

PROMOTING EQUALITY IN DIVERSITY AN AGENDA FOR ACTION

This Pamphlet for Employers has been prepared by the Irish Business and Employers Confederation (IBEC) as a component of an 'agenda for action' on migration-integration.

The 'agenda for action' is a package of materials and practical guides intended to support social partners in preventing discrimination and facilitating integration in workplaces.

Materials comprising this package include:

- research and evaluation of integration indicators
- a compilation of practice profiles of measures and activities by employers, unions, government authorities and other actors
- orientation pamphlets and 'tool-kits' for employers, trade unions and church organizations
- a comprehensive practitioners handbook, and
- a practice evaluation methodology.

These materials were elaborated by a multi-partner INTI project "Promoting Equality in Diversity: Integration in Europe," implemented by the International Labour Office and partners with the financial support of the European Union INTI program administered by the EC Directorate General on Justice, Freedom and Security.

The partners in this project are:

- Centre for Social Innovation, Austria;
- Churches Commission for Migrants in Europe (CCME), Brussels;
- Europa-Kontakt, Berlin;
- International and European Forum on Migration Research (FIERI) Turin, Italy;
- Irish Business and Employers Confederation (IBEC); and
- Irish Congress of Trade Unions (ICTU).

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A PAMPHLET FOR EMPLOYERS



PROMOTING EQUALITY IN DIVERSITY *MIGRATION-INTEGRATION*

— AN AGENDA FOR ACTION —



DIVERSE WORLD, DIVERSE BUSINESSES

Regardless of whether you already employ migrant and minority ethnic workers or not, cultural diversity is an issue for your organisation, with all the opportunities and challenges that come with it. Cultural diversity is, of course, only one aspect of diversity within an organisation and within society.

Many organisations are now diverse workplaces and, at the same time, operate in increasingly diverse national and global business environments. Small businesses through to large global corporations face similar issues with regard to diversity, albeit on a different scale.

Migrant and minority ethnic workers are often listed amongst the most vulnerable sections of society. It is important that business takes a lead in ensuring that migrant and minority ethnic workers are supported. The positive aspects of cultural diversity will not be realised where migrant and minority ethnic workers are sidelined.

Discrimination on the grounds of racial or ethnic origin is illegal under EU law. Organisations have a legal obligation not to discriminate. They must comply with the principle of equal treatment. The last page of the pamphlet contains definitions of racism and other relevant terms.

A STEP IN THE RIGHT DIRECTION

Releasing the potential that comes from non-discriminatory environments is not only about non-discrimination against migrant workers in employment, but also about, for example, selling goods and services to migrant communities, and operating in diverse environments.

The information provided here is designed to help organisations to begin to tackle discrimination against migrant and minority ethnic workers, to provide for their inclusion and integration, and perhaps even build diversity into all business activities.

This pamphlet will highlight practices that have been and can be implemented by businesses in order to tackle discrimination against migrant and minority ethnic workers and to provide for their integration. Small firms and larger employers can implement these practices. Because of different business structures, it is up to you to see who in your organisation would be most appropriate to take charge.

Where there is a legal requirement not to discriminate, i.e. based on the principle of equal treatment, this will be highlighted. In all other cases, the actions are suggestions of best practice for how to effectively tackle discrimination and promote integration.

Some actions may be more appropriate for your situation than others – equally you do not need to do everything at the same time. The pamphlet will address the key issues in the following order:

- Why should my business take action?
- Whom can I employ?
- How can I tackle discrimination as an employer?
- How can I tackle discrimination as a business or services provider?
- How can business tackle discrimination at national and international level?
- Whom should I contact for assistance?

WHY SHOULD MY BUSINESS TAKE ACTION?

A recent EU survey indicated that 83% of businesses found that diversity initiatives had a positive impact on their business. The business case for embracing diversity with regard to migrant and minority ethnic workers is driven by a combination of ethical reasons, legal obligations and the potential business benefits and opportunities that can accrue:

- Companies must comply with equality and anti-discrimination laws;
- Enhanced employee recruitment and retention from a wider pool of high quality workers;
- Better reflecting your customer base and meeting their needs;
- Opportunity for new products, market openings and customers;
- Source of competitive advantage in a globalised world;
- Improved staff morale;
- Increased commitment and loyalty from staff;
- Greater source of innovation and creativity;
- Improved business image and reputation;
- Companies can avoid litigation;
- Opportunity to become ‘best in class’ and to take a leading role.
- Society has high expectations about how companies ought to do business – this may help meet them.

WHOM SHOULD I CONTACT FOR ASSISTANCE IN MAKING THESE CHANGES?

- Labour/ Internal Affairs Ministry of the Government
- Immigration/ Integration service
- National body responsible for enforcement of equality legislation
- Employers’ federation(s) or other employers that are active on the issues of cultural diversity in business
- Organisations specialising in Management Techniques
- NGO’s or migrant groups or associations

For more detailed information on the issues contained in this pamphlet, please consult the handbook ‘Equality in Diversity,’ prepared by the International Labour Organisation (ILO) and partners as part of the ‘Promoting Equality in Diversity: Integration in Europe’ project.

SOME DEFINITIONS

What is Racism?

Racism exists where cultural and ethnic minorities face discrimination because of their racial or ethnic origin, colour or descent.

What is Discrimination?

Direct discrimination, in the workplace, occurs where one person is treated less favourably than another is, has been, or would be treated on grounds of racial or ethnic origin.

Indirect discrimination generally occurs when a rule or condition, which is applied equally to everyone, can be met by a considerably smaller proportion of people from a particular group, the rule is to their disadvantage, and it cannot be justified on other grounds.

What is Interculturalism?

Interculturalism refers to the exchange between diverse cultures. It is based on sharing and understanding between cultures and focuses on interaction, inclusion, integration and equality of opportunity.

- Recruiting employees from diverse backgrounds to provide appropriate services to a diverse customer base.
- Developing new products based on the input and culture-specific insight of diverse personnel.
- Opening up of new markets based on this product development.
- Taking account of cultural diversity when marketing and selling products and services.
- Building equality and diversity standards into your supply chain to ensure that intermediaries adhere to your standards.

These, and similar initiatives, will can help to ensure that migrant and minority ethnic workers are not discriminated against in your provision of goods and services, and that all of the activities of a business incorporate anti-discriminatory elements.

HOW CAN BUSINESS TACKLE DISCRIMINATION AT NATIONAL AND INTERNATIONAL LEVEL?

As we have seen, organisations have a role to play in tackling discrimination against migrant and minority ethnic workers inside their structures but also outside of the organisation, in the provision of services, and in interaction with the migrant and minority ethnic community. Depending on the size of the organisation, it may be appropriate for it to liaise at regional, national and/or international level on issues concerning discrimination against migrant and minority ethnic workers or best practice in developing diversity management.

In practice, for employers and/or employer representative organisations, this may mean:

- Working through national employers' federations and with other employers at local, regional, and national level to tackle discrimination and to eradicate racism.
- Working with employees, employee representatives and migrant rights NGOs locally, regionally, nationally and internationally, to tackle discrimination in the workplace and to eradicate racism.
- At European level: working through UEAPME/ UNICE/CEEP to ensure that migrant workers are supported in rules coming from the European Union and beyond.
- In an International context: working within the structures of the International Labour Organisation (ILO) support migrant and ethnic minority workers.

WHOM CAN I EMPLOY?

The principle of free movement exists for citizens migrating within the European Economic Area (EEA). This means that EEA nationals can work in any EEA state without the need for an employment permit. Because of transitional measures, free movement is still limited in some cases between the 'old' and the 'new' member states of the European Union.

A 'community preference' rule means that preference should be given to EEA nationals over non-EEA nationals for recruitment purposes. As long as an EU national is capable of doing the job, they should be recruited even though a non-EU candidate may seem 'stronger'.

You should consult national rules regarding the employment of nationals from the new EU states.

Employment permits are required for the employment of nationals from outside of the EEA. The employment of non-EEA workers may be limited to certain sectors of an economy where there are certain skills shortages.

You should consult national rules regarding the employment of non-EEA nationals.

HOW CAN I TACKLE DISCRIMINATION AS AN EMPLOYER?

Combat Discrimination in Recruitment and Selection

It is important to make recruitment as fair as possible. **If discrimination were to occur, it would be illegal, as it would breach the principle of equal treatment. You should consult your country- specific equality legislation.**

As a general approach, when advertising a position, organisations should:

- Only include requirements that are necessary for the job. Prepare a job profile and person specification based on these requirements.
- Include a statement on equal opportunities when advertising the position with your organisation.
- Use positive images in advertisements that will show that the organisation welcomes diversity in its workforce.
- Take measures to ensure the visibility of advertisements by also advertising in migrant community media.

Factors other than competence/merit should not influence the recruitment and selection decision. In order to ensure that this is the case, some organisations, when recruiting, have found it useful to:

- Provide a standardised application form so that only relevant information is considered in the recruitment process;
- Train interviewers to be balanced and unbiased and to focus only on questions related to the candidate's ability to do the job in question;
- When using recruitment firms, whether at home or abroad, ensure that their policies and conduct in relation to equality and anti-discrimination reflect the values of your organisation.

Combat Discrimination during period of Employment

It is important that organisations continue to combat discrimination in the workplace after they have recruited their personnel. During the period of employment, organisations must provide for employment equality and equality of opportunity.

It is important for organisations to be aware of the fact that **discrimination on the ground of racial or ethnic origin is illegal in relation to promotion, employment and working conditions, and pay. You should consult your national legislation for details.**

Organisations must ensure that they:

- Pay people equally for like work;
- Provide working conditions that meet required standards and that are equal in standard for employees in similar job roles;
- Promote employees on the basis of equality of opportunity. The focus here should be on merit and competence;
- Afford the same opportunities for training to all relevant employees.

Implement an Equality/Diversity Policy

Taking action at this level will help shape the overall culture and values of an organisation. By implementing a policy on cultural diversity in your organisation, you are helping to promote an intercultural workplace.

While such a policy normally covers activities which happen within an organisation, it may be extended to embed a diversity approach into all business activities.

An equality policy in an organisation can provide the foundation for your overall equality/diversity strategy. An equality policy is a statement of commitment,

relied upon if difficulties arise.

- **Equality Role:** Give migrant and native workers an appropriate role in any equality committee/sub group.
- **Mentoring Programme:** many organisations have found a mentoring programme to be a beneficial integration tool.
- **Team Building:** Activities that focus on team building can facilitate the integration of migrant workers into the workplace.
- **Bullying/Harassment and Sexual Harassment policies and procedures** support integration at employee level.
- **Grievance and disciplinary policies and procedures** also support integration at employee level.

Many organisations have found it beneficial to organise events in the workplace to further integration. When organising workplace events, the cultural sensitivities of migrant workers should be taken into account. Examples include cultural exchanges, information campaigns, social events, and sports events.

HOW CAN I TACKLE DISCRIMINATION AS A BUSINESS OR SERVICE PROVIDER?

In addition to tackling discrimination in employment and within an organisation, businesses should also consider extending their action to activities outside of their organisation. By considering how it interacts with its various stakeholders, an organisation can begin to tackle discrimination in all of its activities. Stakeholders may include suppliers, distributors, local communities, customers etc.

It is illegal to discriminate on the ground or racial or ethnic origin in the provision of services. You should consult your national legislation on this issue for details.

By incorporating an overall strategy and focus on diversity a business can ensure that, in all of its activities, it does not discriminate based on racial or ethnic origin. This is a great opportunity for businesses.

Taking advantage of the opportunities that come from diversity may mean:

- Building a minority-ethnic customer focus into the business strategy
- Taking a lead in developing a customer focus in cultural diversity
- Tailoring products or services to meet the needs of a particular country or culture

they may have initial difficulties in understanding health and safety material. Health and safety training could be conducted in the migrant worker's native language and material could be translated, where resources allow.

Integration may be advanced when employers go further than the minimum requirements, by providing extra assistance to smooth the transition process for migrant workers. Some organisations have found it beneficial to:

- Provide training in the language of the welcoming country.
- Assist with extra language supports where possible. It may be feasible to translate some management communications into the migrant worker's language. Supports such as these should complement rather than replace training in the language of the welcoming country.
- Assist migrant workers in their initial search for accommodation if it is possible and needed.
- Assist migrant workers in going through the required administrative process i.e. registering with the local authority or setting up a bank account.

Monitor and Encourage Integration

In order for real integration to occur, discrimination and harassment must be eliminated between native, migrant, and minority ethnic workers. The attitudes and behaviour of all workers come into play here.

- Highlight and be aware of situations in the workplace where migrant workers may feel particularly vulnerable.
- Consult migrant and native workers on how they feel integration in the workplace is progressing, and what they can do themselves to further integration.
- Identify and remove the barriers to integration where possible. Some examples of barriers to integration at employee level are:
 - Communication difficulties associated with language and accent differences
 - Communication difficulties due to cultural ignorance
 - Isolation, fear, loneliness, resentment

Initiatives that promote integration might include measures that provide for the interaction of native and migrant and minority ethnic workers and for clear procedures and channels of communication that can be

identifying areas of activity to be developed to prevent discrimination and to promote equality. It should include reference to:

- Equality of opportunity in recruitment and advertising of jobs;
- Equal opportunities in the interview process;
- Equality of opportunity in job orientation and/or job induction;
- Equality of opportunity in career promotion and progression.

It should be clear that in this area in particular; **it is illegal to discriminate** and employers should be aware of their obligations in this regard.

Raise Awareness and Delegate Responsibility

The equality/ diversity policy, once developed, needs to be implemented. Many organisations have found the input and cooperation of employees useful in this by:

- Communicating company policies throughout the organisation;
- Informing employees as to why you are tackling these issues;
- Appointing an equality committee and/or an equality officer;
- Taking care to include migrant and minority ethnic representation in these roles.;
- Raising awareness about diversity in intercultural workplaces;
- Co-ordinating activities and looking for support and comments from existing employee representatives;
- Raising awareness about the fight against racism and discrimination in the workplace.

Educate and Train your Employees on Equality and Diversity

The attitudes and ultimately the behaviour of employees with regard to racism and discrimination against migrant and minority ethnic employees can begin to be addressed through training. Training also supports any overall equality/diversity policy that you may choose to implement.

- Training and education can provide individuals with the knowledge, skills and values necessary to foster a more positive, open and accommodating working environment;
- Provide formal training to HR managers, line

managers and all employees (where possible) on equality and diversity issues in the workplace;

- Managers and all staff should be made aware of situations where issues of discrimination could arise.

Make Cultural and Language Allowances in the Workplace

Positive action is permitted on the ground of racial or ethnic origin. In order to provide for the integration of migrant workers, therefore, organisations may need to go beyond the requirement not to discriminate by proceeding to adapt certain aspects of the workplace to accommodate cultural, religious, and linguistic diversity. Employers need to be aware of the cultural differences that are involved. Many organisations have found the following actions to be beneficial for providing for cultural diversity in an organisation:

- Consult migrant and minority ethnic workers to assess what their cultural requirements are and to identify where tensions might arise.
- Consult representative NGOs on the cultural requirements that specific groups of migrant workers and minority ethnic workers might have.
- Adapt workplace rules and practices to take account of these specific cultural needs.
- Some examples:
 - Provide adequate venue and time for religious observance
 - Accommodate, where possible the religious or cultural dress codes of migrant and ethnic minority workers
 - Allow for the specific dietary requirements of migrant workers
 - Allow for flexibility with regard to annual leave to allow migrant workers to visit their families in their home countries
 - Examine if it would be possible to use the language of the migrant worker in the organisation for some documents, where practical and beneficial.
- Evaluate and review the cultural and language allowances that have been implemented to ensure that they continue to be relevant.

Implement Clear Policies and Procedures

An organisation may adopt and implement a range of policies and procedures, in addition to an employment equality policy, that may contribute to the aim of promoting equality in diversity within the workplace.

These practices may help to support compliance with equality legislation.

- Anti-Racism Policy and Procedures
- Anti-Harassment and Sexual Harassment Policy and Procedures
- Grievance Procedures
- Disciplinary Policy and Procedures

The implementation of these policies and procedures shows the commitment of the organisation to ensuring that the respect for and dignity of the individual is upheld in the workplace.

Integrate with Induction, Training, and Assistance

Having an induction process or orientation training is important for all new employees, but especially for migrant and minority ethnic workers. The provision of induction and orientation training to migrant and minority ethnic workers is a key aspect of their integration and inclusion into your organisation. Organisations could:

- Introduce the organisation thoroughly, its line of business, products and services.
- Describe job/career structures and where employees 'fit in.'
- Inform migrant workers of their terms and conditions of employment: pay, leave etc.
- Describe any training and qualification opportunities available within the organisation.
- Inform workers, especially migrant workers, on the tax and social welfare systems, the contributions being made on their behalf and what benefits they can avail of.
- Provide information on the human resources and industrial relations procedures within the organisation.
- Inform all new employees about the organisation's equality/diversity policies.

Regarding the provision of job training, organisations should:

- Provide job training to migrant workers at least equal to that given to native workers. There may be a need for specific training for migrant workers, conducted in their own language where necessary, to ensure that the material is understood.
- Provide training in occupational health and safety where relevant. This is extremely important, especially for migrant workers, as