

**UNION OF INDUSTRIAL AND EMPLOYERS' CONFEDERATIONS OF EUROPE**

**EUROPEAN TRADE UNION CONFEDERATION**

**EUROPEAN CENTRE OF ENTERPRISES WITH PUBLIC PARTICIPATION**

**JOINT DECLARATION OF THE EUROPEAN SOCIAL PARTNERS ON THE  
PREVENTION OF RACIAL DISCRIMINATION AND  
XENOPHOBIA AND PROMOTION OF EQUAL TREATMENT  
AT THE WORKPLACE**

Signed on 28 October 1995

Joint Declaration on the

**PREVENTION OF RACIAL DISCRIMINATION AND  
XENOPHOBIA AND PROMOTION OF EQUAL TREATMENT  
AT THE WORKPLACE**

**PREAMBLE**

The social partners reaffirm the very great importance they attach to the achievement in Europe of a democratic, pluralistic society characterised by solidarity and respect for the dignity of all human beings. Elimination of all forms of racial discrimination<sup>1</sup> and promotion of equal opportunity are fundamental values of the common cultural heritage and legal traditions of all European states.

The European Union and its member states are unanimous in their condemnation of racism and xenophobia, and have undertaken on many occasions to eliminate them. However, continuous efforts will be necessary to overcome discrimination. Legal protection is not itself sufficient to eliminate racist and xenophobic behaviour and feelings.

Racism and xenophobia constitute a serious threat, not only to the stability of European society, but also to the smooth functioning of the economy. This is a problem which is not limited to the work place but which affects society as a whole and is in everyone's interest, and the responsibility of all to remedy.

The fight against racism and xenophobia is, amongst other things, closely linked to the improvement of the general employment situation, to migration and integration policies, in particular as regards access to education and accommodation, as well as to the combat against illegal employment. Public authorities have substantial responsibility in this context, but the social partners also have an important role to play.

A series of experiences in which the mutual commitment of the social partners have achieved measures leading to the prevention of racism and xenophobia, have been in operation for some time, thereby progressing towards successful integration.

The social partners recognise both the complexity of the problem and the extent of its implications. In adopting this declaration, they reaffirm openly, clearly and publicly their commitment to take an active part in a common endeavour to prevent racial discrimination and to act jointly against it in their own sphere of influence, the work place.

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<sup>1</sup> This term may be understood as comprising any distinction, exclusion, restriction or preference based on a person's real or perceived race, religion, ethnic or national origin or colour, which has the effect of nullifying or impairing equal treatment in employment or occupation. This includes direct discrimination: where a person is treated less favourably on the grounds of his or her real or perceived race, religion, ethnic or national origin or colour. It also includes indirect discrimination: unjustifiable practices which, although applied without distinction, adversely affect more people of a particular race, religion, ethnic or national group than those not of that group.

Work is indeed an essential factor for both the subsistence and social integration of people. In addition, harmonious work relationships and making the best possible use of all aptitudes and skills are crucial elements for business efficiency. Moreover, establishing and developing harmonious relations within organisations may prove to be a model for society as a whole and may play a central role in combating racism and xenophobia.

Equal rights and the equal application of laws and agreements to all workers are the fundamental principles of any policy to combat racism and xenophobia in the work place.

The prevention of racial discrimination in the work place also requires an in-depth knowledge of the voluntary or involuntary forms which direct and indirect discrimination may take, and thereafter the identification and dissemination of good practices with the aim of preventing and combating such discrimination.

Racial discrimination and inequality of opportunity and treatment occur in different circumstances in the professional life of members of racial, ethnic, or religious groups, of migrants, or of their children<sup>1</sup>, e.g. in recruitment, selection, access to training, work allocation, promotion, dismissal, etc.

The dissemination of information, the availability of guidance and the implementation of specific actions, involving all players actively and in concert. (i.e. employers, workers, trade unions, employers' organisations and employment services) are prerequisites of the promotion of equal treatment and the fight against racial discrimination.

Devising and disseminating such policies with detailed practical examples providing guidance to all those concerned, in the form of declarations, guides, codes of good practice, etc., can make a positive contribution towards raising public awareness of different types of overt or covert discrimination, and thereby to their effective prevention.

This joint declaration is based on the experiences of organisations throughout the European Union which have been successful in the search for solutions to the problem. It explains the motives behind this action and proposes measures which can be taken by organisations to prevent discrimination based on race, colour, ethnic or national origin, or religion.

The social partners will reflect on the best means of putting into practice the proposals in this declaration in accordance with their own particular circumstances, bearing in mind that these initiatives should neither increase the stigmatisation of ethnic minorities and migrants nor jeopardise their integration.

They may wish to share with others their experience and the lessons they have learnt, with a view to devising new models of good practice.

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<sup>1</sup> Having regard to the differing definitions of these terms in certain European countries, and for reasons of convenience and conciseness, they are used in this declaration to describe any person who may be the subject to racial discrimination.

## I. WHY

1. Organisations are operating in an increasingly multicultural environment with customers, suppliers and employees from diverse national, ethnic and cultural backgrounds. Success in the marketplace is more and more dependent on the ability to maximise the potential of these diverse backgrounds. Organisations which achieve this will be more competitive and better able to cope successfully with change.
2. Yet, despite this, European economies are not using the value that their diverse workforces can offer to their full potential. Studies in Member States reveal that members of ethnic, national or religious minorities, migrants and their children are more likely than others in the population to be unskilled or semi-skilled workers and suffer disproportionately from unemployment. Some of these differences are due to a poor command of the language or inadequate training. However, many individuals continue to face discrimination even if they have similar qualifications and experience. The extent and forms of discrimination vary from country to country, as well as between regions and economic sectors.
3. It is in the interest of employers, employees and their organisations, within the limits of their respective capacities, to prevent racial discrimination in the work place which is contrary to
  - **Using people's talents to the full.** An organisation made up of diverse groups, with a wide range of abilities, experience and skills, is more likely to be alive to new ideas and different possibilities. A diverse organisation has more opportunities to develop its role in the community, and to explore its full business and social potential.
  - **Ensuring that selection decisions and policies are based on objective criteria, and not discrimination, prejudice or unfair assumption.** Selection criteria which do not reflect the skills and experience needed for the job produce inefficient as well as unfair decisions.
  - **Making the company more attractive to customers and clients.** Even in a recession, there are shortages of skilled workers. Since talent is a critical competitive resource, organisations need to develop the kind of reputation that will make people want to work for them. For example, young people will be more likely to want to join employers with a good track record of providing equal opportunity. Furthermore, customers and clients are increasingly likely to prefer dealing with a company which ensures that its suppliers and contractors have fair employment practices.
  - **Getting closer to customers and understanding their needs.** To succeed in business, managers need accurate and unbiased information about their existing and potential customers. A diverse workforce is a potential source of such information, and can help the organisation to plan more successful marketing or service delivery strategies - a particularly important resource given the growth of ethnic minority and international markets.
  - **Operating internationally with success.** Organisations which attract a diverse workforce and are alert to their skills, talents, experience and contacts are in a good position to reach and attract new markets in those countries where their employees have connections.
  - **Avoiding the costs of discrimination.** Not only can racial discrimination result in penalties in national jurisdictions, but it can also result in other negative effects, such as adverse publicity, damage to staff development, higher absenteeism, greater staff turnover.

- **Sustaining a stable society.** Equal employment opportunities and treatment, and the inclusion of all communities in the wider strategies which are being increasingly developed by large organisations, help to contribute to a stable society with potential for strong growth.

## **II. THE MEASURES**

4. This section sets out a range of measures that, amongst others, have made a positive contribution towards preventing racial discrimination in the workplace. It is not meant to be prescriptive. Organisations may adapt it, where necessary, to accommodate their size and particular circumstances as well as the laws applying within national jurisdictions.

### **Policy and planning**

5. Organisations which have been successful in preventing racial discrimination have often started by making an open commitment to this objective. This may take the form of a policy on equal treatment, and, in regard to racial discrimination, could include the following principles fundamental to tackling the problem:
- No person should be treated less favourably in the fields of employment or training on the grounds of his or her real or perceived race, religion, ethnic or national origin or colour.
  - No person should be disadvantaged by unjustified practices, including covert discrimination, which, although applied to everyone involved with the organisation, disproportionately disadvantage people from a particular ethnic group.
  - People should be aware of the procedures for combatting racial discrimination and no person should be victimised for complaining about racial discrimination.
  - People from racial, ethnic or national minorities who have suffered from racial discrimination or disadvantage should be given training or encouragement, where possible, to compete for jobs or promotion on equal terms.
6. From a practical point of view, and in order best to achieve its aims, this policy should be clearly endorsed from the highest level in the organisation and relayed at all operational levels, according to means that will vary according to the size and particular features of the organisation. It may be particularly useful:
- to make an individual within the organisation responsible for overseeing the policy, briefing the staff and giving guidance on how the policy should affect their own work and responsibilities, and the general atmosphere at work;
  - to involve representatives of employees, ethnic minorities and work councils in the development and practice of the policy;
  - to set up, when this is possible and justified having regard to the organisation's size, a detailed action plan, identifying the objectives to be reached, together with the means for the evaluation of the results.

### **recruitment and selection**

7. An analysis of selection and recruitment procedures may reveal sources of discrimination that have the effect of depriving the business of talent and potential capacity. The following proposals seek to optimise recruitment and, consequently, an employer's chance of finding the most suitable candidates to fill the posts in question. They are all elements of a good recruitment policy.
8. *Widening the sources of recruitment*

- when advertising vacancies, it is recommended that the commitment of the organisation in terms of equal opportunities be expressly mentioned in order to motivate people from minorities to apply;
- where possible, vacancies should also be advertised in publications read by ethnic minorities and immigrants and their children;
- it is important to use employment services and placement agencies which cover multicultural areas.

### ***9. Focusing on qualification and capacities***

- ensure that job descriptions do not contain arbitrary criteria which are not relevant to the specific tasks of the job;
- make interviewers aware of the problems of racial discrimination and its negative consequences;
- do not automatically exclude qualifications or experience gained in other countries without careful examination;
- do not impose a higher level of written and spoken mastery of the national language(s) than that needed for the job in question.

### ***10. Selection tests***

- ensure that selection tests do not contain culturally-specific or general knowledge matters which may disorient candidates from ethnic minorities, except where such knowledge forms part of the job requirements;
- Aptitude appraisal systems should be consistently applied and should be based solely on the employees' work performance. Similar considerations should apply to promotion procedures.

### ***11. Interviews***

- it is recommended that steps be taken to ensure that interviewers are aware of the problem of racial discrimination and are prepared to meet candidates of various origins;
- ensure that they avoid using generalised and unjustified assumptions, due to an applicant's origin, which are irrelevant to his or her ability to do the job in question, e.g. accent.

### ***12. Work allocation and promotion***

- in cases of employment opportunities, training possibilities or promotion within the organisation, ensure that staff are selected according to consistent criteria relevant to the professional aptitudes of the candidates and that these are applied in a uniform manner. Ensure also that there are no unnecessary restrictions in this regard, e.g. in collective agreements.

### **Training and development**

13. Training can be an important prior condition for the success of a business, and for the success of a strategy to prevent racial discrimination. In some cases, and within the

confines laid down in national legislation and collective agreements, organisations might wish to offer under-represented groups special training programmes or opportunities to acquire work experience. Measures relating to training and development such as those referred to below are the joint responsibility of the public authorities and the social partners.

### **Actions concerning employees**

14. When more applicants from ethnic or national minorities fail to meet recruitment criteria, pre-work training courses can be organised to prepare them for their selection tests and interviews. The offer of work experience and the support of trainers may encourage candidates to consider generally unexplored areas.
15. For some workers whose familiarity with national languages is limited, thought could be given to offering training designed to overcome linguistic difficulties, in order to improve integration of individuals in the company and develop their potential.
16. If there are workers who have limited knowledge of the predominant language, the necessary measures to improve communication should be taken by ensuring that information is understood in general and that relating to health and safety is understood in particular. These measures can be carried out in conjunction with on-going vocational training.
17. It may be useful to ensure that the appropriate training possibilities are known to all who stand to benefit from them and that no-one is excluded arbitrarily. Initiatives to help ethnic or national minorities to find out what training is on offer, in particular training which will help them to progress in jobs in which they are under-represented are also useful.
18. "Customised" training courses may be offered in order to impart the specific vocational aptitudes and skills needed at the work place where few persons from ethnic minorities and the immigrant population carry out the job in question. There may be scope for contact and cooperation with other employers or with training and state-funded bodies.

### **Actions concerning people responsible for implementing the equal opportunities policy**

19. Managers and the main decision-makers, such as staff responsible for recruitment, work allocation and disciplinary procedures, should, whenever necessary, receive appropriate training in applying a policy of equal opportunity and equal treatment.
20. Middle management, workers' representatives and work councils should be sufficiently equipped for the efficient implementation of this policy.
21. Managers should also be made aware of the need for an inter-cultural approach, should be fully informed of the details of the policy and should support its aims, while staff at all levels should know how to behave vis-à-vis fellow workers from a different racial, ethnic or national group.

### **Dealing with discrimination**

22. In order to effectively combat racial discrimination, formal procedures may prove necessary to protect complainants and those against whom complaints are made. Organisations should ensure that these procedures are known and understood by executive staff, managers and workers. If necessary, certain acts may be proscribed by disciplinary rules.



23. Acts of racial discrimination, pressure or behaviour conducive to racial discrimination, abuse or harassment, and victimisation of persons subject to discrimination must be regarded as a serious infringement of the disciplinary rules.
24. Managers should be aware of the different types of discrimination and of the offence which some acts may cause.
25. When they envisage taking disciplinary measures against a worker, managers must determine whether provocation on racial grounds, communication difficulties or cultural differences have affected his or her behaviour.
26. It is recommended that disciplinary procedures be laid down in writing. Their existence must be known to workers, and complaints involving racial discrimination must be dealt with speedily.
27. Staff in charge of settling disputes should be able to recognise the subtle aspects of discrimination and should be sensitive to its effects on victims. Such staff should also demonstrate counselling skills.

#### **Treatment of dismissal and redundancies**

28. It should be ensured that membership of an ethnic group is not a criteria for dismissal and redundancy.

#### **Respect for cultural and religious differences**

29. In order to meet the needs of a heterogeneous workforce, it may be useful to explore and to take into account the specific cultural or religious needs of certain groups, insofar as they can be accommodated in the organisation.

### III. CONCLUSION

#### Evaluation in organisations

30. Naturally, the successful implementation of a policy of equal opportunities and equal treatment involves evaluation. Effective and consistent evaluation is likely to include monitoring, measurement and analysis, within the limits authorised by national legislation, and possibly a study on workers' perception of the effectiveness of the policy. Such evaluations will take very different forms depending on the size and specific features of each company or organisation. The following points set out various possible approaches to evaluating the progress made.

- Monitoring progress made towards achievement of the objectives in terms of equal opportunities and equal treatment, and identifying shortcomings in achieving these objectives.
- Carrying out an initial analysis of the skills which are needed in the workforce. If new skills are needed, recruiting these skills irrespective of a person's race, religion, ethnic or national origin.
  - Carrying out an initial analysis of the workforce to identify all the groups represented and comparing the proportions with the recruitment area, at every level or for each type of job and in each department. Identifying the posts occupied by a small number of persons from a given racial, ethnic or national group. Monitoring changes in this structure over time.
- Working out, where possible, the proportion of persons belonging to racial, ethnic and national groups, including majority groups, who apply for jobs and are recruited or promoted. Comparing the success rate of each group to establish whether candidates from a minority racial or ethnic group have a disproportionate failure rate.
- When information on the racial and ethnic origin of candidates and on the structure of the workforce indicate a clear under-representation, or when the success rate is noticeably lower, this may help to determine the existence of barriers to equal opportunity. This procedure may serve as the basis for changes of habit which may, for example, lead to ethnic minorities being encouraged to apply for a job. Other possible changes may include staff training to improve evaluation skills and training designed to meet the needs identified in the analysis of barriers encountered by under-represented groups.
- The results of the evaluation should be discussed by the social partners and, if need be, with the workers' representatives, with employees from ethnic minorities or with Local Authorities.

#### Action by the social partners

31. The social partners will seek to raise their members' awareness of this question within the limits of their respective competences and to act against racial discrimination in their own sphere of influence, namely in the work place.
32. To date, there have been a good number of moves to include in collective agreements, at different levels, voluntary clauses to combat racial discrimination and to promote equal opportunities. This avenue could be further explored in accordance with national practices.