

THE WORKPLACE BELONGS TO EVERYONE

A PvdA PLAN FOR DIVERSITY

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PvdA – Parliamentary Group in the Dutch Lower House | Revised edition June 2007



PSE

Socialist Group in the
European Parliament



TABLE OF CONTENTS

Chapter 1

INTRODUCTION	2
--------------	---

Chapter 2

THE UNEVEN DISTRIBUTION OF OPPORTUNITIES	5
--	---

Chapter 3

A PvdA ACTION PROGRAMME	16
-------------------------	----

ACCOUNTABILITY	28
----------------	----

Chapter 1

Introduction

At the beginning of the 21st century a fierce battle still has to be waged on the part of many older or younger people, immigrants, women, disabled persons, homosexuals or transsexuals for equal opportunities when it comes to accessing jobs for which they are suitably qualified. Discrimination in the labour market has consequences beyond the person directly involved. Lack of diversity on the shop floor is an urgent problem for all of us. In the long term discrimination also affects companies' profitability. According to experts, active involvement of all employees often results in a more pleasant and more open working environment from which everyone benefits. The connection with what happens in society is also guaranteed. Companies thereby build a lead over their competitors, as evidence from the field has shown.¹

Against discrimination

However, it is not only missed opportunities, but also the negative consequences that in our view make action necessary. First and foremost, there is the moral aspect: exclusion quite simply cannot be tolerated and should not be allowed. Discrimination runs counter to what in the Netherlands is happily still the very courteous idea of equal opportunities. It is still too often seen as a problem for the victims, although it is one that affects society as a whole, if only to avoid society disintegrating into groups living parallel but unconnected lives. Everyone has the right to build the life they themselves choose, and decent work is part and parcel of that.

Exploiting economic potential

Apart from being morally reprehensible, continuing to cold-shoulder large groups of employees is also (macro-) economically untenable. Society currently excludes too many skilled people. Without wanting to label people as merely employees or consumers, the PvdA feels that we

¹ EU Commission: the Business Case for Diversity, September 2005, Interview Dr Astrid Wagner, Unternehmenssprecherin Ford-Werke AG: http://www.frauenmachenkarriere.de/Themen/Beruf/Karriere/article_frauenportal/Eines_der_gesellschaftlich_innovativsten_Konzepte.html?got_14.06.2006 Harvard Business School Working Knowledge: IBM Finds Profit in Diversity, Sept. 27, 2004.

should exploit their economic potential more effectively: without the manpower (and the associated purchasing power) of all Dutch people, our prosperity will be jeopardised in the long run.

Discrimination – an urgent problem

There was a lack of urgency in the previous Balkenende cabinet when it came to solving the problem. Policy aimed at promoting equal opportunities, such as the Samen law, has been scrapped without being replaced by anything better. In the meantime the Netherlands still lags far behind other European countries in respect of participation in the labour process, crèche facilities or the number of women in science. The government and civil society need to do more to investigate the social consequences. We want to sound the alarm and put discrimination at work as a problem high on the political and social agenda.

From fighting discrimination to a policy of diversity

The fight against discrimination fits into the social-democratic tradition of emancipation and the offering of equal opportunities. In the fight against discrimination, groups of people are often reduced to one characteristic: the elderly, homosexuals, immigrants, etc. We, however, want to emphasise the diversity of people. Emancipation has never been without conflict, and that will not change in the future. The PvdA has always supported that fight and has a moral responsibility to combat discrimination and promote emancipation.

The road to a fair labour market

A fair labour market is one in which everyone is given the chance to use and develop his or her abilities irrespective of religion, belief, political persuasion, sex, race or ethnic origin, handicap, age or sexual orientation.

In a number of expert meetings, we, Emine Bozkurt and Jet Bussemaker, invited interested parties (from employers to interest groups, and from trade unions to the Committee for Equal Treatment), to put forward their ideas and present examples of good practice. This project is a springboard for greater cooperation between local, national and European authorities, with the aim of promoting the mutual exchange of experiences and the possibility of learning from each other. The PvdA in the

European Parliament and in the Dutch Lower House are thereby acting together to make stronger policy with a view to achieving tangible results. The feedback from and between local politicians is crucial in this process, for it is they who know what actually comes out of that policy. Only with that feedback concerning day-to-day practice in companies and neighbourhoods can we improve national and European policy. It is in this that the action points in this brochure thus largely have their roots. We propose an approach aimed at:

- rewarding good policy and penalising discrimination with sanctions;
- moral leadership from the government when it comes to creating a fair labour market;
- cooperation between the various levels of government;
- a joint fight against discrimination, not each for himself.

Chapter 2

The uneven distribution of opportunities

Skin colour, gender, sexual orientation and a good or less than good bill of health. These are just some of the characteristics that determine whether someone is successful or not in the (Dutch) labour market. Terms such as education, dedication, loyalty, experience and suitability look good in a letter of application. But if this has been written by someone in a wheelchair or someone over fifty, it will seldom lead to an invitation for an interview. In a study by Intermediair PW no fewer than 77% of companies admitted that they preferred not to recruit any older people on unemployment benefit.² Comparative European studies are increasingly showing that the Netherlands fares poorly in respect of diversity on the labour market, compared with other countries.

As many women in senior positions as Botswana

One illustrative example is how the position of women is lagging so far behind. In terms of the number of women in senior positions in the government or the business community, the Netherlands is on a par with Botswana and Pakistan.

OPPORTUNITY IN BEDRIJF (OPPORTUNITY IN BUSINESS): AMBASSADORS' NETWORK

Opportunity in Bedrijf was once a government initiative to get more women into good positions in the business community. For some years now, Opportunity has been doing this job without subsidies. Fortunately, more and more

companies are seeing that society is changing and that they want to and/or have to change with it. In this respect Opportunity places emphasis on raising the awareness of men in senior positions in companies. A permanent part of Opportunity is an ambassadors' network that has proved to be very successful: men are beginning to find it "sexy" to be part of this network. For many companies advertising and visibility are the reason for taking part. It has been proven that if a woman holds one of the senior positions in a company this has a stimulating effect on women working at all levels in the organisation.

The number of senior female civil servants did rise in 2005, it is true, but for the time being remains at a meagre 14.2%.³ In the business community the percentage of women in comparable positions was 13.1%.⁴ And those who do work there often have to make do with a lower salary than that of their male colleagues: in Europe, the Netherlands is tied with the Czech Republic in sixth place in the list of countries with a sizeable gender pay gap.⁵ On average women are paid 19% less than men for the same kind of job, 7% of which cannot be explained by training or working time.⁶

In the closet at work

Although it is widely thought that homosexuality is generally reasonably well accepted in the Netherlands, it appears that it is by no means a straightforward matter for gays and lesbians to be "out" about their sexual orientation at all levels and in all positions. In fact the situation has even worsened in recent years. More and more gays report that they are adapting their behaviour and/or clothing (and are therefore going back into the closet), out of a fear of discrimination and violence.⁷ In a study carried out in Rotterdam, in excess of 30% of lesbians and 21% of gay men claimed to have experienced discrimination at work.⁸ And a recent report even reveals that not a single gay man or lesbian is to be found in senior positions in Dutch trade and industry – or at least no one publicly dares to declare themselves as such.⁹ There is clearly also a "pink ceiling". This is countered by incidental positive examples, such as the international gay and lesbian network

³ National Social Annual Report, 2004

⁴ SCP: Emancipation monitor 2004

⁵ The gender pay gap is calculated by expressing the average gross hourly wage of women as a percentage of the average gross hourly wage of men.

⁶ Source. Eurostat

⁷ Municipality of Amsterdam: Quickscan violence against homosexuals; February 2006.

⁸ Radar Foundation: Are gays (in)visible in Rotterdam? May 2006.

⁹ Management Team: No gays in senior positions in the business community, edition no. 13, 25 August 2006.

at the ING Bank, but that is not enough. Transgender people are confronted with numerous problems in the labour market, according to reports from the field. Dismissal, harassment and pestering people to leave their position are common problems, as is open discrimination when it comes to job applications.

Unemployment twice as high among young people

In recent years unemployment among young people aged 15 to 25 has regularly been roughly twice as high as unemployment among the rest of the population (CBS Statline). That is partly explained by the transition from apprenticeship to work, but among some young people the situation is problematic: they often have no basic qualifications and have been unsuccessfully looking for work for some time. Of the approximately 44,000 young people (2005) registered as job seekers with the CWI (Employment and Benefit Payment Centre), there is a core of around 10% who need intensive support. Around a third of registered young people are still looking for work after a couple of months. A real and binding approach to the group of registered job seekers works, provided it is clearly communicated and upheld. Young people often have to deal with the unwanted consequences of the law on flexible employment: they are taken on for unskilled work at the minimum youth wage, for example as shelf-fillers in a supermarket, and when they become too old (i.e. too expensive) and/or are entitled to a permanent contract, their employer lets them go.

DORDRECHT: ROUTE 23

Youth unemployment was a major problem in Dordrecht. This has been tackled in an integrated fashion with the project Route 23. In Dordrecht we take the individual as the starting point: how can you support this person and help him or her to continue to learn? Cooperation between the various authorities comes to the forefront here. This not only has an effect for the young person in question, but also the employees of these authorities: they felt it was a relief to have close contact with each other. An important part of Route 23 also involves improving the young people's network. By going on placements, they come into contact with employers, and thereby develop an "employers' network".

The chance of a job has a colour

The participation of people from ethnic minorities on the labour market stands at 50% in the Netherlands, the lowest figure in all the “old” Member States of the European Union.¹⁰ Youth unemployment in ethnic minority communities is even twice as high as among young people in general.¹¹ Even when still in training, young ethnic minority people appear to have problems with finding placements. They also have problems with this subsequently, when making applications. Today a Moroccan or Turkish surname means you receive fewer invitations to interviews. Ethnic minority people who have found a job seem to be less likely to move up the company ladder to take up other positions. The picture is a lot rosier in some other European Union countries. In the southern Member States, for example, the participation of ethnic minorities in the labour process is higher than that of the rest of the population.¹² Employees from ethnic minority groups also often work in sectors where there is talk of displacement by illegal workers (agriculture and market gardening, slaughterhouses, and so on). At the same time a quarter of employers in the SME sector say they would prefer not to take on someone from an ethnic minority for a vacancy, and a quarter of employers would hire East European workers ahead of Turks or Moroccans.¹³

Written off before their time

Older people are often already excluded in job ads. This happens directly (“shelf filler sought, age 16 to 19) or indirectly (“will fit into our young team”).¹⁴ Participation in the labour market declines dramatically after the age of 57.¹⁵ At the moment only 8% of working Dutch employees reach pensionable age at this point.¹⁶ That departure from the world of work by no means always occurs voluntarily. Anyone ending up on the dole at a later age has a very good chance of coming across one of those 77% of employers who, from the word go, would rather not take him or her on.¹⁷ Many older workers do want to work

¹⁰ EUMC: Migrants, Minorities and Employment, 2003

¹¹ SCP: High (youth) unemployment among ethnic minorities, January 2006 and Trouw, 9.6.2006: Quotes from the report “Developing the position of young persons on the labour market”.

¹² www.scp.nl/publicaties/boeken/2004092101/Bestemming_Europa.pdf#search=%22arbeidsparticipatie%20allochtonen%20europa%22, page 42.

¹³ SCP/WODC/CPB: Annual Report Integration 2005 and Motivation and various: Trend Barometer of the Small and Medium-sized Enterprise Sector, 2006.

¹⁴ Committee for Equal Treatment: Opinion on Age Distinction in Advertisements, December 2005.

¹⁵ CBS Statline, February 2006: Seniors in Work control group: website: <http://www.senior-power.nl> click on Arbeidsmarkt mogelijkheden (labour market possibilities).

¹⁶ Frank van Alphen: Working on until your 65th birthday is healthy: the time flies by, in: Volkskrant, 25.8.2006.

¹⁷ IntermediairPW, 22 October 2005.

longer – if they see prospects in it. For who would find inspiration in being written off at 50 and having to carry on working for another 15 years after that? Many older workers miss having a challenge in the last ten or fifteen years of their working lives and many employers think they do not have any ambition anyway. Social plans are often aimed at compulsory early retirement for surplus workers, and this also helps create a pattern of expectation as a result of which the bulk of the population thinks they cannot or do not want to work until they reach pensionable age. European research reveals that people most often feel discriminated against on the grounds of age. That makes the urgency of doing something about it all the greater.¹⁸

Disabled = unemployed?!?

Evidence from the field tells us that disabled people, and especially disabled women and/or older people, have (far) fewer chances of work than people without a handicap. There is a lack of good figures. Experiences with discrimination are often not reported, because many disabled people feel that discrimination “goes hand in hand” with their status. Certainly compared with neighbouring Germany, for example, it is conspicuous that a major emancipating move still has to be made.

In recent years many people on disability benefit have been officially approved to be able to work. But only 17% of these people were actually able to find a job. Around a quarter then lost their job within three years after re-assessment.¹⁹ Since then the vast majority of former recipients of disability benefit (especially women) have absolutely no benefit and live off their partner's income. This results in a lot of women being pushed back into a position of dependence, which they had left behind precisely thanks to the emancipation policy!

LEADS ON DEMAND: BUDDIES PROJECT

Leads on Demand offers background training and advice in the field of Human Ability Management based on its own experiences as a marketing company with 80% of employees with an REA (reintegration of persons unfit for work; persons on disability benefit [WAO] or young people on disability benefit [WAJONG]),. This is an approach based on possibilities rather than limitations. For example, someone with one arm can easily work in a call centre making calls, and someone confined to a wheelchair could be a great driver. One project is the buddies project, under which 100 employers are linked to 100 WAJONG youngsters.

¹⁸ http://ec.europa.eu/employment_social/fundamental_rights/pdf/pubsg/eurobarometer57_en.pdf p.7.

¹⁹ SEO Economic Research: The way back: from incapacity for work to work, October 2005.

Employers help the young people as a coaching buddy in the process of looking for a job or work placement, and thereby themselves learn more about the possibilities of disabled workers.

Lagging behind in Europe

Racism in the workplace is a widespread and persistent problem in all EU Member States.²⁰ In the Netherlands only half the ethnic minority population is in employment, the lowest level in the labour process in the whole of Europe.²¹ In the Netherlands women work more often in part-time positions than in other countries (around 60% of women, twice as many as the EU average). And there is also a large gap between the Netherlands and Germany and the UK, which occupy joint second place with “only” 40% of women in part-time work.²²

Women are still seldom found in senior positions in the business community. Only 385 of the 4,535 seats on boards of directors in the top 300 companies in Europe are taken by women (a miserable 8.5%). So it will be concluded that women like working part time but that does not explain why, with 6.5% of board members in the largest companies being women, the Netherlands languishes at the bottom of the lists. Only half of Dutch companies have a woman on the board of directors, and these are often of foreign extraction – the imported “token woman” as FEM/business provocatively put it.²³ In Europe’s top 300 companies, only four have a woman chairman and three a female CEO.²⁴ Comparative figures are not available as to the whole array of criteria for non-discrimination. In many countries there is a great taboo in recording, for example, race/ethnic origin and sexual orientation – partly due to improper use in the past by the Nazi regime. Nonetheless, monitoring the effects of any policy is crucial for its success, and more comparative European research should be carried out. The European Monitoring Centre on Racism and Xenophobia does a lot of good work in this field, but research in other fields has not – or has hardly – been taken up.

No work placement, no diploma; no diploma, no work

The differences can be explained partly, though not entirely, by educational disadvantage and group characteristics. Unemployed minority ethnic young people often do not have a diploma, but that is never the

²⁰ EUMC Annual Report, 2005.

²¹ EUMC: Migrants, Minorities and Employment, 2003.

²² Source: OECD.

²³ FEM/business, no. 25: “We’ve already got a woman”, 19.6.2004.

²⁴ European Professional Women’s Network: Bi-annual European PWN Board Women Monitor 2006.

full explanation of their position. Many already encounter problems in finding a work placement, which is necessary for attaining a diploma. In a study by the Intelligence Group 59% of ethnic minority people in intermediate vocational education and 54% in higher vocational education indicated that they had experienced discrimination when looking for work and during work. Older or disabled people often know that they do not stand a chance when making an application, however good their qualifications may be.

MKB NEDERLAND: PROJECT FOR 10,000 APPRENTICESHIP JOBS

The employers' organisation for small and medium-sized enterprises MKB has conceived an ambitious plan to create 10,000 apprenticeship jobs. Local networks are mainly being used to implement this plan. These are supported regionally and nationally, but the actual work is done at local level. The MKB has built up networks of local employers, schools, municipalities, CWIs (Employment and Benefit Payment Centres) and other bodies, and the cooperation has proved successful. The decision was taken to opt for a local approach rather than a sectoral one because it soon became clear that the problem could only be solved by pooling the forces of all local players. The aim is that, by doing an "apprenticeship job", young people can "move up a step", i.e. by doing one of these jobs they can learn enough to access a subsequent job at a higher level. In this way, from an unskilled level, they climb higher and higher up the learning ladder, and thereby make significant advances in their own apprenticeship process.

Exclusion from the labour market is an urgent social and economic problem

Whatever path the Netherlands chooses, what is certain is that the exclusion of large groups of people from the labour market is an urgent problem. The moral and legal problems with this hardly needs any explanation. Discrimination is forbidden by law. Anyone who wants to work deserves to be given the same opportunities. Black, white, disabled, young or old, gay, lesbian or transgender – all of them have their place in our country. But apart from the self-evident moral aspect, there are also economic reasons why the Netherlands cannot leave large groups of qualified people out of work on the sidelines, without negative consequences. The ageing of the population means

that the proportion of the population that is economically active will fall by some 23% in the next fifty years. Immigrants constitute an important potential that is still being substantially wasted. 40% of refugees who have been through higher education are sitting at home on benefit. These, of all people, are precisely those who have often had training in sectors for which there is high demand (engineering and care, amongst others). Women with part-time jobs do want to work more, but are not being given the opportunity. Of course people are more than an economic factor, but it is in the business community's best interest to have as large a pool of (diverse) employees as possible, even if only to bring their purchasing power up to the required level. In fifty years' time 20% of consumers will be from ethnic minority communities. European research shows abundantly clearly that managers in the business community are convinced of the extra value that a policy of diversity affords their company.²⁵

“Licence to produce” up for discussion

The need to get more people into work is therefore increasing all the time. Some companies understand that well; they see the stimulation of work (or the resumption of work) for people from ethnic minority communities, those unfit for work, and women not only as a social task in terms of integration, but also as being in their own interest.²⁶ And that goes further than merely protecting a future market or product line. The hiring of people from the aforementioned groups soon touches on the company's social image and in the longer term the place the company assumes in society. Companies that are already anticipating this now are quickly showing social success and, when the ageing of the population really has an effect and the need for manpower intensifies as a result, they will have a head start on those that are lagging behind.

TPG POST: NATURALISATION ON THE SHOP FLOOR

At TPG Post it is possible to work in a two-track work schedule and become naturalised. This is not done in some school on the other side of town, but as far as possible in the workplace, together with a colleague who is a native speaker and acts as a “linguistic mate”. TPG pays for the course with the support of the Municipality of Amsterdam, and offers extra leave for successful course participants. They follow the course again in their free time and complete it with a naturalisation exam. In particular minority ethnic

²⁵ http://ec.europa.eu/employment_social/fundamental_rights/pdf/events/busicase_en.pdf

²⁶ Regional Plan. The labour market position of refugees who have been through higher education, March 2006.

women are recruited for this – a part-time job as post-woman can easily be combined with looking after the family. TPG Post wants to increase diversity on the shop floor and in management and to be a reflection of society – because there is money to be earned. For example, ethnic minority employees successfully devised a campaign to sending cards for the Feast of Sugar and the Feast of Sacrifice (Eid al Adha/Eid el Kbir).

Another point in favour of a policy for diversity is the incentive for having more diverse teams that do not consist entirely of the same kind of people. Teams have the tendency to look for people who “fit in”. However, that can also lead to teams of people who think too much along the same lines, and are unable to look either right or left. An effective policy of diversity can counter that and increase innovation in companies. VNO-NCW, MKB Nederland and the AWWN already more than recognise the problem. In this they deserve the support of the government to spread information about good practice and to further stimulate the exchange of knowledge between companies.

Moral leadership needed

The government should take a lead by combating discrimination and asking for attention to be paid to diversity, but the previous Balkenende cabinets totally failed to do so. Former minister Verdonk long insisted on “not having encountered a single case of work discrimination”, whilst fellow minister De Geus declared the emancipation of women to be complete. And former Education Minister Van der Hoeven found that making homosexuality a subject for discussion in education was not her problem. The target group policy was simply scrapped. Many initiatives put forward by Parliament and in particular by the PvdA, ranging from codes of conduct and the introduction of fines for cases of discrimination, through to the study of experiences abroad with anonymous applications, were dismissed in advance. The President of the European Commission, Mr Barroso, is not adopting such a tough stance, either. When he took up the post he announced that he would personally make efforts in favour of non-discrimination policy. Since then, we have been unable to credit him with any positive measure.

EMPOWERMENT LIFESTYLE SERVICES. LGBTs AT SCHOOL

A school in Amsterdam has included diversity in the school's vision, which is developed within a three-year course through the whole school. All those involved solemnly sign up to the vision. Implementation is via

mentor classes in which diversity is discussed, but the subject is also broached in various ways in other classes. The effect is studied at regular intervals and on the basis of this the policy is adjusted if necessary. In schools the approach to discrimination can for example be laid down in protocols for getting on with each other, which form part of the quality policy. A school where gays are not harassed also appears to be a school where all other people feel better, too.

The government as an employer sets a poor example

The government shows itself up in another way, too, namely by failing to set a good example itself, as a large employer. Only 4.1% of employees in the civil service are disabled²⁷, compared with a figure of 16% of the working population as a whole.²⁸ And of the more than six hundred senior officers in the civil service, just three directors are from an ethnic minority, according to the latest annual report of the Algemene Bestuursdienst (General Administration Department).²⁹ The proportion of people from ethnic minority communities in higher vocational education/higher education positions in government service was 5.7%. To date the government has not dared to make a breakdown according to entry level, middle and senior positions.³⁰ According to the Government Social Annual Report, the increase in the number of women in senior positions has risen to a meagre proportion of just 14.2%. Things look slightly better at the European Commission, where 16.2% of senior positions are held by women.³¹ How can such a public employer convince other employers of the social and economic importance of diversity in the labour market? The previous cabinet also falls short in the appointment of directors (mayors, royal commissioners, etc.): of the 414 mayors, only 84 are women (20.3%). The PvdA had most women mayors (32 out of the 122 PvdA mayors, i.e. 26.2%).³² As an employer, the European Parliament does set a good example. Men and women are equally represented in the academic salary scales, an above-average 20% of women are to be found in the highest salary bracket, and almost a third in the bracket below that.³³

²⁷ Letter from Minister Remkes on disabled workers employed in government service, 19 April 2006.

²⁸ CBS: Fewer disabled workers at work, press release, 2 September 2005.

²⁹ "It's awful that we haven't managed to increase that number", in: PIM, 25 May 2006.

³⁰ Government Social Annual Report, 2005.

³¹ EU Commission website, reference IP/06/493 of 12.4.2006 <http://tinyurl.com/lo912>

³² <http://www.parlement.com/9291000/modules/glj9p4nll>

³³ Unité Egalité des chances, Direction Générale du Personnel du Parlement Européen: Statistiques: La situation des hommes et des femmes au secrétariat général du Parlement Européen, mai 2006.

Compartmentalised models do not work (any more)

In the compartmentalisation model, the self-organisation and political (self) representation of all minorities used to be the main thing. Every group had its own little pigeonhole, with its own paper, its own party, and its own representative. In technical terms, that is referred to as representative diversity. This model no longer works. Society is becoming increasingly individual, and more and more people feel themselves to be part of several groups at the same time. The strict demarcations between groups are fading, and new groups are coming into being. Often people do not view themselves so much as “ethnic minorities”, “heterosexuals” or “women”, but as people with a number of characteristics. A new model of diversity within organisations is emerging, the so-called intra-institutional diversity. This is a model in which attempts are made to promote diversity within an organisation instead of between organisations.³⁴ However, in the Netherlands there is still little support for this kind of policy for diversity. Activities to increase diversity within a company or an organisation are still associated with political correctness rather than quality enhancement.

Discrimination is a European problem

It can be clearly seen that discrimination is not solely a Dutch problem. Efforts to counter differing pay levels for men and women have been established in European legislation since the Treaty of Rome of 1958. For that matter this was included in the Treaty at that time not out of a wish to counter discrimination, but out of a fear of unfair competition! Nevertheless, there is still much to be done, starting with a better outline of the problem. The European approach to tackling discrimination on the labour market is there on paper. But whether – and how – that is transposed into national practice remains unclear. This is due to a lack of comparative studies. At the moment not enough is being done in this regard. There is no uniform registration – and consequently also no possibility of effective monitoring of the policy pursued. Without this feedback, it is difficult to gauge transposition in real life. Cooperation at European level is essential for the exchange of good examples, the creation of new ideas, and the effective tackling of a problem that affects every Member State. The European Commission has proclaimed 2007 European Year of Equal Opportunities for All. The PvdA not only wants to use this year to chart discrimination in the Netherlands and in Europe, but also to do something about it.

Chapter 3

A PvdA action programme

The PvdA feels it is important to bring about good cooperation between local, national and European policymakers. Employers, trade unions, knowledge centres and interest groups should be involved as well. We want to reward good policy and penalise discrimination with sanctions. A cultural change is necessary and possible. We have drawn up a number of specific action points based on the following key basic principles:

Working together

The business community plays an important role in implementing policy on diversity. The experience of companies that have a good policy on diversity shows that an integrated diversity policy not only yields social “goodwill”, but also macro-economic profit. The eventual change will have to take place on the shop floor. A cultural change is necessary and possible, but we do not want to – nor could we – impose this from above. But we do want to increase awareness and encourage greater effort. Good cooperation with employers is of vital importance here.

Moral leadership

The government should take the lead in this respect. It should do everything in order to avoid perpetuating discriminating itself and develop an exemplary diversity policy for its own organisation. This would make it easier to convince others of the usefulness of and need for an effective diversity policy. The government should regard discrimination as a subject worth tackling, not just in words, but also in deeds. How important that is became clear after the terrorist attacks in London. The British government’s unanimous condemnation of violence and discrimination led to a temporary fall in the number of racist incidents.³⁵ Another example comes from the European Commission:

³⁵ European Monitoring Centre on Racism and Xenophobia: Prompt response by EU Governments and Muslims to London bombings praised by EUMC, November 2005.

at the first scientific conference on homosexuality, the European commissioner responsible recently said that respect for people's rights, irrespective of their sexual orientation, was one of the most important criteria for the respect of human rights in general.³⁶ But indirect discrimination (such as unequal pay or the structural subordination of disabled persons on the labour market) should also be pointed out and clear measures taken by the government. In this it should have greater contact with the business community and encourage the dissemination of good examples – preferably in cooperation with the umbrella organisations such as VNO-NCW, MKB Nederland and the AWWN.

Not apart, but together

We do not want to do all this by developing a separate target group policy for every group. Rather, we are seeking a policy that can promote the participation of all people, using their specific knowledge, experience and possibilities. Of course sometimes specific measures will have to be taken, but a company should not arrange for crèche facilities for women, but for employees with children. A company should not only provide for a good workplace for people with a functional limitation, but a good workplace for everyone.

Cooperation at various government levels

Policy on diversity has an important European component, *inter alia* via European directives and action programmes. These are based on anti-discrimination Article 13 of the Treaty of Amsterdam and the rules on sex equality that have been in force for much longer. Discrimination in the general sense is thus prohibited on the grounds of sex and race/ethnic origin and there is a directive prohibiting discrimination on the labour market on more grounds, such as disability, age and sexual orientation. At national level there are laws and national measures in this field that can partly be traced back to European policy. That also goes for local level (*inter alia* Metropolitan Policy and local diversity policy). The various levels of government still do not work together enough at the moment, although they do not counteract each other. Thus European regulations on discrimination do not always receive anywhere near the attention they deserve at national and local level, whilst in the Netherlands a lot of legislation in the field of equal treatment has nonetheless actually come into being further to a European initiative. The proposals we make in this brochure should offer an initial move for change at all levels of government: local, national and European. At European level the experiences of other Member States should of course also be included.

Getting opportunities, seizing opportunities!

Every employee in Europe has the legal right to a discrimination-free workplace. And he or she also has the duty, himself or herself, not to discriminate. We attach another condition to that: people themselves should do their utmost to get off to a good start and seize all the opportunities they can. Those who let the chances offered pass them by will have to bear the consequences themselves. We want to do everything to create opportunities, but we are assuming that people will indeed seize those opportunities. Where that does not happen, policy is meaningless and results will not be forthcoming. Therefore a tit-for-tat policy prevails. That means, for example, that we want to offer young people work and training, but that there will be cutbacks on their social security benefits if they fail to cooperate. Conversely, people who have sufficient qualifications but do not manage to find a job, due to prejudices, can count on our full support.

CONNEXION AND “EN NU IETS POSITIEFS!” (ENIP!) (AND NOW SOMETHING POSITIVE!): FROM RESTORA- TION TO TRAINING TO THE GUARANTEE OF A JOB

ENIP! Started with a project in which young people in Amsterdam who had “gone off the rails”, especially Moroccan youngsters, restored things and did things up in problem neighbourhoods and then shipped the restored items to an orphanage in Morocco, for example. By doing this “useful” work, many participants have gained a better feeling of self-esteem and have carried on with a training course or have begun working. Connexion gave the project two buses and became so enthusiastic that it has offered four of the youngsters training as drivers, with a guaranteed job at the end. The project has since expanded to 30 guarantees of a job with Corus and Arke Fly, amongst others. With the guarantees of a job the companies want to motivate the young people (who have often turned to petty crime) by offering them the prospect of a better future.

Action points:

1. Enforcement of laws and prosecution in cases of discrimination

Making laws is one thing. Seeing to it that they are complied with is another. At the moment legal proceedings are very seldom brought for discrimination. The Public Prosecutor’s Office should pursue a

much tougher policy and tackle discrimination more often. At the moment victims of discrimination can lodge a complaint with one of the anti-discrimination offices or the Committee for Equal Treatment or try to see their case borne out in court. The first route is often a nice escape valve for the victim, the second is not binding, and the third is a complex and very lengthy process. In addition to these possibilities, quicker and sometimes more effective ways of combating discrimination are conceivable, including the introduction of a fine. This, for example, is also successfully used in the case of employers working with illegal aliens. We want the introduction of a fine of up to 8,000 EUR for employers who discriminate, for example by excluding certain groups in their employment advertisements. We want a more active role for the Labour Inspectorate, with this being given the authority to extend compliance in respect of discrimination to include all grounds for non-discrimination. In respect of men and women, the Labour Inspectorate is already authorised to look into whether a company is operating in contravention of equal treatment laws, and subsequently to inform the works council and employers' and staff organisations of this. It is logical to extend these competencies, beginning with race/ethnic origin. Discrimination should also be explicitly mentioned in the Occupational Health and Safety Act. When a victim is pronounced in court to be in the right, this does not necessarily mean that his or her problems have been solved. Indeed, recent research³⁷ has shown that victims of discrimination, even if they have been declared to be in the right by the Committee for Equal Treatment or by the court, almost never stay, or are able to stay, in their previous place of work after the trial. Recommendations for improvement of the policy are often not followed up, either. So the protection of the victims of discrimination is thus failing at the moment. This is a serious obstacle to tackling discrimination because due to this many victims decide not to report the incident. They do not believe the matter will get anywhere and are afraid of the consequences.

The PvdA wants:

- the Public Prosecutor's Office to bring prosecution in cases of discrimination more often;
- a fine to be introduced for employers who discriminate;
- discrimination to be explicitly included in the Occupational Health and Safety Act;
- the competencies of the Labour Inspectorate to be extended to compliance with anti-discrimination legislation on the basis of all grounds of non-discrimination;

- to afford the victim better protection and support in being able to continue to work in the current post or with another employer. A feasibility study should be carried out on this (preferably at European level);
- a European think-tank to be established which should make proposals for better implementation and enforcement of anti-discrimination legislation.

2. Government should set an example as an employer

The PvdA feels that the government should show the way, as an employer, by setting a good example itself. This can be by deliberately pursuing a personnel policy in which the diversity of Dutch society is visible in both lower- and higher-level positions. When it comes to contracting out assignments to third parties, the government can also make a major contribution by only working with companies implementing a good diversity policy and consciously trying to mean something for vulnerable groups on the labour market. Municipalities, provinces and the central government farm out a lot of work to companies, from caterers to contractors. This is also the case for Europe, in all its administrative levels. Conscious diversity policy involves an employer indicating what can be done to promote a diverse personnel policy.

DORDRECHT: CALLS FOR TENDERS

In calls for tenders, the municipality of Dordrecht applies the rule that 5% of the budget for personnel expenses must be spent on training for people in the WWB. The aim is to guide the long-term unemployed, in particular, towards a job. The municipality had to go to court to fight for the possibility of being able to issue invitations for tender in this way, but in the end it was judged to be in the right.

The government as an employer can also itself see to it that, for example, for every 50 employees one permanent trainee post is created for a young person. In this way a contribution is made towards labour prospects for young people. Bodies that are bound to the government, such as for example the Employment and Benefit Payment Centre (CWI), should also set a good example. It is unacceptable for this kind of institution to place employment advertisements on behalf of employers who, for example, are only looking for young employees. The government can make the budget of a (semi) public body dependent on the quality of the diversity policy pursued by this organisation (diversity budgeting). The diversity aspect should also

be raised in the implementation rules applicable to the major European funds, such as the structural funds and the European Social Fund (ESF).

The PvdA wants:

- the government to make it clear in word and deed that discrimination cannot be tolerated;
- (local) government and the EU to set a good example in appointments policy and where possible, to work to targets;
- the government to pursue a conscious personnel policy aimed at representativeness in the work force;
- (local) government and the EU institutions to work by preference, in calls for tender, with companies that make extra efforts on behalf of vulnerable groups on the labour market and diversity;
- (local) government and the EU institutions to create at least one structural trainee post for every 50 employees, to increase employment prospects for young people;
- the settlement of accounts in institutions linked to the government to be made conditional on their diversity policy. Infringement of the rules would lead to a (financial) penalty;
- diversity budgeting to be introduced in (large-scale) implementation programmes such as the Structural Funds and the ESF.

3. Encouraging companies to pursue good policy

To enable diversity in companies to succeed, the eventual change has to take place on the shop floor, whereby the management has to set the right example and should act decisively against discrimination. We do not want to (and cannot) impose that from above. But we do want to increase and encourage awareness so that greater efforts are made. Therefore we propose that companies include in their annual report, initially voluntarily but if that does not bring results then obligatorily by law, a passage in which they indicate what they have done to increase diversity in their company, and what the results of this have been.

Employers can also assume their responsibility at sectoral level. Establishing a common code of conduct can help in preventing and combating discrimination. With the aid of funds from the European Union's EQUAL programme, which is dedicated to new creative initiatives, a method to this end has also already been worked out: Companies Care.³⁸ This should be promoted much more. In the Labour Foundation employers and employees have made recommendations on cooperation on the shop floor. That is good, but not enough. We challenge social partners and the government to give this

code a concrete, practical interpretation in joint consultation. Moreover, these recommendations only concern “cooperation” with ethnic minorities, instead of “cooperation” with all kinds of people.

More could be done among employers to promote diversity and to take complaints seriously. The works council can play an important role in this, and it is therefore important that targeted courses be introduced for works council members. The “training month” for works council members set up by the Ministry of Social Affairs and Employment on diversity policy and the implementation of Article 13 of the EU Treaty should be “marketed” more effectively. There should also be agreements between the social partners, establishing how non-discrimination and diversity agreements can be included in collective labour agreements. For companies, good diversity policy is good advertising. That can be stimulated by having a top 100 drawn up of companies with an excellent track record in the field of diversity. An independent committee will compile the list, which could include examples such as the “Women in Blue” network at IBM. The exchange of good examples in the EU and in the Netherlands could be helpful here.

IBM: BROAD DIVERSITY POLICY WITH A WOMEN'S NETWORK

IBM began to actively promote a broad diversity policy in the Netherlands in 1995. In this framework, the “women in blue” network was set up in 2003, and a culture diagnosis was carried out by Opportunity in Bedrijf. The women’s network now attends the management team’s meetings every six months to discuss the targets and results of the policy for diversity. The management’s support is of course required for this. But the results are there for all to see. In the Netherlands 17% of IBM’s managers are women, a result which – especially for a technological company – far exceeds that of other companies. Worldwide IBM now has a diversity department with more than 250 employees.

A well-oiled network of companies and (umbrella) organisations is necessary for this and the government should enter into strategic alliances with the business community.

The PvdA wants:

- companies to include in their annual report what they have done to promote diversity within their company, and what results this has yielded;
- the government to encourage codes of conduct to be drawn up at sectoral level on the fight against discrimination and the promotion of diversity;
- targeted courses on diversity to be organised for works councils and the SZW (Ministry of Social Affairs and Employment) training month to be given greater publicity;
- the drafting of a Top 100 of companies that have an excellent track record in the field of diversity, possibly on the basis of the existing Diversity Top 50 private initiative;³⁹
- the government to encourage the exchange of good examples at EU, Dutch and local level.

4. Joint commitment from government and employers

Despite general measures, at times an extra initiative is needed to give vulnerable groups a place in the labour market. In this respect it is important for various parties to join forces and to dare to be ambitious. At the end of the 1990s that approach led to successful policy being implemented, when more than 50,000 people from ethnic minority communities were helped to find jobs thanks to an agreement between the Minister for Metropolitan Policy Van Boxtel, Social Affairs Minister Vermeend, and small- and medium-sized enterprises. That agreement was then discontinued. Some time back, under pressure from Parliament, the government started a minor offensive for highly skilled refugees, but the bar has to be raised. It will be important for the government to dare to commit itself to specific objectives, and to tempt employers (whether or not with financial incentives) to cooperate. The PvdA proposal for the introduction of a no-risk policy for employers who take on young people without basic qualifications has thus now been introduced. These kinds of no-risk policies and premium reductions can also help promote opportunities for employment for older people and those unfit for work.

The PvdA wants the government to work as much as possible with pioneer companies which set an example. They will be given an active role in encouraging other companies to pursue a diversity policy and in the wider dissemination of good examples. Targets should be discussed

with the business community and within the government. This should involve not only quantity but also quality, to avoid only certain groups experiencing improvement. A section on diversity should be included as a central theme in the European Employment Strategy. This would result in the subject being given a more prominent position in labour market policy as a whole.

The PvdA wants:

- government and employers to develop agreements with specific ambitions for vulnerable groups;
- employers to be supported by the introduction of premium reductions and no-risk policies where older people and people unfit for work are taken on;
- diversity targets to be discussed within the government and with the business community;
- diversity policy to be given a central role in the European Employment Strategy.

5. Improvement of knowledge

To improve awareness and support good initiatives, it is very important that good information is at hand. This is often lacking and there are absolutely no data on the composition of the staff and the effects of the policy pursued. This is certainly the case at European level, but more research is also needed nationally. One positive effect of the Samen law was that at least it became clear what the composition of the staff was, although it was not clear what companies had actually done to bring about change. By regularly measuring the effect of diversity measures, it becomes clear whether progress has been booked, whether there is stagnation, or whether there have been setbacks. That applies not only to Dutch companies and the government, but certainly also at European level, where facts and figures are very important to compare Member States with each other. The PvdA wants a better charting at European level of what is happening in the field of diversity policy, how countries can learn from each other and in what way European directives are transposed at national level. The effects of new policy in the Netherlands and in the EU should also be gauged in a diversity impact assessment report. In the UK for some time now, new legislation has been subjected to obligatory screening for possible negative effects for women, and this has proved successful.

The PvdA wants:

- new legislation to be tested for the consequences for diversity;
- more attention to be given at European level to the exchange of national experiences and the possibility of comparing national data;
- a study to be carried out into the costs of discrimination for society.

6. The streamlining of (European) rules

A lot of matters relating to labour and diversity have been resolved well in our country. Disabled persons are entitled to an adapted workplace, and people who feel sexually intimidated can go to a confidential adviser. In Europe, funds such as EQUAL are there to promote diversity, and there are regulations that we can be proud of. But at the same time there are many rules that involve a lot of red tape. Under the current rules, adaptation of the workplace for disabled persons calls for considerable patience and a lot of paperwork on the part of the applicant. Another example is the European Social Fund. As a result of a multitude of rules and directives, very little of the money from this Fund can be used for the promotion of diversity, particularly in small organisations. When it comes to creating trainee posts and apprentice positions, companies are hampered by an excess of rules and regulations. A small-scale employer can easily spend two days filling in all the forms to be accepted as an apprenticeship-for-work company. Money is not the problem, rather the rules surrounding it.

New or altered rules should be tested for their workability, and this of course applies to both national and European rules. The (European) implementation programmes for employment should be used more effectively to combat discrimination. The link between employment programmes and social implementation programmes should also be made, in order to counter all forms of discrimination. A number of countries have not yet transposed the existing EU directives into national law. The EU has lodged complaints against a number of the "old" Member States on this account, including Germany and Finland. The next step is also to do this with the new Member States that have failed to implement the rules adequately.

The EU should also play a more active role in implementation, and for example strengthen the network of Committees for Equal Treatment. In action programmes such as "Stop Discrimination" and the European Year of Equal Opportunities in 2007, not only should money be made available but the budget should be made more accessible for small-scale initiatives.

The European Commission should see to it that equal opportunity for employees exists not only on paper, but can also actually be made use of in practice. Now, for example, it is often still complicated or impossible for a Dutch gay man to move to another EU Member State with his spouse. They can come up against residence permit problems if the marriage is not legally recognised. But also pensions and other work-related tax rules should be subject to stricter checks, at EU level, for diversity aspects and equal treatment.

The PvdA wants:

- (European) subsidies for job creation to be made more flexible and more results oriented; co-financing requirements should also be reviewed;
- socially responsible calls for tender to be made less complicated in and by Europe.

7. Integrated approach – no hierarchy of criteria for non-discrimination

Good diversity policy is, as far as possible, integrated policy. Policy that is only aimed at one or two groups is much less effective than broad attention to all forms of diversity. In other words, it is not enough just to look at “women” or “ethnic minorities”. A person has many sides. The PvdA's leitmotif is: general where possible, specific where necessary. Target group policy passes over the fact that there are minority ethnic women and men, or that there are disabled people who are gay and gays who are disabled. But even more important is the fact that different forms of discrimination are related to each other. For an individual it does not matter on what grounds he is suffering discrimination; the person in question feels he is being treated without respect. And a school that tackles discrimination against gays becomes a place found by staff and pupils alike to be a more agreeable place to be in. This is because in an environment such as this people talk to each other more, rather than about each other. The most successful companies are those that develop a broad and integrated diversity policy.

Let's be clear: there are also many prejudices between discriminated groups themselves. The basic principle should be that diversity is much more than a combination of groups or grounds of non-discrimination. A new “compartmentalisation” of marginalised groups is counter-productive. However, good cooperation with the organisations involved is essential and this also has to be reflected in the policy. At European level it is still the case that some grounds for non-discrimination (namely sex and race/ethnic origin) weigh more heavily

and are subject to better protection than others (for example, sexual orientation, age or disability).

In the Dutch constitution some non-discrimination grounds are referred to by name (such as gender and ethnic origin), but others are not (such as disability, age and sexual orientation). That is undesirable. The current limitation of the European anti-discrimination directive to a number of grounds is not logical. Unfortunately, discrimination is not restricted to work alone, but also manifests itself in the field of goods, services, education, etc. This also makes it difficult to understand and people may ask themselves: what is and what is not prohibited, and when?

The PvdA wants:

- the anti-discrimination article in the Dutch constitution to be extended to include all grounds of non-discrimination;
- all grounds of non-discrimination to be equal in European policy. The situation whereby one is found to be more serious than another by the court – and society – should be avoided;
- the European anti-discrimination directive for the labour market (the so-called “framework directive”) to turn into a wide-ranging directive for all non-discrimination grounds in all fields in which the EU is competent;
- the European Commission to come up with a view for the future of disabled persons, older persons, homosexuals and people from ethnic minority communities (in the labour market), similar to the recent Roadmap to Gender Equality.

Accountability

This diversity project initiative was taken by Emine Bozkurt (European Parliament) and Jet Bussemaker (the Dutch Lower House). In expert meetings they listed experiences of groups encountering difficulties on the labour market. With experts in the field of disabled persons/the chronically ill, young persons/the elderly, people from ethnic minority communities, women and homosexuals/transgenders, we discussed the problems and listed examples that could lead to change in the approach to discrimination in the job market. Interest groups were present, as well as trade unions and employers' organisations, the Commission for Equal Treatment and PvdA politicians from all levels of government. This brochure was produced on the basis of those meetings, and we would like to take this opportunity to warmly thank all those who took part in them.

Authors

This brochure has come about through cooperation between PvdA politicians at European, national and local level.

- **Emine Bozkurt** is spokesperson for social affairs and employment in the European Parliament and in this capacity devotes herself to equal rights for all people. For example she has focused attention on the subject in the talks on the European Social Agenda, the European Guidelines for Employment, the Agency for Fundamental Rights and the discussion on legal and illegal immigration. She is rapporteur for social security in relation to employee mobility.
- **Jet Bussemaker** is a member of the Dutch Parliament (Lower House) and spokesperson for social affairs and employment. She has devoted herself to emancipation issues for some years now, and has asked in Parliament for attention to be paid to tackling youth unemployment (and unemployment among ethnic minority people), better prospects for employment for the disabled and older people, and the fight against unequal pay between men and women.

Word of thanks

Local PvdA members have provided for example projects and helped in the formulation of the recommendations in this brochure. Various inspirational examples that they have supplied from real life are to be found in this brochure. In alphabetical order, these people are:

Ahmed Aboutaleb and Lodewijk Asscher (councillors in Amsterdam), Rinda den Besten (councillor in Utrecht), Gerard Boekhoff (councillor in Bussum), Ielle Houtsma (district council of Amsterdam-Centrum), Hans Luiten (councillor in Zaanstad), Tineke Netelenbos (mayor of Oud-Beijerland), Henk Schipper (councillor in Harderwijk), Hans Spigt (councillor in Dordrecht), Femke Stolker (chairman of the parliamentary party in Delft). Frank Weijnen (member of the Provincial Council of Overijssel).

The following participated in the project from the Lower House:

Marjo van Dijken, Trude Maas, Peter Meijer, Hannie Stuurman, Ing Yoe Tan, Anja Timmer, Gerdi Verbeet and Mies Westerveld. From the party executive of the PvdA, Saskia Duives and Marije Laffeber were involved in the project.

We would also like to thank all the participants in the expert meetings for the productive contribution and openness in the discussions:

Janina Arsenjeva (European Disability Forum), Pierre Baussand (Social Platform), Jetty Becking (FNV), Paulien Benschop (LKG Travestie & Transseksualiteit), Leontine Bijleveld (FNV), Anton Blokland (CNV Youth), Veronique Bouree (IBM), Rachel Buchanan (AGE), Mieke van der Burg (Committee for Equal Treatment), Mavis Carrilho (i-nova / black business-woman of the year 2005), Alex Geert Castermans (Committee for Equal Treatment), Maxime Cerutti (European Youth Forum), Frank van Dalen (COC Nederland), Peter Dankmeijer (Empowerment Lifestyle Services), Guusje Dolsma (VNO-NCW), Kristel van Doornen (Committee for Equal Treatment), Hayat Essakkati (National Youth Council), Hubert Fermina (LBR), Daniel Garcia Soto (FNV), Wouter van Ginkei (The Prospect of Work Committee), Cécile Gréboval (European Women's Lobby), Rutger Groot Wassink (FNV), Kees Hoogendijk (MKB-Nederland), Jorina Horzelenberg (COC Nederland), Chris Huinder (FORUM), Fatos Ipek-Demir (E-Quality), Jannie Komduur (Broad Platform, The Insured and Employment), Marianne Kroes (CG-Board), Hannie van Leeuwen (The Elderly at Work Control Group), Willem Lely (Connexxion), Anouk Mulder (Age Expertise Centre), Machel Nuyten (VNO-NCW), Evelyne Paradis (ILGA-Europe), David Pollard (GALA – ING Bank), Radj Ramcharan (FORUM), Björn van Roozendaal (IGLYO), Joop Schippers (University of Utrecht), Judith Schuyf (Knowledge Centre for Lesbian and Gay Emancipation Policy), Joke Swiebel (former member of the European Parliament), Ad van Tilburg (Leads on Demand), Paul Vennix (Rutgers-Nisso Group), Anna Visser (European Network Against Racism – ENAR), Mei Li Vos (Alternatief Voor Vakbond), Kees Waaldijk (University of Leiden), Henk van der Waart (Employed with the Utrecht Regional Police), Jantina Woudstra (IBM) and Raymond Zuidwijk (Kroon op 't Werk, Tap Taxi)

Our special thanks go to Willemien Ruygrok (E-Quality).

Staff

Finally, we would like to thank Justus Eisfeld who supervised this project in terms of content and organisation, Gert van Wijland for helping to write the brochure, and Robert Tans and Carolien de Heer for their material contribution.

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