment, the Office of the Commissioner for Human Rights, and the Office of the Government Plenipotentiary for People with Disabilities. The charter comes under the auspices of the Polish Commissioner for Human Rights. It is based on the principle of Corporate Social Responsibility and has over 280 signatories, including companies, NGOs and local authorities.

## 2. Diversity management in Finland

- Finland only received small numbers of migrants until the 1990s, when it became a net-immigration country. In 2019, 32 758 immigrants arrived, 14 289 of which were from outside the EU. As a proportion of total immigration, Finland has a high number of asylum seekers. The number peaked in 2015 at 32 476, falling to 5651 in 2016, 5046 in 2017 and 4548 in 2018. This is in addition to Finland's refugee resettlement quota, which has been between 750 and 1050. According to data from 2017, there were 146 000 third-country nationals living in Finland in addition to 120 000 Finnish citizens with third-country backgrounds. The largest non-Finnish and non-Swedish groups are native speakers of Russian (1.4%), Estonian (0.9%), Arabic (0.5%), Somali (0.4%), English (0.4%), Kurdish (0.3%), Persian/Farsi (0.2%), Chinese (0.2%), Albanian (0.2%) and Vietnamese (0.2%)<sup>31</sup>.
- In recent years, Finland has developed a robust legal and policy framework for promoting both diversity in the labour market and non-discrimination. The Non-Discrimination Act adopted in 2014 establishes discrimination as a crime under the penal code. The Act stipulates that employers are obliged to promote equality in the workplace and requires employers with over 30 employees to have a plan for promoting equality. It also gives workplace trade union representatives the right to know what measures an employer has taken<sup>32</sup>.
- Inclusion policy in Finland is based on the Act on the Promotion of Immigrant Integration (2010) and coordinated by the Ministry of Economic Affairs and Employment, as set out in the Government Integration Programme for 2016–2019<sup>33</sup>. The strategy focuses on a number of priorities. It recognises the cultural strengths immigrants bring, which enhance Finnish innovation, including by increasing language diversity. It places an emphasis on integrated services geared towards improving immigrants' labour market position by combining language and employment training, access to high-quality education, and participation in leisure activities. Newcomers are required to make use of these services. The strategy addresses the respective responsibilities of the State and municipalities. Lastly, it commits to promoting a humane national discussion to proactively combat racism, including the policing of hate crime.
- Under a system established in 2011, the Finnish National Agency for Education administers national certificates for language proficiency (in Finnish and Swedish), which is officially utilised for purposes such as demonstrating language skills to an employer, applying to university and applying for Finnish citizenship<sup>34</sup>.
- Finnish trade union confederations SAK, Akava and STTK are engaged in the area of diversity management and minority rights. This includes participation in tripartite groups and jointly

---

31 [Statistics Finland, 2019.](#)

32 [Finland Non-Discrimination Act 2014.](#)

33 [Ministry of Economic Affairs and Employment, Government Integration Programme for 2016–2019, 47/2016.](#)

34 [Framework of the Finnish National Certificates of Language Proficiency 2011, Order 24/011/2011.](#)

publishing instructions on how to create a plan in the workplace to promote equality as required by law<sup>35</sup>.

- Trade Union Pro, one of the largest Finnish trade unions, has developed collective agreements for the financial and technology sectors aimed at developing and increasing diversity and promoting the integration of minorities and immigrants. These agreements go beyond the legal obligations for the preparation of equality plans and preventing discrimination to encompass aspects such as joint working groups, surveys, training, and the collection of good practices<sup>36</sup>.
- The Finnish Diversity Charter was launched in 2012 and is administered by FIBS, a corporate responsibility network in Finland. It currently has 59 signatories<sup>37</sup>. While supporting these efforts, trade unions stress the need for regulatory rather than voluntary measures<sup>38</sup>.
- A study carried out in 2014 showed a wage disparity of 27.3% between migrants and white Finns, largely attributed to the segmentation of migrant workers into more precarious and lower paid jobs. The EU-MIDIS II report in 2017 found that women from the Middle East, North Africa and Somalia and those who came as refugees are the most vulnerable groups to employment discrimination. Women from sub-Saharan Africa were found to face greater discrimination than men from the same ethnic groups<sup>39</sup>.
- Best practices at the municipal level in Finland highlight the important role of local authorities in facilitating integration and diversity. For example, the city of Vantaa operates Immigrant Services, which supports refugees through employment, housing, welfare and mentoring services. As a result of Vantaa's commitment to ensuring an inclusive workplace, half of the employees and volunteers working in this service are recruited from refugee, migrant and ethnic minority backgrounds<sup>40</sup>.
- A 2020 study based on surveys with 1009 employers found that half held discriminatory views about employing immigrants and over a quarter were not happy hiring workers from countries in the Middle East and Africa in particular. However, the survey found that these negative views came mostly from companies that had not hired immigrants in the past. Those who had hired immigrants already were more likely to do so again<sup>41</sup>.

### 3. Diversity management in France

- France is a multi-ethnic country which has relied on immigration to fill labour shortages since the 19th century. Immigration rose steadily after the Second World War, and today approximately 10% of the total population is foreign-born and a further 11% are second-generation immigrants. Out of the foreign-born population, 36% are from the EU, 44% from Africa and 15% from Asia<sup>42</sup>.

---

35 Correspondence received from STTK.

36 Correspondence received from STTK.

37 [FIBS, EU Diversity Charter Platform in Finland.](#)

38 Correspondence received from STTK.

39 [ENAR, Shadow Report: Racism and Discrimination in Europe 2013-2017.](#)

40 [ENAR, Refugee Inclusion in the Workplace: A Guide for Employers.](#)

41 [EWSI, 19/05/2020.](#)

42 [ENAR, Shadow Report: Racism and Discrimination in Europe 2013-2017.](#)

- In 2006, France opened its labour market to third-country nationals, however only for certain sectors including hotels, restaurants, construction, commercial agents, cleaning services and seasonal work in agriculture and tourism. France has been criticised by the French Equal Opportunities and Anti-Discrimination Commission for excluding third-country nationals from employment in nearly 7 million jobs, or 30% of the total<sup>43</sup>.
- In 2018, France issued 255 956 residence permits and as of 31 December 2018, there were 3 231 823 foreigners with valid residence permits in the country<sup>44</sup>. In addition, 132 614 asylum applications were lodged in France in 2019, compared with 123 625 in 2018. However, the majority of claims are refused, with only 22 532 claims being granted after the initial application and 13,980 more on appeal in 2019<sup>45</sup>.
- As a result, there are an estimated 300 000 - 400 000 undocumented migrants in France (known as *sans-papiers*), many of whom are economically active yet pushed to the margins of society and denied social rights. According to French trade union CGT, these workers are particularly vulnerable in light of the COVID-19 crisis, as many of them have precarious frontline jobs in waste collection, cleaning, and in supermarkets<sup>46</sup>. In 2019, the French parliament debated excluding undocumented migrants from universal healthcare<sup>47</sup>. During the pandemic, Médecins Sans Frontières (MSF) has been providing medical support in the suburbs of Paris for hundreds of precarious migrants<sup>48</sup>. Many *sans-papiers* have joined unions and have self-organised to defend their rights; in June 2020, large demonstrations took place in Paris calling for the regularisation of undocumented migrants. Various civil society organisations as well as the CGT organise these workers and support their regularisation, campaigning for equal treatment of them under French labour law<sup>49</sup>.
- According to a 2017 survey carried by Défenseur des Droits (the French equality body) and the International Labour Organization, women of colour experience the most discrimination in employment with 65% declaring it, compared with 48% of Arab, Asian and Black men and 24% of white European men<sup>50</sup>.
- Inclusion policy in France is premised on "republican values". A major reform, "Le contrat d'intégration républicaine" (CIR), was introduced on 7 March 2016. The CIR is a contract between the French State and any non-European foreigner who is legally admitted to stay in France and wishes to settle in France permanently, which requires the foreigner to undergo language and civic training to promote their inclusion<sup>51</sup>.

---

43 Correspondence received from CGT.

44 [The Local, 8/10/2019](#).

45 [Asylum Information Database, Statistics - France](#).

46 [Le Figaro, 30/03/2020](#).

47 [RFL, 08/10/2019](#).

48 [MSF, 14/04/2020](#).

49 [CGT, 01/10/2019](#); Correspondence received from CGT.

50 [ENAR, Shadow Report: Racism and Discrimination in Europe 2013-2017](#).

51 [Service-public.fr, Republican Inclusion Contract](#).



- France has pursued a proactive anti-racism strategy since 2015, when it launched the three-year Interministerial Plan "Mobilising France against Racism and Anti-Semitism"<sup>52</sup>. This strategy was renewed in 2018 as the "National Plan Against Racism and Anti-Semitism"<sup>53</sup>. A key narrative to this strategy involves acknowledging the problem of racism in French society and committing government resources to fight it. The plan focuses on countering hate crime, preventing hate speech on the internet, promoting anti-racism programmes in schools, strengthening support for victims and improving data collection on racism and anti-Semitism. The plan promotes social dialogue, bringing together existing local anti-racism initiatives to create a country-wide network and encouraging joint actions between unions and employers to fight racial discrimination when hiring and granting promotions. It is also subject to independent evaluation by the National Consultative Commission on Human Rights.
- France was the first country in Europe to launch a Diversity Charter (October 2004), which currently has 3200 signatories, ranging from small businesses to public institutions<sup>54</sup>. Organisations that sign the Charter commit to promoting non-discrimination, training leaders and managers, and making the development of a diversity policy part of social dialogue with employee representatives<sup>55</sup>.

#### 4. Diversity management in Italy

- Historically a country with high emigration, Italy now has the third-highest migrant population in Europe. There were 5.3 million documented foreign residents residing in the country in 2019<sup>56</sup>. The number of migrants to Italy is equivalent to the number of emigrant Italians registered with the Registry of Italian Residents Abroad (5.3 million at the start of 2019)<sup>57</sup>. The majority of migrants in Italy, 3.7 million, are from outside the EU and the largest communities are from Morocco, Albania, China and Ukraine<sup>58</sup>.
- In addition, Italy has a large undocumented migrant population, with estimates ranging from 500 000 to 700 000 in 2017<sup>59</sup>. In 2019, Italy granted 10 711 refugee status applications, but rejected 81% of all claims<sup>60</sup>.
- Migrant workers made up 10.6% of Italy's workforce in 2018, of which 7.4% is of non-EU citizenship. There is significant heterogeneity among the migrant workforce, reflected in gendered "ethnic specialisation" patterns in employment. For example, Ukrainian migrants are

52 [https://www.gouvernement.fr/sites/default/files/contenu/piece-jointe/2015/05/dilcra\\_mobilizing\\_france\\_against\\_racism\\_and\\_antisemitism.pdf](https://www.gouvernement.fr/sites/default/files/contenu/piece-jointe/2015/05/dilcra_mobilizing_france_against_racism_and_antisemitism.pdf).

53 [https://www.gouvernement.fr/sites/default/files/contenu/piece-jointe/2018/06/national\\_plan\\_against\\_racism\\_and\\_antisemitism\\_2018-2020.pdf](https://www.gouvernement.fr/sites/default/files/contenu/piece-jointe/2018/06/national_plan_against_racism_and_antisemitism_2018-2020.pdf).

54 [European Commission, French Diversity Charter.](#)

55 [La Charte de la diversité.](#)

56 <https://ec.europa.eu/eurostat/statistics-explained/pdfscache/1275.pdf>.

57 [https://www.migrantes.it/wp-content/uploads/sites/50/2019/10/RIM\\_2019\\_datistatistici.pdf](https://www.migrantes.it/wp-content/uploads/sites/50/2019/10/RIM_2019_datistatistici.pdf).

58 [http://www.integrazionemigranti.gov.it/Aretematiche/PaesiComunitari-e-associazioniMigranti/Documents/Rapporti%20Comunitari%202019/nota%20stampa\\_RC%202019.pdf](http://www.integrazionemigranti.gov.it/Aretematiche/PaesiComunitari-e-associazioniMigranti/Documents/Rapporti%20Comunitari%202019/nota%20stampa_RC%202019.pdf)<https://www.charte-diversite.com/charte-de-la-diversite/>.

59 <https://www.pewresearch.org/global/fact-sheet/unauthorized-immigrants-in-italy/>.

60 [https://www.asylumineurope.org/sites/default/files/report-download/aida\\_it\\_2019update.pdf](https://www.asylumineurope.org/sites/default/files/report-download/aida_it_2019update.pdf).

78.5% female, whereas Senegalese are 73.6% male. While 40.5% of Senegalese work in manufacturing industries, 60.8% of Ukrainians work in services, especially domestic and personal care. Other ethnic communities are similarly concentrated in various sectors: for example, 27.4% of Albanians work in construction, 36.9% of Chinese work in trade and 36.5% of Indians work in agriculture<sup>61</sup>.

- According to Unione Italiana del Lavoro (UIL), there is low social mobility among the migrant workforce within the "extremely rigid and segmented labour market". Migrant workers face difficulties in having their qualifications recognised and are pushed into the most precarious, difficult, dangerous, poorly paid and socially stigmatised occupations. The sector that by far has the highest reliance on foreign workers, and overwhelmingly a female workforce, is that of domestic and personal care services, where they account for 68.9% and which absorbs 42% of all foreign workers in Italy. The sector is characterised by a large "black" or "grey" market (where only part of the hours actually worked is declared), depriving foreign workers of a series of protections (social security, accidents, etc.) and guarantees (related to remuneration, rest times, duties, etc.). The COVID-19 pandemic has exacerbated existing inequality. This is due to both the concentration of migrants in precarious forms of work and their lack of access to social safety nets compared to Italians. Additionally, border closures due to the pandemic prevented many who were abroad at the time from returning to Italy, and those who became unemployed in Italy from returning home, which worsened poverty and discrimination<sup>62</sup>.
- In response to the pandemic and economic crisis, the Italian government is currently implementing a partial form of regularisation of foreigners from irregular work and irregular status (Article 103, Decree-Law 19 May 2020 No 34)<sup>63</sup>. The law however excludes approximately 700 000 undocumented migrants in Italy, and has been criticised by anti-racism campaigners for failing to change the national legal structure of institutionalised racism<sup>64</sup>.
- The Italian Charter for Equal Opportunities and Equality at Work<sup>65</sup> was launched in 2009 by Fondazione Sodalitas, supported by the Italian Minister of Labour and the Minister of Equal Opportunities. It has been signed by 500 private enterprises and 200 public authorities and NGOs. The Charter covers all fields of discrimination, but with a particular focus on gender equality at work<sup>66</sup>.
- "Work4Integration - Europe project" is a multi-country project funded through the Asylum, Migration and Integration Fund (AMIF), focused on engaging third-country nationals and employers. It was launched in 2019, involving public, private, profit and non-profit actors in Italy, Sweden and Belgium. The programme aims to increase the inclusion of migrants in the workplace and improve their working conditions by delivering personalised support, vocational training, counselling, job searching and direct matching between employers and jobseekers<sup>67</sup>. In Italy, part of the programme is directed at companies, with the goals of raising awareness of the

---

61 [http://www.integrazionemigranti.gov.it/Aretematiche/PaesiComunitari-e-associazioniMigranti/Documents/Rapporti%20Comunit%C3%A0%202019/nota%20stampa\\_RC%202019.pdf](http://www.integrazionemigranti.gov.it/Aretematiche/PaesiComunitari-e-associazioniMigranti/Documents/Rapporti%20Comunit%C3%A0%202019/nota%20stampa_RC%202019.pdf).

62 Correspondence received from UIL.

63 <https://www.gazzettaufficiale.it/eli/id/2020/05/19/20G00052/sg>.

64 <https://www.enar-eu.org/CoronaDiaries-live-blog-Voices-from-the-ENAR-network>.

65 <https://www.sodalitas.it/fare/lavoro-e-inclusione/carta-per-le-pari-opportunita-e-luguaglianza-sul-lavoro>.

66 Correspondence received from Fondazione Sodalitas.

67 <https://program4integration.org/en/work4integration/>.

economic and social benefits of inclusion, mobilising employers to become active and changing negative attitudes towards migrants. The programme recognises the very different migration patterns and occupational situations in the three countries and a key objective is to facilitate the exchange of methods and practices in order to develop a unified action model<sup>68</sup>.

#### 5. **Summary of the round table on diversity management in the EU which took place on 27 August 2020**

- The public hearing attracted a large attendance, with close to 100 registrations from a diverse range of stakeholders. A number of participants raised the issue of precarious work and how it disproportionately affects migrant workers, as many are segmented into the most dangerous, insecure and low paid areas of the labour market. A key theme that emerged concerned the shortcomings of anti-discrimination legislation at EU level, and the challenges and limitations of the legislative approach in addressing equality. The issue of the cross-cutting Anti-Discrimination Directive, which proposes to unify various non-discrimination laws into one framework, but which has been blocked in the EU Council, was raised a number of times. Many examples of best practices for tackling racism and inequality were also mentioned. Participants spoke positively about the activities of self-organised networks, crucial not just in implementing equality within their own structures, but also in their effect on broader society through advocacy, collective bargaining and social dialogue.
- **Juliana Wahlgren from the European Network Against Racism (ENAR)** highlighted the importance of enlarging the scope of anti-discrimination to all racialised minorities; she argued that addressing racism requires an intersectional approach taking into account structural, historical and institutional dimensions, not just focusing on the individual. This is especially needed as the Racial Equality Directive and Employment Equality Directive only protect EU citizens and have created loopholes that do not protect against discrimination on the basis of nationality. In terms of best practices, ENAR's Equal@Work platform, launched in 2009, is a multi-stakeholder approach that brings together businesses, social partners, NGOs, academics and public authorities committed to diversity and inclusion, in order to develop best practices<sup>69</sup>. ENAR has also launched the People of Colour Affinity Group in response to discrimination and lack of representation of people of colour in the European Union institutions and surrounding institutions in Brussels, which works as a strategic body to advocate for more inclusive policies.
- **Marta Gionco from the Platform for International Cooperation on Undocumented Migrants (PICUM)** provided key recommendations on labour rights and their intersection with migration policy. She pointed out that many migrant workers in the EU are denied access to justice due to their residence status, in the form of precarious work permits or the lack of access to work permits. Some employers use this situation to their advantage, to reduce pay and conditions below legal minimums, as well as using the threat of deportation to prevent workers seeking justice for labour rights violations. PICUM's policy recommendations include: the need to address gaps in labour law coverage to raise the rights of migrant workers to the same level as other workers, the need for entry and stay opportunities to be extended, ensuring migrant workers have channels to apply for work permits also from inside the country of residence, and

---

<sup>68</sup> Correspondence received from Fondazione Sodalitas.

<sup>69</sup> [ENAR, Equal@Work Platform.](#)

the need for all workers regardless of migration status to have access to effective complaints mechanisms that protect their rights as workers and redress labour exploitation. To this end, it is important to establish firewalls between labour inspectorates and immigration authorities that prevent immigration authorities taking enforcement actions against workers as a consequence of complaints that lead to civil or criminal proceedings against their employers for violating labour laws and human rights<sup>70</sup>. Ms Gionco said that effective redress for labour exploitation provides remedies to workers (unpaid wages), as well as the state (unpaid tax), while serving to iron out inequalities in society.

- **Adriana Thiago from the European Network of Migrant Women (ENMW)** stressed the need for migrant and anti-racism advocacy organisations to be involved in consultation at all stages, not only in the aftermath. She argued that a core problem of integration policy in the EU is that it follows a similar approach to assimilation and many policies create barriers to integration. Ms Thiago made the important point that, although COVID-19 has exacerbated inequalities for migrants, this is nothing new – since at least the 1990s, migrants have been experiencing exacerbated inequalities. Ms Thiago outlined the activities of ENMW members in terms of best practices in diversity management; the network operates as a migrant women-led organisation that represents a diverse membership.
- **Ludovic Voet from the European Trade Union Confederation (ETUC)** spoke about how discrimination continues to be an issue in Europe despite efforts to combat it. Many ETUC affiliates supported the Black Lives Matter protests, which continue to reverberate. Mr Voet spoke about the opportunities regarding including diversity within collective agreements and gave examples of what unions are doing across the EU, in countries including Spain, Poland, Austria and Belgium, in training and raising awareness through their activities, establishing structures for exchanges of views between migrant workers and trade unionists, and making diversity a subject of collective bargaining. Toolkits have been developed for implementation across entire supply chains. However, trade unions also struggle to mount these campaigns, as many are project based, and unions are limited when faced with opposition or lack of support. Therefore, the key question is how to ensure these activities have a long-lasting effect. He said that while social dialogue has a positive effect at EU level, there needs to be more resources and visibility for EU programmes and strategies on diversity.
- **Zuzana Dorazilova from the EU Commission's DG Justice** outlined the legislative situation, where it is strong – especially on gender discrimination – and where gaps exist, as well as the problems of deadlocked legislation that needs to be resolved through the agreement of all Member States. A new European action plan against racism and xenophobia has been announced for autumn 2020<sup>71</sup>. Ms Dorazilova highlighted the limitations of the legislative approach and spoke about the importance of strengthening civil society and the effort of the Commission to support equality bodies and NGOs on the ground working with victims of discrimination, as well as the "diversity charters", which now cover 12 000 companies with 16 million workers in 24 Member States. Many best practice examples have been collected from diversity charter members<sup>72</sup>, and from the practices of trade unions<sup>73</sup>. She noted that the diversity charters have proven effective in facilitating the response to the COVID-19 crisis.

---

70 [PICUM, A Worker is a Worker: How to Ensure that Undocumented Migrant Workers Can Access Justice.](#)

71 <https://equineteurope.org/2020/contributing-to-the-european-action-plan-against-racism-xenophobia/>.

72 [EU Platform of Diversity Charters.](#)

- **Grigorios Tsioukas from the EU Fundamental Rights Agency (FRA)** presented an overview of the large-scale research surveys undertaken by the FRA – the Fundamental Rights Survey<sup>74</sup> and the EU MIDIS I and II<sup>75</sup> – and how this data can be used to reflect on the level of integration and the societies in which the people concerned are living. He demonstrated the statistical evidence collected by the FRA that documents the frequency of discrimination based on ethnic or immigrant background in employment and other settings across target groups and Member States. The FRA also surveys social attitudes, including how comfortable people feel living together with people from different backgrounds, and trust in institutions such as local authorities, the legal system and the police; the results show significant differences between countries and between different demographics. Significantly, Mr Tsioukas showed data on how trust in the legal system declines among second-generation migrants compared to the first, despite a stronger sense of belonging and identification with the country of residence.

---

---

73 [DG Justice, Trade union practices on non-discrimination and diversity 2019.](#)

74 [FRA, What do fundamental rights mean for people in the EU?](#)

75 [Data Explorer tool on EU MIDIS II survey.](#)