



European Foundation
for the Improvement of
Living and Working Conditions

Equality and diversity in jobs and services for migrants in European cities: Good practice guide

> résumé <

'We all need to be more aware of the benefits of diversity. We need to make sure people see the important advantages of involving all people in society and in the labour market. We also have to remember the demographic backdrop of ageing and the challenges of globalisation. We need to be competitive in Europe by involving everybody, not excluding people - we can't afford that any more. There is a human and economic cost to discriminating against people.'

Stefan Olsson, European Commission Directorate-General for Employment, Social Affairs and Equal Opportunities, quoted in *Equality News*, autumn 2006, The Equality Authority (Ireland)



European cities – employers and service providers

European cities – in particular cities with strong economies – attract migrants from all over the world. This puts Europe's cities at the forefront of the challenge of developing appropriate policies for integrating migrants and ensuring social cohesion for all their residents. Although immigration policy is decided more at the national level than at the municipal, when integration fails, it is often cities and municipalities that have to deal with the consequences. For this reason, cities have a genuine interest in creating successful local integration practices for the dual benefit of migrants and host societies. Happily, Europe's cities already have considerable experience in integrating diverse groups of immigrants into the local community; Europe's cities can share this experience so that municipalities across the continent can implement best practice and enable the full participation of migrant groups in society.

Two key aspects of successful integration are access to employment and to adequate services; it is crucial that migrants be able to access both of these fully, without suffering discrimination. Municipalities may be one of the largest employers in their city (indeed, in some cities, they are the largest single employer). They have the potential, therefore, to be a key source of employments for migrants – whether first or second generation. They are also responsible for the provision of the services most significant in migrant integration, including education, housing and, in

some cases, health care. This means that municipalities have greater control over their own personnel policy and services than over other levers that may promote integration.

The second module of research of the European Network of Cities for Local Integration Policy for Migrants (CLIP) examined the policies and practices of 25 cities in terms of equality and diversity in jobs and services. The detailed findings of this research are described in a report, *Equality and diversity in jobs and services: City policies for migrants in Europe* (Council of Europe and Eurofound, 2008).¹ The research team's key findings and recommendations for policymakers are outlined in this guide to good practice.

Policy context

The European Union, Council of Europe and, in some cases, national governments, place considerable emphasis on integrating legal migrants; this includes ensuring equality of opportunity in terms of employment and access to services. It is widely recognised at EU level that promoting non-discrimination and equal opportunities, and successfully managing diversity, plays a crucial role in successful integration.

Different actors stress different policies. One such is diversity management, defined by the European Commission, as 'understanding how people's differences and similarities can be mobilised for the

¹ Available at <http://www.eurofound.europa.eu/publications/htmlfiles/ef0871.htm>

benefit of the individual, organisations and society as a whole'.² Diversity management focuses on the benefits and costs of a culturally diverse workforce. However, a policy focused exclusively on this cost-benefit perspective can lose sight of employees' and service users' fundamental right to freedom from discrimination; this fundamental right still applies regardless of whether their diversity is considered a benefit or as a liability to an organisation.³

Policy measures that aim to ensure equality of opportunity go beyond the mere avoidance of discrimination. An anti-discrimination policy may treat everyone in the same way (regardless of the inequality in outcomes that may result). An equality policy, by contrast, recognises that different people have different needs and may in some respects need to be treated differently in order to provide genuine equality of opportunity, leading to greater equality of outcomes. Inequality of opportunity may arise when barriers prevent individuals from accessing opportunities. For instance, they may be unaware that job vacancies exist for which they are eligible; an equality policy seeks to identify and address these barriers: for instance, migrants may need to have information on a service translated into their mother tongue.

When an organisation works to overcome barriers and boost the participation of underrepresented individuals and groups, this is known as positive action. Positive action would include, for instance, targeting job advertising to attract migrant applicants; such positive action is legal under EU law. It is distinct from positive discrimination, in which individuals from an underrepresented group are given preference at the point of selection over applicants who are equally qualified; positive discrimination is unlawful in most circumstances.⁴

Some cities develop their approach within a framework of anti-discrimination or equality, emphasising the rights of migrants to be free from discrimination and to have equality of opportunity in jobs and services. Others give greater emphasis to a diversity management approach, emphasising the benefits for the city to be gained from cultural pluralism (and in practice the need to address the challenges it can pose). Those cities that have developed policies in the area of diversity most recently have often done so within a broader policy of promoting the integration of migrants (although there are cities that have not yet prioritised either the employment of migrants in the municipal administration or the provision of services to them).

Findings from the research

Key findings

- Few migrants are employed in public administrations: for instance, only 1.9% of non-nationals work in public administration and defence in the EU15.
- A range of drivers are pushing cities to implement diversity initiatives in employment and service provision. Besides the desire to promote equality, these include compliance with the law, labour shortages, evidence of disadvantage or community tensions and pressure from service users.
- Consultation and collaboration form a vital part of the integration work of many municipalities, which work with NGOs, community groups and the social partners. Others have established formal partnerships with external organisations to collaborate in delivering services.
- Some cities, such as Copenhagen, Stuttgart and Wolverhampton have built equality and diversity principles into their contracts when outsourcing services to external service providers.
- Many cities monitor the outcomes of employment and service provision practices – for instance, in terms of measuring the ethnic composition of municipality staff. Wolverhampton, for instance, undertakes equality impact assessments of its policies and services – in particular, of new initiatives before they are undertaken.
- Most cities provide a complaints mechanism for employees or job applicants who feel that they have not been treated fairly; some also have similar mechanisms for service users.
- Many cities have a specific policy regarding harassment at work; implicitly or explicitly, this usually includes harassment on racial grounds.
- In practice, there may be problems with service provision or migrants accessing services because of language barriers, cultural unfamiliarity with the structure of service provision, lack of any expectation that service will be provided, or an unrealistic expectation of what it may deliver.
- Cities have implemented a range of approaches to boost the quality of service that migrants receive. Some municipalities act to meet migrants' specific needs by putting them in touch with service providers. Some ensure that necessary information is translated into the appropriate language(s). Other approaches include adapting existing services to migrants (for instance, providing women-only days in public pools), facilitating the reporting of hate crime, and boosting the ethnic profile of municipal service provision (in the police, for instance).

² *Managing diversity: What's in it for business?* http://ec.europa.eu/employment_social/fundamental_rights/pdf/pubst/broch/fact4_en.pdf

³ Discrimination is defined as a person or group being treated less favourably than another on grounds covered by discrimination law, including gender, age and disability but in this report focusing on race, religion and belief. http://ec.europa.eu/employment_social/fundamental_rights/faq/faq1_en.htm

⁴ See PowerPoint presentation from Professor Chris McCrudden at http://ec.europa.eu/employment_social/fundamental_rights/events/romeconf07_en.htm

- Nearly half the cities have either proactive employment policies in place to help migrants overcome employment barriers to employment, or at least have implemented anti-discrimination procedures.

Challenges to better service provision

Cities face a range of challenges in managing diversity in terms of service provision:

- lack of vision and leadership;
- lack of awareness on the part of staff;
- insufficient staffing levels to implement practices;
- local resistance – in particular when municipalities are perceived as giving migrants preferential treatment;
- inconsistency across departments;
- the difficulty of meeting the needs of undocumented migrants;
- conflicts with national policy.

Challenges to better employment practices

Cities have encountered a range of challenges in recruiting a diverse workforce. While a number of challenges are common to both service provision and employment, specific challenges facing employment policies include:

- competition from private-sector recruiters offering more advantageous conditions;
- cutbacks in public sector employment;
- difficulty in finding suitably qualified applicants, particularly where a well-educated second generation of people from a migrant background has not yet developed;
- barriers to recruitment of non-nationals for posts in public administration;
- lack of competency in language, proficiency in which is not always justified by the job requirements;
- non-recognition of qualifications, or administrative complexities in having them recognised.

Guiding good practice

Recommendations for European-level policymakers

Provide guidance on concepts, terminology, legal obligations and good practice

Cities could benefit from authoritative and explicit guidance from the European Commission on concepts and terminology on, for instance, the difference between equality and diversity management, and between positive action and positive discrimination. Guidance on the advantages and disadvantages of adopting particular frameworks for policy development could also be provided. Such guidance could include explaining the complexities of a policy framework focused solely on diversity (an

exclusive focus on the benefits of diversity may mean that the challenges and risks it presents are downplayed; it may also mean that the fundamental rights of individual migrants to equal treatment are ignored).

Guidance from the Commission on legal requirements and constraints under EU law – in an accessible and comprehensible form for cities – would also provide clarity on the circumstances in which positive action is appropriate, and in which positive discrimination can be lawful. It could also clarify the extent to which contracts with external providers of services for migrants can include requirements to meet diversity and equality standards, without breaching EU procurement rules. Such information could be published on the new Commission website on the integration of migrants and in brochures made available in different languages.⁵

Given the priority that the Council of Europe has attached to equality and to promoting the integration of migrants, the Committee of Ministers could work to draw the attention of governments to these recommendations. In addition, the Congress of Local and Regional Authorities and the European Council against Racism and Intolerance could consider providing guidance on good practice for municipalities outside the EU.

Review legal restrictions on access of non-EEA nationals to municipal jobs

Restrictions on access to municipal jobs for non-EEA nationals confines many to temporary posts or jobs through contractors often offering lower pay and poorer working conditions. The European Commission could fund a comparative overview and critical analysis of these restrictions, to be conducted by the Council of Europe or the Fundamental Rights Agency (FRA). Such a study could investigate the rationale for such restrictions as well as their impact, and guide national governments towards limiting or removing them. This would boost opportunities for migrants to access ‘good’ jobs in municipal authorities.

Review the impact of the EU Employment Directive

In terms of policymaking, limited reference is made at municipal level to the Employment Directive prohibiting discrimination on grounds of religion and belief.⁶ Moreover, cities are taking very different approaches towards the implications of religious and cultural practices in the workplace. Municipalities would benefit from guidance regarding what can be a sensitive area of employment relations. A broad, substantive review of the different approaches that public employers are taking and the impact of these actions, in the context of the requirements of the Directive, could help in formulating such guidance.

In the strategic guidelines for the European Employment Policy, highlight the role of municipalities in the labour market integration of migrants

In the strategic guidelines for the European Employment Strategy, the European Commission highlights the importance of boosting the labour market integration of migrants – in particular, those from certain regions (such as north Africa), or those

⁵ http://ec.europa.eu/justice_home/fsj/immigration/integration/fsj_immigration_integration_en.htm

⁶ The Employment Equality Directive 2000/78/EC, see http://ec.europa.eu/employment_social/fundamental_rights/legis/lgdirect_en.htm

having a specific legal or demographic status, such as refugees or women from Muslim countries. However, the role and responsibility of local authorities as employers is not explicitly stated in these guidelines. The guidelines should be revised to recommend that Member States consider the importance of cities as direct employers in local labour markets, and consider their potential for acting as role models for private-sector companies.

Support the continuation of sectoral social dialogue on diversity management and equal treatment in local and regional authorities

For a number of years, public employers in local and regional authorities represented by the Council of European Municipalities and Regions (CEMR), and local public service unions represented by EPSU within ETUC, have conducted a sectoral social dialogue at the European level. The aim of this dialogue is to improve the working and employment conditions of employees of European local and regional authorities. Recently, the social partners in this sector have taken up the issue of equal treatment and diversity management. The European Commission should support these initiatives by creating an inventory of innovative collective agreements and practices; this could improve the employment opportunities and working conditions for migrant employees in local and regional authorities. Furthermore, the Commission should urge the social partners to reach an agreement on concrete and practical recommendations.

Boost awareness of the role of cities as key employers

The European Commission could consider raising awareness among local authorities of their role as key employers through making provision for an exchange of experience between local authorities regarding their role as employers and service providers for migrants. One platform for such initiatives could be the so-called 'Rotterdam process' as a joint undertaking between Eurocities and the Commission's Directorate General (DG) Justice, Freedom and Security. Alternatively, financial support could be provided for a series of regional seminars within the new PROGRESS programme of DG Employment, Social Affairs and Equal Opportunities.

Build support for training migrants employed by local authorities into the European Social Fund

Traditionally, the European Social Fund (ESF) – and related programmes – have played an important role in developing the human capital of groups, such as migrants, who are at risk in the labour market. Given that migrants employed by municipalities are overrepresented in the lower echelons of those local authorities, specific support for migrant workers employed in local authorities should be mainstreamed into the activities of the ESF. The European Commission and Member States should make local authorities aware that such funding is available.

Increase inter-institutional cooperation inside the EU

The issue of employment and service provision for migrants in local authorities concerns a number of EU agencies, such as Eurofound, the European Centre for the Development of Vocational Training (CEDEFOP),

and FRA. These agencies should cooperate to a greater extent on the issue, and consider joint research and dialogue with local authorities in Europe. In addition, they should cooperate more with those EU bodies that play a role in the labour market integration of migrants at the local level – in particular, the European Economic and Social Committee (EESC) and the Committee of the Regions (CoR). In this context, the EESC might consider raising the issue of municipal employment and service provision for migrants in the new European Integration Forum.

Recommendations for national governments

Require cities to promote equality of opportunity

In 2002, the Council of Europe's European Commission against Racism and Intolerance (ECRI) recommended that public authorities should be legally required to promote equality and to prevent discrimination, and that this should extend to bodies to whom they outsource services or award grants. Those cities in the network that had implemented these recommendations found that such initiatives can introduce positive change. Few countries have implemented either of ECRI's recommendations at the national level; national governments should consider the potential of these levers to change behaviour, learning from those that have started to take this approach.

Include local public employers in national integration plans

In recent years, many Member States have developed national integration plans for migrants, which define the key objectives and programmes of national integration activities. Member States could recognise in their integration plans the importance of employment and service provisions for migrants by local authorities. In addition, national governments should encourage their local authorities to exemplify a proactive and comprehensive equality policy for migrant workers. To this end, Member States should consider funding an exchange of experience between local authorities on these important issues.

Encourage national social dialogue

Member States should encourage the social partners in local public authorities to initiate or continue consultation and collective bargaining on effective diversity and equality management for migrant workers.

Review procedures for recognising qualifications of migrants

For migrants, access to employment – and career development – in local public administrations can depend on the swift, appropriate and fair recognition of their qualifications and professional experience. Evidence indicates that inappropriate national procedures are leading to a significant wastage of skills and human capital. Local authority employers, however, are not responsible for establishing procedures for standardising and recognising qualifications; this is the responsibility of national governments. National governments could usefully review their current arrangements for recognising qualifications to ensure that these do not

unnecessarily block the full integration of migrants in the labour market – especially in municipal employment.

Inform migrants of their rights

National governments could provide brochures in the appropriate languages informing migrants of their employment rights and highlighting job opportunities in local public administration. Similarly, migrants should also be made aware of the services provided by local authorities, to which they are entitled.

Recommendations for cities

Provide leadership and ensure consistency across departments

Pressure to launch diversity initiatives often comes directly from service users or from the need to comply with national legislation. Municipal staff may themselves launch initiatives from the bottom up; however, these may not be taken up by other sections of the local authority. Only rarely are diversity initiatives the result of an overarching policy framework that identifies clear objectives, and for which responsibility is taken at a senior level among elected representatives and staff. As a result, a lack of consistency is seen in many local authorities. In contrast, when senior officials 'own' this issue and where responsibility for its implementation is overseen by senior management (with departments being required to report their progress), greater clarity on the objectives exists and greater consistency in their implementation across the authority is seen.

As a first step, cities should – at the highest level – review their objectives in terms of employment of migrants and service provision. Secondly, cities should implement leadership and management systems to ensure consistency in delivering those objectives; this should span all relevant departments and services. In addition, where good practice is already the case, thanks to the initiative of staff members, this should be highlighted and endorsed.

Move beyond anti-discrimination procedures

All EU Member States – and by extension, cities – are required to comply with EU directives regarding the prevention of racial or religious discrimination in employment, and of racial discrimination in providing services. In some municipalities' departments, complying with anti-discrimination legislation is viewed as being the limit of the municipal responsibility. Others, however, have found that where migrants' needs differ from other residents' needs or where they face additional barriers in accessing jobs and services, merely avoiding discrimination does not suffice: municipalities must undertake positive action (not positive discrimination) in order to overcome these barriers. Examples of positive action include targeting job advertising to migrants in their own languages, providing advanced language classes, translating information about services provided, and training staff to help migrants complete application forms.

Cities should investigate whether migrants – both first and second generation – are successfully accessing their jobs and services and identify any barriers that may be preventing them from doing so. Cities should then identify steps to overcome those barriers, and so enable migrants to compete for jobs (and promotion) on an equal basis and to access appropriate services.

Implement effective monitoring and accountability

In many cities, little or no data exists on whether migrants are accessing jobs, including senior jobs, in local authority administrations, or whether they are proportionately represented among service users. Nor, in many cases, do data exist on migrants' needs, on migrants' level of satisfaction with services, or on the outcomes of those services relative to those of other users – for instance, in terms of educational performance, housing standards or health status. While in some countries, collecting data on non-nationals or on ethnic minorities is required, in others it is deemed discriminatory; however, a lack of data makes it almost impossible for cities to gauge the barriers that migrants face in accessing municipal jobs and services. In 2007, in a report on the application of the Racial Equality Directive, the European Parliament emphasised the importance of adequate and reliable data collection. It also highlighted the need for ethnically disaggregated statistical data, to demonstrate indirect discrimination and to inform anti-discrimination measures.⁷

Many city administrations are expected to be able to report on their progress in minimising or preventing discrimination. However, some have gone further and have instituted measures of accountability for their performance in implementing equality and diversity policies. Managers may be held accountable internally for building a diverse team and/or successfully providing services to a diverse community. External evaluators – appointed by the city or national bodies – may hold the city administration to account for aspects of its performance on these issues. Without the data to enable both staff and the municipality to monitor progress, it is difficult to put such measures in place.

Cities should first find out if they have enough data to be able to monitor their progress in employing migrants and delivering services. If they do not, they should look at implementing cost-effective methods for collecting data; putting these in place across the administration would avoid each service having to develop its own approach. Second, cities should look at what criteria they will use to gauge the extent of implementation and evaluate the impact of measures already taken. A number of questions should be asked. What are the needs of the migrants? Do the activities of the local authority correspond to its policy goals? Are the policies – and the progress made towards reaching the policy goals – adequate, effective and sustainable? Finally, cities could consider adopting additional forms of accountability – both internal and external – in order to ensure feedback on performance and the opportunity to learn from experience.

⁷ Report on the application of Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (2007/2094(INI))

Review recruitment procedures and procedural barriers to employment

Migrants encounter many procedural barriers when seeking employment in municipal administrations. Some of these are necessary: staff must have both demonstrable language skills and professional qualifications adequate for the post. However, in some cases, migrants encounter requirements that go beyond those necessary to ensure that the individual is equipped for the job – a requirement to speak two official languages, for instance, or a requirement for language fluency for a manual job, where in practice this is not necessary. The recognition of qualifications is another barrier: at the national level, procedural complexities and long delays mean that migrants are often overqualified for the jobs they currently hold.

Cities should review the eligibility of migrants for jobs across their administration; furthermore, they should consider whether general criteria that disproportionately disadvantage migrants – such as requirements for language proficiency – are necessary in all cases. Second, cities could highlight to the appropriate national authority any difficulties that have been encountered in relation to the recognition of qualifications, the aim being to put in place a system capable of officially recognising migrants' qualifications within a reasonable timeframe. Finally, municipalities could review proactive approaches that have been taken by other cities in the network to attract migrants and, where appropriate, pilot such approaches within their own recruitment strategy.

Ensure work environment is welcoming for migrant employees

Municipalities that want to recruit migrants can take steps to ensure that the working environment is welcoming and meets migrants' particular needs, without either unduly affecting the rest of the workforce or incurring excessive costs. Such steps can include:

- ensuring that the staff canteen caters for different dietary needs;
- setting aside a prayer room for those who want to pray at rest times during the day;
- offering flexibility in taking leave for religious holidays;
- setting up an informal support group for minority staff;
- translating health and safety information.

Not all cities have felt such steps to be appropriate, often because employees had not requested them. However, even in the absence of direct demands from staff, adapting the workplace in such a way can send a signal to potential employees that the administration is a welcoming, inclusive working environment. Cities should assess whether the working environment in all their departments is appropriate and welcoming for migrants and – if not – consider adapting it to encourage migrants to apply for jobs and to remain in municipal employment.

Extend training on diversity management and equality practice

There is more to diversity management than

providing equality of opportunity for migrants in employment. Cities need to ensure that they gain the maximum benefit from a culturally diverse workforce and that they effectively manage the challenges that such diversity poses. Some cities are developing their diversity management strategy within a broader recognition of the need to serve a population that is diverse in terms of gender, age, ethnicity, disability and sexual orientation, while simultaneously ensuring that their employees are trained to comply with the law and ensure equality of opportunity.

Migrant staff should not be restricted to specialist posts working with migrants; rather, they should be allowed to contribute to raising standards across the mainstream services delivered to the diverse local population. Managers should ensure that all employees have sufficient training on intercultural awareness to allow them to feel confident working with, and providing services to, people of different cultures and faiths; furthermore, in the recruitment process, managers should – where relevant – recognise intercultural competence as a job skill. They should also foster an environment in which employees are not afraid to admit their lack of knowledge of the needs of, or cultural sensitivities in relation to, a particular group.

Build diversity and equality standards into contracts with external providers

Many cities procure services from private and voluntary organisations. In a minority of cases, cities have stipulated in the contract with their service provider that it observes best practice in relation to discrimination and equality of opportunity among its employees and in the services it provides. This enables a city to ensure that its own objectives and obligations are met, even though it may not provide the service directly. Public procurement guides show how this approach can be followed while adhering to EU procurement rules.⁸ Cities should consider how best to include such stipulations in their contracts with service providers and organisations to which they award contracts.

Ensure equality and diversity aims are reflected in partnership agreements

Cities work with a range of external organisations in integrating migrants; such organisations may include neighbouring municipalities, regional tiers of government, chambers of commerce, NGOs, trade unions and faith organisations. Where cities are themselves building equality and diversity objectives into their employment and service provision policies, they could take the opportunity to encourage their partners to do so. The experience of private-sector companies is instructive; lessons learned from their experience of partnerships with local trade union representatives and staff committees could be applied by local authorities in developing successful diversity and equality policy for migrants.

Where cities are members of local strategic partnerships, they should ensure that equality and diversity issues relating to employment in the member organisations and to service provision are part of the partnership's operational plan. Those cities that are not currently members of such partnerships should consider whether their objectives could be furthered by working more closely with neighbouring organisations at the local level.

⁸ *Public procurement and race equality: Guidance for local government*, Commission for Racial Equality, http://www.equalityhumanrights.com/Documents/Race/Public%20sector/Race%20equality%20duty/Procurement/RED_local_government_procurement_guidelines.pdf

Extend consultation and participation with migrants

Cities have found that consulting migrants about the challenges they face in accessing jobs and services has helped to create better policies and initiatives. Making the necessary contacts and establishing communication is not always easy, particularly when migrants come from increasingly diverse countries of origin, with different languages, cultural and religious backgrounds. Nevertheless, many cities have succeeded in establishing standing advisory committees or ad hoc means of consultation to inform their work.

Cities should consider the most effective means of ensuring that the voices of migrants are heard when new policy approaches and service reforms are under consideration; this should include moving beyond consultation to actively involve migrants and people of migrant background in the policy planning process. Cities should consider conducting equality impact assessments – consultations with migrants on the potential impact of new policies and services. Such consultation could help anticipate possible negative impacts; it could also result in opportunities being taken to promote equality that might not otherwise have been considered.

Ensure all new migrants can access advice, information and language tuition

Cities vary substantially in the extent to which they provide services to aid the integration of migrants;

furthermore, they may do so only for certain categories. Early intervention, when newcomers first arrive in a city, can shorten the time it takes for them to find employment, access essential services and contribute to society. It may also help migrants feel welcome, which in turn fosters a sense of belonging and shared citizenship.

When consulting with migrants, NGOs or trade unions, municipalities should determine whether the needs of newcomers are being met and consider ways in which they can both expand the range of services available and boost migrants' awareness of them; this may require targeting provision, or simply adapting existing general services.

Develop an effective public communications strategy

A number of cities in the network have encountered a hostile public reaction to their providing services for migrants; in addition, resistance has come from some staff who are not convinced that diversity policies in either employment or services are necessary.

Municipalities should look at how they can best raise awareness among their staff and among the public of the rationale behind their diversity policies. Simultaneously, they need to counter misinformation regarding migrants' access to services, where these represent a potential source of community tension.

