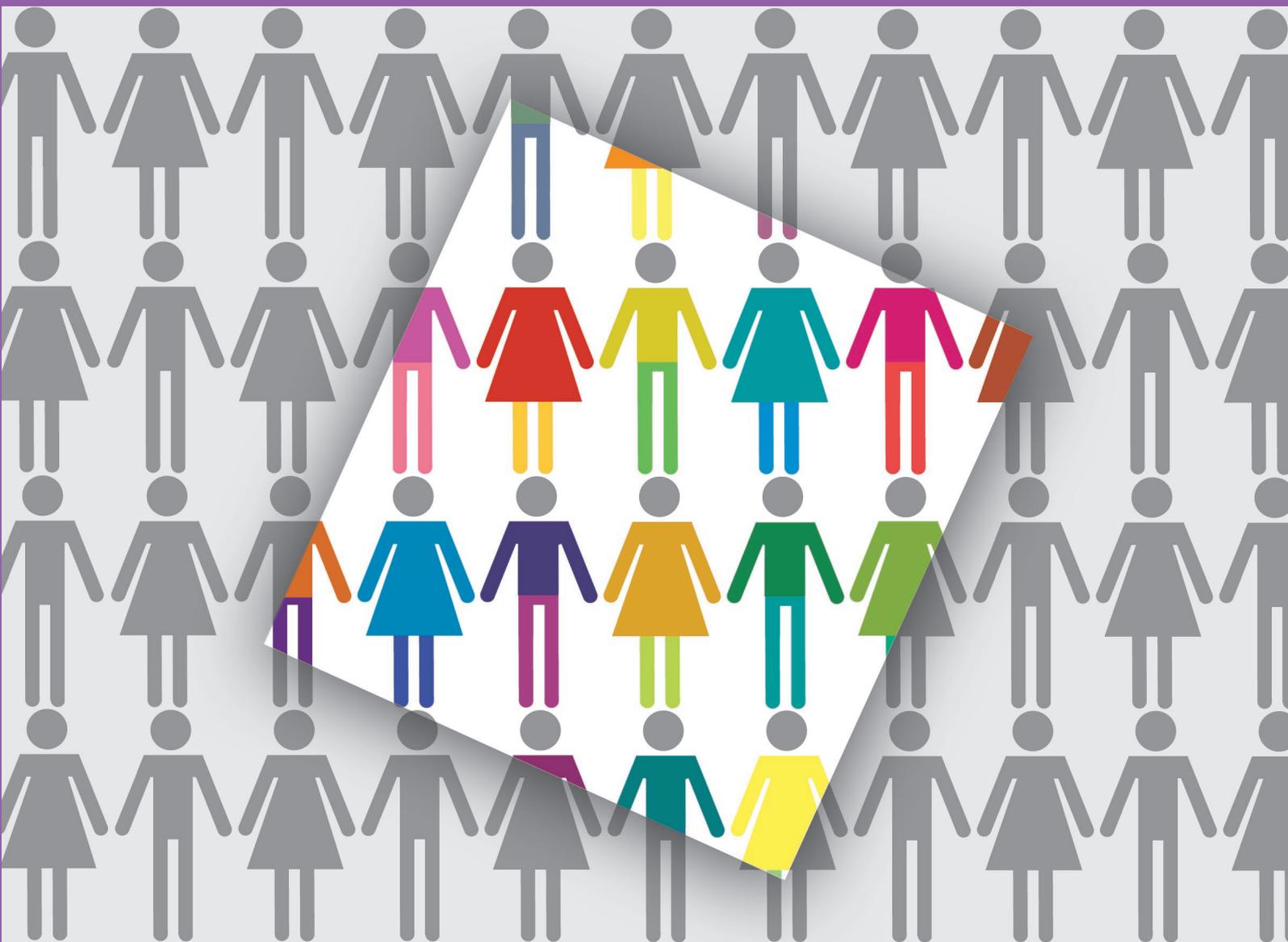


THE GLASS BOX



Exclusion of Roma
from Employment

European Roma Rights Centre

THE GLASS BOX:

Exclusion of Roma from Employment



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TABLE OF CONTENTS

ACKNOWLEDGEMENTS	7
EXECUTIVE SUMMARY	9
1. Introduction	13
1.1. Purpose and Scope of this Report	13
1.2. Roma in the Labour Market: An Overview	15
2. Profiles of the Labour Market Actors Targetted in This Research	19
2.1. Romani Individuals	19
2.2. Employers.....	26
2.3. Labour Market Gatekeepers	29
3. Key Findings of the Research	31
4. Employment Discrimination against Roma	35
4.1. Prohibition of Employment Discrimination in International and Domestic Law	35
4.2. Discrimination in Access to Jobs	37
4.3. Discrimination by Labour Market Gatekeepers	40
4.4. Discrimination in the Work Place.....	43
4.5. The Glass Box	44
4.6. Challenging Discrimination: First Steps	45
5. Road Untravelled: From Prohibition of Discrimination to Promoting Equality	49
5.1. Absent Government Leadership	50
5.2. The Chimera of Equal Opportunity Policies	51
5.3. The Statistical Black Hole	52
6. Labour Market Measures: Do They Reach Roma	55
6.1. Public Works Programmes	55
6.1.1. Bulgaria: From Social Assistance to Employment	56
6.1.2. Slovakia: Activation Work Program	57
7. Equality Policies: Examples of Good Practice Outside Central and South Eastern Europe	59
8. Conclusion	69
9. Recommendations	71
Recommendations for Government Action	71
Recommendations for the Equality Bodies	73

Recommendations for Employers.....	73
Recommendations for the Roma Advocacy Movement.....	74
ANNEX 1. Country Case Studies	75
ANNEX 2. Tables of Research Findings	86
ANNEX 3. List of institutions interviewed	91
Bibliography	93

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EXECUTIVE SUMMARY

Advocates challenging discrimination against women in the field of employment have noted that a “glass ceiling” often blocks the advancement of women to managerial or executive positions. Where Roma are concerned, the obstacle is rather a “glass box”. In post-communist Central and Southeastern Europe, where Roma have found gainful employment at all, this is frequently in isolated “Roma jobs” dealing solely with Roma issues. A barrier exists between Roma and non-Roma in employment. Roma are fully absent from the work forces of major sectors of employment, particularly white collar areas.

- Research carried out by the ERRC in 2005 in Bulgaria, the Czech Republic, Hungary, Romania and Slovakia, demonstrates that employment discrimination against Roma is endemic and blatant – job vacancies are not open to Roma. In many cases, prospective employers even tell Roma that they are not being hired because they are “Gypsies”.
- ERRC research, based on structured narrative interviews with 402 working-age Romani individuals in 2005 and 2006, revealed that 64% of working-age Roma have experienced discrimination in employment. When asked “How do you know it was because you are Romani?”, an alarming 49% said they had been openly told by the employer or someone in the company, and an additional 5% were told by the labour office.
- In the most common case, Roma are rejected from employment purely because they can visibly be identified as Roma. In a multi-application search for work, there is a very high probability that a Romani job seeker will be told directly by at least one prospective employer, or someone in the company, that they are unsuitable for the vacant position because they are Romani.
- Many companies in the five countries surveyed have a total exclusion policy regarding the employment of Roma, and apply across-the-board unmitigated discrimination against Romani applicants. As a result, Romani job-seekers are eliminated and excluded from the application process at the very outset; regardless of education, qualifications and competences for the job.
- Anecdotal evidence of discrimination in employment is also corroborated by findings of courts in several countries in Central and Eastern Europe.
- Sophisticated forms of discrimination deny educated Roma the opportunity of choice. Qualified Roma find that their opportunities are severely constrained by an invisible “Glass Box” which limits their chances to progress upwards, sideways or to obtain employment that is not connected to the delivery of services for other Romani people.
- There is strong evidence of pervasive racism in the labour office structures in Central and Eastern Europe. The negative, entrenched and prejudiced views of those working in public institutions, at the front-line of dealing with Romani unemployment, calls into question their capacity to deliver an unbiased and professional service not tainted and distorted by prejudiced views.

- The incidence of discrimination against employed Roma was not as frequently reported as discriminatory practices that prevent access to employment. But discrimination in employment is notoriously difficult to prove and frequently goes unreported and unchallenged for fear that action will jeopardise their own or a colleagues' employment status.
- Inequality in employment is nonetheless a serious problem for Roma as one in four of those who are, or have been in employment reported that they received lesser terms and conditions of employment than non-Romani counterparts doing the same job. The most common differential in terms and conditions of employment took place in relation to remuneration – rates of pay. Over half of respondents who reported some form of inequality in employment claimed that they either received lower rates of pay or were denied the opportunity to work overtime.
- In the five countries covered by the ERRC research, the evidence demonstrates that the ethos of equality in employment is almost non-existent. Despite having equality legislation, governments have not introduced adequate measures to encourage public and private employers to implement equal opportunity policies.
- Employment discrimination against Roma is not considered a major determinant in the employment (or more importantly the non-employment) of Roma by the key actors in the labour market. As a consequence, equal opportunity policies in Central and Eastern Europe are not in existence and the policy measures designed to tackle unemployment of Roma do not yield any significant results.
- The mass unemployment of working-age Roma is most often perceived as a labour market supply-side issue and the high level of unemployment is attributed to an inability on th part of Roma to find employment because of their low levels of education and/or to out-of-date work skills and detachment from the labour market. Another factor cited is the fact that so many working Roma lost out during the economic and industrial restructuring that occurred during the transition from Communism.
- Undoubtedly, these factors create very real barriers that reduce employability and exclude many Roma from work but there is another dimension – discrimination – which significantly aggravates the situation and denies access to the labour market of vast numbers of working-age Roma.
- Where existing at all, equality policies in the five countries are currently focused on the individual enforcement of anti-discrimination norms. This approach has severe limitations because it is dependent on individual challenging of illegal discrimination it does not address broader causes for inequality, and it cannot remedy the situation of larger groups of people in disadvantaged position. A pro-active approach involving a positive duty on public and private bodies to identify and address inequalities is non-existent.
- The public sector, one of the largest employers in each country, especially government ministries, shows no evidence of a proactive approach to guarantee equality of opportunity in employment. There is no evidence that Government Ministries are taking steps to ensure that their recruitment and employment practices are free from direct and indirect discrimination and compliant with the EU Employment and Race Directives. At best, some make special advisory positions available for qualified Roma.

- Private and public sector enterprises are currently making very little effort to actively apply an equal opportunity or diversity policy. Even multi-national companies from Europe and the USA, where the law will have required them to observe and monitor employment equality policies, seem content to hide behind national claims that it is illegal to monitor the ethnic diversity of their workforce. Some 70% of the employers interviewed during the research claim that they have an equal opportunities/diversity policy in place but none could provide a detailed explanation of how the procedures operate. Similarly, none of the companies could provide information about how they monitor the ethnic composition of their workforce. Most stated that they do not measure because it is illegal to monitor ethnicity, or similar.

- Labour market policies and measures as they currently exist in the region are not designed on the basis that unemployed Roma of today will become part of the workforce of tomorrow. Public works programmes are favoured in the countries included in the research, especially Bulgaria and Slovakia. The evidence from this research and local knowledge confirms that large numbers, probably 90% of all participants in public works programmes in the countries included in the research are Roma.

- Romani unemployment will remain one mass that is near impossible to shift, unless the problem and the solution are understood and dealt with in smaller, more manageable, and clearly targeted components. There is no magic solution that will create jobs overnight, and it will be a long process, but through sustained investment and confidence that re-builds, develops and stimulates the human capital that is currently hidden in the “activated” workforce over time the economic multipliers will deliver growth and generate an expanding jobs base.

A glass box excludes Roma from gainful employment, denies Roma access to major segments of the labour market, blocks Roma from having access to well-remunerated work, isolates Roma at the workplace, and secludes Roma into segregated work arrangements dealing solely with Roma issues.

1. INTRODUCTION

The massive and disproportionate exclusion of Roma from employment is an undisputed reality in many countries. This fact raises serious human rights concerns about the failure of governments to curb racial discrimination in employment as well as to undertake proactive measures to confront disadvantages facing Roma on the labour market. In addition to fundamental human rights concerns, the fact that significant numbers of people of working age, especially in the countries of Central and Eastern Europe with large Romani populations, are not participating in the national economy, should be a matter of serious concern from economic development point of view. To take effective measures to prevent and combat employment discrimination, it is important for policy makers to have a solid knowledge of the reality of discrimination against Roma. This means being able to understand the phenomenon, its causes and extent – as well as the impact of policies and practices designed to tackle it.

This report examines the findings and implications of research on employment discrimination against Roma carried out in five countries; identifies best practice measures replicable elsewhere; and elaborates a set of recommendations for future actions.

1.1. Purpose and Scope of the Research

The primary research focused on the issue of discrimination as a major determinant and barrier that prohibits access to employment for large numbers of Roma. The research was carried out in Bulgaria, Czech Republic, Hungary, Romania and Slovakia and was conducted in at least three different localities in each country: the capital city, an industrial centre with sizable Romani population and a rural area.

The principal research comprised of structured narrative interviews with 402 Romani individuals and its purpose was to determine the extent to which discrimination has limited, or perhaps prohibited, access to employment for Romani jobseekers. The criteria determined for the interviews was that respondents: i) had to self-identify as Roma; ii) be in the working age population, so between the ages of 15 and 64; and iii) willing to answer questions and talk about their present and past employment experiences.

From the outset, the ERRC was aware that the integrity of the research would depend heavily on securing access to sufficient numbers of individuals with relevant stories and experiences to share.¹ To guarantee access to the empirical and qualitative information that often proves difficult to gather and measure, the ERRC relied on the skills and experience of in-country Roma organisations with experience in conducting research on human rights issues. Where possible the field research team included Romani individuals in the process of information gathering.

The principal research, constructed from the interviews with unemployed and employed Roma, provides a sample that offers a high (95%) confidence factor which reflects the

¹ To encourage open disclosure of information, the interviews provided for anonymity of the Romani individuals interviewed. The examples cited are extracts from the Country Research Reports prepared and submitted by each individual research team in Bulgaria, Czech Republic, Hungary, Romania and Slovakia. The lists of Roma interviewed during the course of the research and the questionnaires have been retained, and are accessible from the ERRC.

characteristics and experiences of the working age Roma population in the five countries covered by the research.² By quantifying the scale of discrimination and documenting a range of examples, the research will serve as a baseline against which future progress can be measured. On a country specific level the information provides case-study profiles that are indicative, rather than representative, of the circumstances in each country.

The second component of the field research included structured narrative interviews with a total of 43 employers selected from the public, private and nongovernmental sectors. The interviews were guided by pre-prepared questionnaires which provided a structure and guaranteed continuity for the information collected. The number of employer interviews finally concluded proved to be dependent on how many of the companies actually agreed to participate, rather than a scientific sample. The findings of this component provide a case-study which offers a clear insight into the commitment of employers in the region towards the application of equal opportunity policies in the workplace and a perspective about the views of employers regarding the employment of Roma.

To supplement and expand the field research, a series of in-depth interviews were carried out with government officials responsible for developing and or managing the active labour market policies and interventions aimed at improving the employability and labour market reintegration of unemployed people in the region. The consultation involved interviews with key organisations, Ministries of Labour, National Employment Agencies, Labour Offices,³ or their equivalent, as well as Government Agencies, international organisations and social policy research institutions, involved in the preparation, management, and implementation or monitoring of labour market programmes.⁴ The aim was to determine their views on:

- The type of programmes considered to be most relevant for unemployed Roma;
- The extent to which programmes are specifically targeted at Roma;
- If statistics are available to measure participation levels of Roma;
- And what mechanisms are in place to measure the success of the programmes in terms of getting Roma people into employment.

An additional feature of the research was analysis of the equal opportunity policies and interventions that exist outside the region. To provide a benchmark and basis for comparison, a situation analysis, via a questionnaire and/or interview, was carried out with the Equality Bodies, in four of the five countries included in the research.⁵ To determine examples of good practice and compare the impact of equality legislation in an international context, detailed desk research was carried out and complemented with a sequence of meetings with established Equality Bodies, partner nongovernmental organisations, operating in European countries offering examples of good practice.

² Guidance for this was drawn from the United Kingdom, National Audit Office (NAO): *A Practical Guide to Sampling*, NAO, 2004, pp. 9-10.

³ Labour offices are public employment placement services. In the five countries they have different names such as employment centres, employment offices, public employment offices, etc. For simplicity, we use the term labour offices.

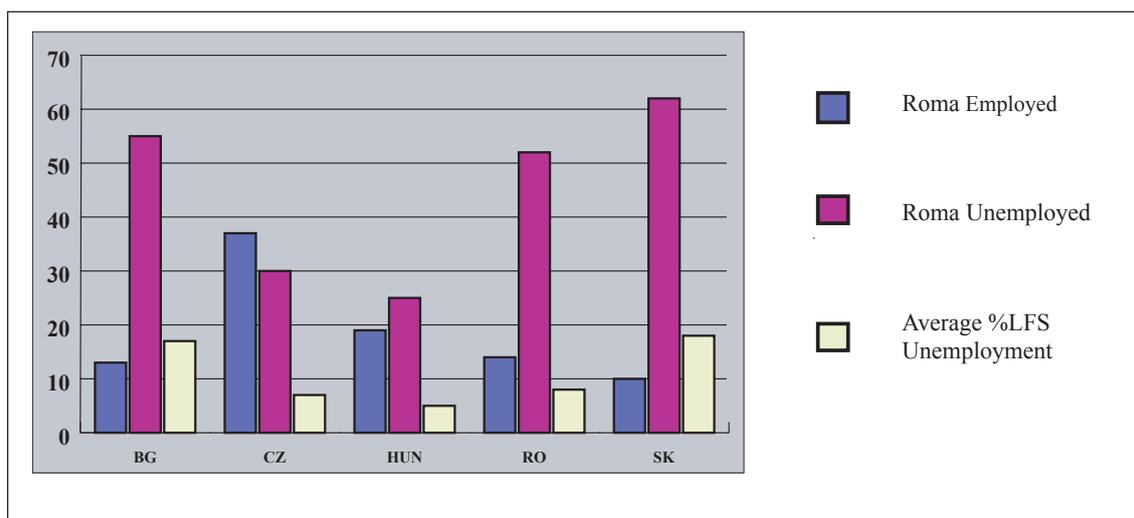
⁴ A total of 29 people were interviewed from the Ministries of labour, national employment offices and labour offices in areas with a high Roma population. The sample is not representative but nevertheless it provides a snapshot of the situation that may be indicative of the prevailing attitudes.

⁵ As of the date this report went to press, no equality body has been established in the Czech Republic.

1.2. Roma in the Labour Market: An Overview

There are no official statistics that quantify the scale of Roma unemployment and there are no labour market intelligence systems to provide sophisticated analysis of the configurations and patterns of Romani unemployment or employment in Bulgaria, Czech Republic, Hungary, Romania and Slovakia. The most robust dataset that quantifies the scale of Roma unemployment in these five countries was published by the United Nations Development Programme (UNDP) in 2002 and was based on self-declarations by 5,500 Roma who took part in a survey conducted by UNDP and the International Labour Organisation (ILO).⁶

Roma Unemployment
Chart 1



Source: UNDP, *Avoiding the Dependency Trap* (2002), Annex 1 p.65. Question: “What is your current socio-economic status”. Institute for International Economic Studies (Vienna). Labour Force Survey. Percentage of Annual Average Unemployment (2002).

Chart 1 illustrates the severity of Romani unemployment and the massive differential that exists between Romani unemployment and average unemployment rates for the populations as a whole. Roma are almost eight times more likely to experience long-term unemployment than their non-Romani counterparts. Like most concentrations of high unemployment, whether it is spatially concentrated or like Romani unemployment, concentrated across a strand of society that is linked by history and ethnicity there are common problems and a collection of barriers that restrict access or re-entry to the labour market.

It has been well documented that Roma were disproportionately affected by the economic restructuring that took place between the mid-eighties and mid-nineties.⁷ The previous command economies needed the unskilled labour that Roma supplied whereas the new and emerging market

⁶ The findings of the survey conducted by the United Nations Development Programme and the International Labour Office are found in UNDP, *Avoiding the Dependency Trap, A Regional Human Development Report*, Bratislava, 2002.

⁷ The hypothesis that Roma most lost out, in social and economic terms, during the transition from Communism is well documented in literature. See for example, Guy, Will. “The Czech Lands and Slovakia: Another False Dawn”. In Guy, Will, (ed.), *Between Past and Future: The Roma of Central and Eastern Europe, 2001*, University of Hereford Press, pp. 295-323; Kertesi, Gabor, *Budapest Working Papers on the Labour Market; The Employment of the Roma – Evidence from Hungary*, Institute of Economics of the Hungarian Academy of Sciences, Budapest, 2004, pp. 13-45. Ringold, Dena, Mitchell A. Orenstein and

driven businesses had less need for such workers. Skilled and unskilled workers from the inefficient labour-intensive heavy industries of Communist times were the first to be dismissed and this meant that Roma were among the first to become unemployed or to be forced out of the labour market. Although some of the sectors that employed large numbers of Roma actually expanded, like the construction industry, many Roma workers were squeezed out of employment and replaced by cheap migrant labour from surrounding countries, a trend which continues to threaten Roma who have managed to retain employment in the construction sector.⁸

In part, the scale of Romani unemployment today can be explained by the fact that, during the Communist era, the authorities encouraged, sometimes even coerced, Roma to take the heavy and unpopular semi-skilled or unskilled jobs in sectors of the economy, such as heavy industry, that were to prove uncompetitive during transition. Such policies failed to equip the bulk of the Roma with the skills or outlook needed to obtain regular employment in a modernising and increasingly competitive society. In the early post-Communist years with widespread restructuring and a huge increase in labour supply, educational qualifications became a significant factor to determine who would successfully retain their jobs or who would be re-hired from unemployment. Roma who were mostly unskilled workers without basic education and no qualifications, were much less able to compete for or retain jobs than their non-Roma counterparts. According to the Hungarian scholar Gabor Kertesi, “Job loss among Roma workers was even more dramatic than the, far from negligible, job loss in the whole working age populations.”⁹ In Hungary, in the 1990s, the employment rate of Romani male workers was only 4-5% behind the rates for male workers from the majority populations; whereas a decade later in the mid 1990s, the small difference in employment rates of Roma and non-Roma had grown to an enormous gap of 45%.¹⁰

Many Roma have never recovered from the economic restructuring that took place in the 1980s and 1990s and since that time there has been inadequate public investment in retraining or re-skilling the Roma workforce. As a consequence, many have become marginalised from the labour market. Even today young Roma search mainly for unskilled jobs at the bottom end of the labour market and so far economic growth has not generated sizeable numbers of low level employment opportunities. The economic growth and development of new industries that is taking place, in the countries covered by this research, are in strands of the labour market where Roma do not have the experience or skills to compete. Today, the ratio and number of Roma in employment is significantly lower than in the majority population and there is mass long-term unemployment across the Romani working age population.

The mass unemployment is most frequently considered to be a consequence of supply-side factors and deficiencies in unemployed Roma such as the low or absence of educational qualifications; because many have work-based skills that are no longer relevant in a modern labour market, and also because many Roma live in detached settlements with limited access to jobs.

Erika Wilkens, *A World Bank Study: Roma in an Expanding Europe Breaking the Poverty Cycle*, The International Bank for Reconstruction and Development/The World Bank. 2003, pp. 13-16, pp. 19-21 and pp. 35-37; Ringold, Dena, *Roma and the Transition in Central and Eastern Europe: Trends and Challenges*, The International Bank for Reconstruction and Development/The World Bank 2000, pp. 15-17.

⁸ See Guy, Will, “The Czech Lands and Slovakia: Another False Dawn” in Guy Will (ed.). *Between Past and Future: The Roma of Central and Eastern Europe*, p. 9.

⁹ Kertesi, Gabor, *Budapest Working Papers on the Labour Market; The Employment of the Roma – Evidence from Hungary*, Institute of Economics of the Hungarian Academy of Sciences, Budapest, 2004, p.19.

¹⁰ Ibid.

Undoubtedly, these factors are very serious and constitute very real barriers that reduce employability and exclude many Roma from work, but there is another dimension that is often overlooked and not given sufficiently serious consideration; that is the various forms of direct and indirect discrimination that impair access to employment. A Hungary-specific study has demonstrated that human capital variables such as the low educational attainment, lack of relevant work skills and the concentration of Roma in economically depressed regions account for about half of the difference in labour market opportunity between Roma and non-Roma in all age cohorts – the remainder is attributed to the ethnic discrimination that is prevalent in the labour market.¹¹

Some recent Roma-specific studies also affirm the significant levels of discrimination. A World Bank study noted: “Discrimination both explicit and implicit permeates many aspects of life, including education, employment and housing.”¹² When asked why they had difficulty finding employment, ethnic affiliation was the top reason given by respondents to a recent UNDP survey in Czech Republic, Hungary and Romania.¹³ A large percentage of Roma in the Czech Republic as well as elsewhere perceive their position on the labour market as disadvantaged by racial discrimination.¹⁴ These beliefs are in line with the experiences of ethnic and religious minorities in other countries which show that “ethnic minority workers face numerous problems in the labour market and are in many ways, at a disadvantage when compared with members of the majority or dominant population “and that” ethnic minorities experience discrimination on the grounds of their actual or perceived nationality, colour...or ethnic origin.”¹⁵

Securing gainful employment is significantly hampered by prejudiced behaviour and popular beliefs that unemployment and worklessness is a situation that many Roma have chosen, either now or in the past. These stereotypical views fuel widespread negative attitudes that Roma do not deserve or do not want to work. It is not unusual to hear high-ranking government officials explain Roma unemployment in the following terms: “It’s because of the Romani culture and their lifestyle, they do not fit with the discipline of work. Roma do not have the motivation to work; they are unreliable, lazy and prefer to live on social assistance than earn a living”.¹⁶ Unemployment, especially when it is long term and spatially concentrated, is a complex phenomenon that is difficult to overturn. The problem is multi-layered and inter-generational and it is impossible to separate the effects of current and past discriminatory behaviour from what are often seen as autonomous factors, such as educational attainment, birth rates, living conditions, health, and location.

¹¹ Kertesi, Gabor, *Working Papers on the Labour Market: The Employment of the Roma – Evidence from Hungary*, Labour Research Department; Institute of Economics, Hungarian Academy of Science (2004) Budapest 2004, p.43.

¹² Ringold, Dena, *Roma in an Expanding Europe; Breaking the Poverty Cycle*; A World Bank Study, Washington DC, USA, 2003, p.13.

¹³ United Nations Development Programme, *Avoiding the Dependency Trap, A Regional Human Development Report*, UNDP, Bratislava, 2002. p. 33.

¹⁴ *The Situation of Roma in an Enlarged European Union*; European Commission Directorate-General for Employment and Social Affairs, Unit D3, (2004) p. 24.

¹⁵ The findings of International Labour Office (ILO) research in Western Europe and North America showed “significant and disturbing levels of discrimination in access to employment”, in all countries [surveyed by the ILO], and amply demonstrated that ethnic minority workers face numerous problems in the labour market, and that they are, in many ways, at a disadvantage when compared with members of the majority or dominant population. See International Labour Organisation. “Challenging Discrimination in Employment: A Summary of Research and a Compendium of Measures”, October 2000. Available on the internet at: <http://www.ilo.org/public/english/protection/migrant/download/disc-01-2000.pdf>.

¹⁶ This and similar statements were made by numerous people throughout the course of this research. This particular statement can be attributed to the Director of a Labour Office in Prague, Czech Republic in May 2005.

2. PROFILES OF THE LABOUR MARKET ACTORS IN THIS RESEARCH

ERRC field research was targeted towards gathering information and profiling the responses from three groups that are either representative or indicative of different segments of the Roma labour market in the five countries covered by the research. The chapter is subdivided into the following sections:

1. The labour market supply side is represented by the interviews carried out with **Romani individuals** and provide a detailed profile of the group including age, gender, education and employment history.
2. The demand side is characterised by the findings from interviews with a range of public, private and nongovernmental **employers** operating in the selected localities in the five countries covered by the research.
3. The **labour market gatekeepers** provides an analysis of interviews carried out with people responsible for facilitating a connection between the supply side and the demand side of the labour market.

2.1. Romani Individuals

The primary field research comprises of structured narrative interviews with 402 working-age Romani individuals. This section of the report examines the characteristics of the sample and provides a situation analysis of the key factors which determine Roma competitiveness in the labour market. The results are representative of the working-age Romani population in the five countries covered by the research.¹⁷

Respondents were asked to select a description which best describes their ethnic grouping. Table 1 provides a breakdown of the collective responses.

TABLE 1 – QUESTION - WHAT BEST DESCRIBES YOUR ETHNIC GROUPING?						
Alternatives / options offered to respondents	Roma	Bulgarian / Roma Czech / Roma Hungarian / Roma Romanian / Roma Slovak / Roma	Only country of Citizenship or Residence Bulgarian, Czech, Hungarian, Romanian, or Slovak	Roma / Bulgarian Roma / Czech Roma / Hungarian Roma / Romanian Roma / Slovak	Other*	Total
Number of responses	211	97	31	47	16	402
Percentage of total sample	52%	24%	8%	12%	4%	100%
* people living in a country other than that of their citizenship, eg. Romanian Roma living in Hungary						

¹⁷ The sample of Romani individuals provides a confidence factor of 95%.

By far the most popular response was “only Roma” a choice that was made by 52% of all respondents. The next largest group were those who selected the description that offered their country of residence/citizenship first followed by Roma. Although the country samples are too small to be described as representative, the case-studies provide information that is indicative of the situation in each country. Table 2 provides a breakdown of the country by country responses to the ethnicity question.

TABLE 2 – COUNTRY BY COUNTRY SUMMARY OF THE ETHNICITY QUESTION														
Description	No	%	Description	No	%	Description	No	%	Description	No	%	Description	No	%
Bulgarian (BG)	0	0	Czech (CZ)	17	20	Hungarian (HU)	4	5	Romanian (RO)	2	3	Slovak (SK)	8	10
BG/Roma	8	10	CZ/Roma	16	19	HU/Roma	46	57	RO/Roma	17	22	SK/Roma	10	13
Roma/BG	14	18	Roma/CZ	0	0	Roma/HU	8	11	Roma/RO	12	15	Roma/SK	13	16
Roma	54	67	Roma	44	52	Roma	22	27	Roma	47	60	Roma	44	55
Other	4	5	Other	7	8	Other	0	0	Other	0	0	Other	5	6
	80	100		84	100		80	100		78	100		80	100

In four of the five countries covered by the research, most respondents selected the description of Roma. Only in Hungary did more choose a Hungarian/Roma description. Overall in the five country sample, only 8% chose a description that did not include Roma in the wording, and more than half of these respondents were from the Czech Republic. It could be argued that these responses provide an insight into how affiliated members of Romani communities are with the countries of their citizenship or residence or alternatively, where people feel more compelled to hide or deny their Roma ethnicity. The approach adopted in this research challenges claims that Roma do not acknowledge their ethnicity in surveys as it has delivered data and statistics with the minimum of effort. It has also shown that if presented with a number of possible alternatives, the majority of Roma will self-identify as Roma. The choices however should extend beyond only Roma and present the Roma alongside the country of residence or citizenship. If the question about ethnicity had simply been “Are you Romani?”, 36% of respondents who selected Roma alongside their country of residence or citizenship might have chosen to answer in the negative.

Gender, Age and Education

Of the interview cluster of 402 working-age Romani individuals, 52% are male and 49% female. The majority of all respondents, 93%, are in the most active age range in the working age population, between the ages of 21 and 50. Respondents supplied information about the educational standards they had achieved. The questionnaire included the question, “What level of education did you achieve?” and offered six choices; the broad categories provide the best framework to overcome the variations in the country specific educational structures. The findings are summarised in Tables 3 and 4.

TABLE 3 – EDUCATIONAL ATTAINMENT LEVELS*Combined Results Male and Female in All Five Countries*

AGE	Highest Level of Education Achieved												
	None		Basic		Secondary		Vocational		University		Other		Totals
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	
15-20	4	15	12	42	4	15	3	14	0	0	3	14	26
21-30	15	12	53	44	19	15	21	17	6	5	7	7	120
31-40	9	6	73	55	19	13	26	20	5	3	4	3	136
41-50	5	6	50	60	9	11	14	17	2	2	3	4	83
51-60	3	10	17	57	2	7	6	20	2	7	0	0	30
Over 60	2	22	6	67	0	0	1	11	0	0	0	0	7
Totals	38	9%	211	52%	53	12%	71	19%	15	3%	17	5%	402

Source: Question 4 from Research Questionnaire – What level of education did you achieve?

The information supports the widely held belief that educational attainment levels of Roma are low and that the majority have either no or low levels of education. Fifty-two percent of all respondents have achieved only a basic level of education which in most cases means that they have completed only some seven or eight years in education. Given that success in the labour market is strongly influenced by the level of educational qualifications, it is possible to conclude that almost 2 in every 3 Roma have a seriously reduced capacity to compete in the labour market, as a consequence of their low levels of education. A statistic that is not totally deterministic, as not everyone with qualifications is guaranteed to succeed and, conversely, there are others who are successful despite their lack of qualifications. Nevertheless, eligibility to enter white collar and professional occupations is generally and almost without exception in the countries covered by this research, determined by the level of educational credentials.

The information broken down by age and gender Table 4 shows that there very little difference between the male and female groups, except in the 21-30 and 31-40 age cohorts where, not surprisingly, more males than females completed vocational education.

Indications are that over half of the youngest Roma, between the ages of 15 and 20, who should have most recently been engaged in the education system, are entering the labour market with either no or very low qualifications. A situation that offers very little hope and prospects for their future given that, “a key issue for securing greater equality in the labour market, between different social groups, is their relative performance in the education and training system.” Low or no education is the dominant characteristic across all age cohorts of Roma, a factor that not only hampers the employability of each individual but has far reaching consequences on all working age Roma. Research in other countries has shown that, “if one group consistently achieves less well than another group, then that group’s capacity to achieve in the labour market irrespective of other factors will be reduced.”¹⁸

¹⁸ Osborne, Robert D., “Education and the Labour Market.” In Bob Osborne and Ian Shuttleworth (ed.). *Fair Employment a Generation On*. Blackstaff Press, 2004, p. 66.

TABLE 4 – EDUCATIONAL ATTAINMENT LEVELS BY GENDER

AGE	<i>Level of Education Achieved</i>						Totals
	None	Basic	Secondary	Vocational	University	Other	
Male 15-20	2	8	2	2	0	1	15
Female 15-20	2	4	2	1	0	2	11
Male 21-30	8	27	10	12	4	4	65
Female 21-30	7	26	8	9	2	3	55
Male 31-40	4	37	4	19	3	2	69
Female 31-40	4	36	14	7	2	2	65
Male 41-50	1	25	4	7	1	1	39
Female 41-50	4	25	5	7	1	2	44
Male 51-60	0	8	2	6	2	0	19
Female 51-60	3	9	0	0	0	0	12
Males Over 60	0	3	0	0	0	0	3
Females Over 60	2	3	0	1	0	0	6
Male Totals	15	109	22	46	10	8	209
Female Totals	22	103	29	25	5	9	193
Male %	7%	52%	10%	22%	5%	4%	100%
Female %	11%	53%	15%	13%	2%	6%	100%

Source: Question 4 from Research Questionnaire: “What level of education did you achieve?”

The widespread underachievement reinforces the theory that labour market disadvantage is inter-generational and that educational under-attainment becomes entrenched across the generations. It confirms that, “a cycle of disadvantage can exist when under-attainments in the education system results in under-achievement in the labour market, which in turn, can perpetuate educational under-achievement.”¹⁹

Employment History

Of all respondents interviewed during the course of the research, 369 had either previously worked or were currently in a job. A relatively small share, only 38% (155 people) declared that they were currently in work and from that group a ratio of one in three were in some form of public works or government funded job creation scheme; which in the countries covered by this research means basic income support in return for a number of hours of work rather than formal employment and training. The employment rate for Roma, in the five countries included in the research, is significantly lower than the rate for the populations as a whole. In 2004, in the twenty five European Union (EU) member states, the total employment rate for people aged 15-64 was 63%. In the countries included in the research the rates were as follows – 54.2% in Bulgaria; 64.4% in Czech Republic; 56.9% in Hungary; 57.7% in Romania; and 57% in Slovakia.²⁰

¹⁹ Ibid.

²⁰ The employment rates were obtained from a Eurostat, *Labour Force Survey 2004* News Release, Number 112/2005.

Respondents who had previously worked were asked two questions about the status of that employment. This revealed that almost all Roma have been in employment where they have paid tax but also in some form of informal employment where they worked but paid no tax. Some 9% of all respondents – 33 people – have never had any form of employment. This group is made up primarily of young adults just entering the labour market or women who have never had formal employment as they have been working at home caring for children and family. Table 6 provides a summary of the continuous employment question.

The data revealed that just under half, 42% of working age Roma have experienced continuous employment which lasted five years or more and also that 78% of Roma have been in continuous employment for a period exceeding one year. The statistics shows that given the choice, Roma will work and will remain in the same job for long periods of time.

TABLE 5 – QUESTION – WHAT IS THE LONGEST PERIOD YOU HAVE BEEN CONTINUOUSLY EMPLOYED?

less than 3 months	3-6 Months	6-12 Months	1-2 Years	2-5 Years	Over 5 years	Total
39	21	24	51	80	154	369
10%	6%	6%	14%	22%	42%	100

Moreover, the vast majority 245 (70%) reported that their last employment was in tax paid employment. A similar question to those currently in work revealed that 131 (94%) of all respondents in work were in employment where they have a contract and pay tax. This information suggests that only some 16% of Roma in employment are in non-tax-paying informal/unofficial work; a finding that refutes the popular belief that most Roma work in the informal shadow economy.²¹

Unemployment

To build an understanding about the employment patterns of Roma in the five countries covered by the research, the structured interviews included a question “How long since you were last working?” Table 6 provides a summary of the unemployment information.

Sixty-two percent of respondents declared that they were out of work at that moment; which means that almost two out of every three working age Roma were unemployed, and only one in three had a job. Of those out of work at least 34% fit the description of long-term unemployed as they have been out of work for a year or more. Respondents were also asked about continuous periods of unemployment.

TABLE 6 – HOW LONG SINCE YOU WERE LAST WORKING?

presently employed	in the last month	In the last 3 months	3-6 months	6-12 months	1-2 years	2-5 years	more than 5 years	never employed
155	19	19	13	25	29	23	86	33
38%	5%	5%	3%	6%	7%	6%	21%	9%

²¹ For obvious reasons, people can be reluctant to declare that they are in informal “under the table” non-tax paying employment. To encourage respondents to freely answer these questions without fear of reprisal, the format of the field research allowed for the anonymity of respondents.

Table 7 provides a summary of the unemployment information. The findings revealed that 95% of working-age Roma have suffered unemployment; and a staggering one in three have endured periods of continuous unemployment lasting five years or more; and two in three have been affected by unemployment lasting one year or more.

TABLE 7 – WHAT IS THE LONGEST PERIOD YOU HAVE BEEN CONTINUOUSLY UNEMPLOYED?					
less than 3 months	3-6 months	6-12 Months	1-2 Years	2-5 Years	More than 5 years
41	23	44	56	72	146
11%	6%	11%	15%	19%	38%

There is a distinct polarisation in the patterns of employment and unemployment for working-age Roma. At one end there are those Roma who are, or have been working in jobs that they have successfully retained for a significant length of time. At the other end are Roma who have been unemployed and out of work for a very long time. This suggests that when a Romani individual loses their job and becomes unemployed, they run a very high risk of remaining out of work for a very long time, possibly years.

The problem for Roma is very clearly about getting back into work should they lose their job, before the cycle of discouragement, demoralisation and de-motivation sets in. These facts point to and support claims that there are very real and sometimes insurmountable barriers that obstruct and prevent Roma from re-entering the labour market, should they lose their job. The level of market failure in this area is virtually absolute and public policy interventions have been equally ineffective to reverse the situation.

Types of Work

Unskilled and skilled labouring, including such jobs as tailors and machine workers, and cleaning are by far the most common employment categories where Roma either currently or have previously worked.

The least common is work in shops, offices, restaurants, hotels, teaching and professional managerial positions. The jobs that most Roma do – more than 50% – tend to be at the bottom end of the labour market; low-level menial jobs. These employment patterns show that Romani employment is very closely correlated with the low levels of education that affect many Roma. Less than 10% of Roma are employed at the higher end, of the labour market, in the professional and managerial occupations.

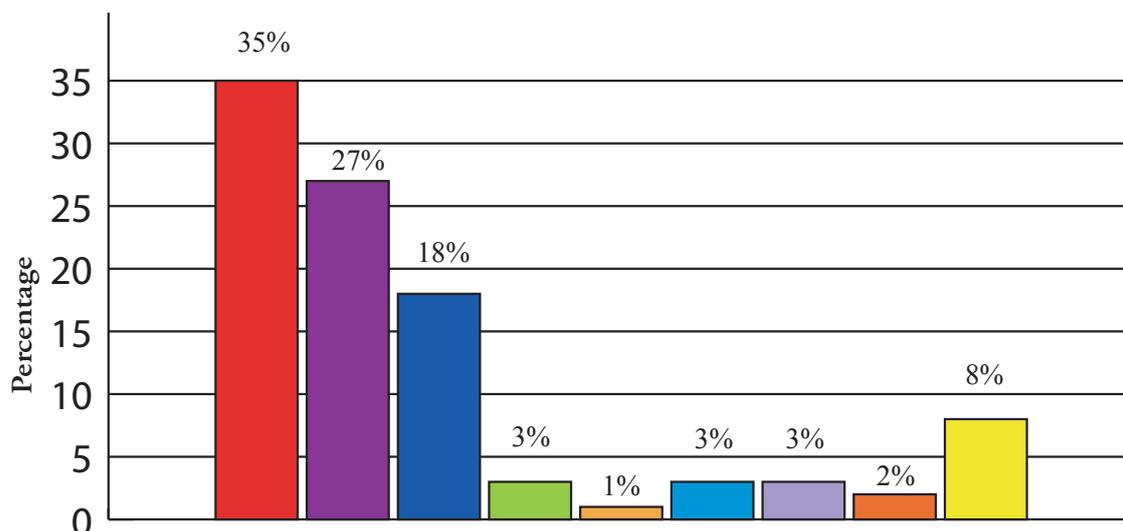
The information about employment patterns shows that a very small number of Roma work in restaurant/hotel type work or in shops, which is surprising given that such occupations usually offer some unqualified opportunities for people at the lower end of the labour market. The evidence suggests that Roma are excluded from employment involving contact with the public or with food.²²

²² Bendick and Jackson reported in their review of the black economy in the USA that “discrimination arises at some rate throughout the labour market. Nevertheless, certain circumstances are commonly hypothesized to be more prone to discrimination than others. Theory suggests that problems may concentrate in occupations involving customer contact, in better-paid positions, or in suburbs where minorities are discouraged from residing” (Bendick, Mark, and Charles R. Jackson, *Measuring Employment Discrimination Through Controlled Experiment*, Volume 23 Issue 1, 1994, p.25).

Was (is) there a close relationship between your qualifications and the job you were employed to do? Table 8 provides a summary of responses. The majority of Roma surveyed – 69% – believe that there is a close match between their employment and their educational attainment levels.

What category would best describe your employment

Chart 2



Occupational category

- Unskilled labouring
- Skilled labouring
- Cleaning
- Restaurant/Hotel work
- Shop
- Office
- Teaching
- Professional/management
- Other

TABLE 8		
<i>Was (is) there a close match between your qualifications and the job you are (were) employed to do?</i>		
Country	Yes	No
Bulgaria	44	30
Czech Republic	58	15
Hungary	62	16
Romania	27	46
Slovakia	59	12
Total	250	119
%	69%	32%

Table 9 provides a summary of the educational levels that were attained by Roma, currently in employment. The relationship between education and better employment is reinforced by the findings from the sample as all university educated Roma are in employment; in jobs at the higher end of the labour market, such as office work, teaching, and skilled occupations. The sample also shows that not everyone in the professional or managerial category achieved higher levels of education.

TABLE 9 – EDUCATIONAL ATTAINMENT LEVELS OF ROMA IN EMPLOYMENT					
None	Basic	Secondary	Vocational	University	Total
4	75	30	33	13	155
3%	48%	19%	21%	9%	100%

There is an added dimension to the education employment relationship for Roma, as empirical evidence suggests that educated Roma are not being afforded full and open access to the labour market.

The educated Roma who participated in this survey could not say that their employment did not match their education but could confirm that their employment is in positions that are directly related to their Romani ethnicity, fulfilling roles like teachers for Romani children, social workers for Romani families, Romani advisors in government offices, jobs in NGOs working on Roma projects, etc. Educated Roma tend to be excluded from mainstream positions which reflect their education and work skills.

2.2. Employers

The interviews with 43 employers from the public, private and nongovernmental sector provide a case-study which offers a clear insight into the commitment of employers in the region towards the application of equal opportunity policies in the workplace and a perspective about the views of employers regarding the employment of Roma.²³ Arranging interviews with employers proved to be the most difficult part of the field research to deliver. In all five countries there were refusals and a degree of avoidance from the companies invited to participate. For example, two large Bulgarian cleaning contractors, who requested and were supplied with additional information about the purpose of the research, finally refused to be interviewed. There was resistance and some avoidance from Tesco – the large super/hypermarket – to approaches from the ERRC field researchers in both the Czech Republic and Slovakia. After numerous telephone calls and emails giving different reasons or excuses, it proved impossible to conclude a meeting with a representative from the human resource department of Tesco. In Romania, the field researchers, despite pre-arranged interviews, were turned away and denied interviews with the personnel managers in two Bucharest banks.

Size and Status of the Enterprises

The enterprises that participated in the research were invited to select from a list of five categories which best described the operating status of the business and also the size of the

²³ This secondary research component set out to interview a total of fifty employers, but for various reasons including time constraints and resistance from a number of firms to participate, the final number interviewed was forty-three.

business by number of employees. The companies are fairly evenly distributed across the five operating sectors but there is a significant range in the number of people the enterprises employ. The responses are summarised and presented in Table 10 and Table 11:

TABLE 10 – OPERATING STATUS OF THE BUSINESS					
	Large Private Enterprise	Small Medium Enterprise	Government Institution	Public Benefit Not for Profit or equivalent	NGO
Bulgaria	1	3	2	1	2
Czech Rep	1	1	1	3	2
Hungary	2	3	1	1	3
Romania	3	1	2	0	1
Slovakia	2	2	3	2	0
Total	9	10	9	7	8

In Hungary, the two large private enterprises interviewed, both with over five hundred employees, were the fast food giants McDonalds and Burger King. Both claim to have equal opportunity in employment policies due to their history (they are both US American companies) but neither has a process in place to monitor the application of their equality policy. Nonetheless, both were able to give the precise number of Romani people they employ; 4 in McDonalds and 6 in Burger King.

TABLE 11 – SIZE OF THE COMPANY – BY NUMBER OF EMPLOYEES						
	1-10	11-50	51-100	101-200	201-500	Over 500
Bulgaria	3	3	0	0	2	1
Czech Rep	3	2	0	1	0	2
Hungary	4	1	3	0	0	2
Romania	0	1	1	0	1	4
Slovakia	1	2	2	1	1	2
Total	11	9	6	2	4	11

In Romania, a large private retail trade company, with over 500 employees, was interviewed and despite having an operational equal opportunities policy, less than 1% of their workforce were Roma.

Also in Romania a manufacturer and trader in ready made clothes, with over five hundred employees, estimated for the ERRC that they now employ between 21-50 Roma, but also stated that pre-1999 the workforce was made up of around 50% of Romani workers.

A large private enterprise interviewed in Slovakia is a private construction company owned by a Romani businessman. This firm has a workforce exceeding five hundred people and around 250 of the employees are Romani.

Of the eleven large enterprises with over five hundred employees, more than half are involved in the implementation of government supported public works programmes. In Romania,

two of the enterprises interviewed are participating in the delivery of public works schemes; both have more than five hundred employees and over one hundred of those are Romani.

Number of Romani Employees

All participating enterprises were asked, “Do you employ Roma workers in your company?”, “If yes – how many?” If the actual number was not known, the companies were asked to provide an estimate. Table 12 provides a summary of the information provided by the companies. Of the 43 enterprises interviewed, 37 (96%) claimed to have Romani employees; but of those 15 confirmed that the Romani employees were part of a government funded employment and training or public works scheme. A total of four enterprises claimed to have more than one hundred Romani employees in their workforce, but on closer scrutiny three out of the four were involved in the delivery of a government funded public works scheme. A construction company reported that they have a core of between 21 and 50 Romani workers, but in the summer they employ seasonal workers and at that time the number of Romani employees will increase to more than 200.

TABLE 12 – NUMBER OF ROMA EMPLOYEES						
	1-5	6-10	11-20	21-50	51-100	Over 100
Bulgaria	2	4	2	0	0	1
Czech Rep	5	0	2	1	0	0
Hungary	6	1	0	1	0	0
Romania	2	0	0	2	0	2
Slovakia	4	1	0	0	0	1
Total	19	6	4	4	0	4

The enterprises were also asked what type of work they employ Roma to do. The responses reinforce the information collected from Romani individuals as most companies report that they employ Roma in unskilled labouring and cleaning jobs. Table 13 provides a breakdown of responses.

TABLE 13 – TYPE OF JOBS THAT ROMA DO						
	Unskilled labouring	Skilled labouring	Cleaning	Office/ Admin	Professional/ management	Other
Bulgaria	1	1	6	1	0	0
Czech Rep	3	4	1	2	1	0
Hungary	2	3	3	3	2	0
Romania	5	2	1	1	3	0
Slovakia	3	4	2	0	1	0
Total	14	14	13	7	7	0

2.3. Labour Market Gatekeepers

To supplement and expand the field research, a series of in-depth interviews were carried out with government officials responsible for developing and/or managing the active labour market policies and interventions aimed at improving the employability and labour market reintegration of unemployed people in the region. Included in this series of interviews were a range of different government officials including: i) officials from the public employment service, including labour office officials based in localities with high concentrations of Romani residents, ii) labour market policy makers; iii) European Social Fund (ESF) Managing Authorities; as well as iv) research institutions involved in the field of social policy research.

Labour office officials have a significant influence on whether individual job-seekers are fully informed about job vacancies and have open access to participate in public works or employment and training programmes. In this context, labour office officials have been described as the labour market gatekeepers.²⁴ Face-to-face meetings were carried out in different localities with a high concentration of Roma residents, to determine what steps labour offices take to ensure that Roma are included and considered for available jobs. The face-to-face meetings were also designed to determine how labour market gatekeepers guarantee that the active labour market programmes providing training, skills development and subsidised employment opportunities are reaching and including unemployed Roma in Central and South Eastern Europe.

The ERRC research indicated that many Roma do not consider that labour offices have a role that is relevant or helpful in their search for work.

Table 14 provides an analysis of the information collected regarding the job search methods used by Romani job seekers.

TABLE 14 – JOB SEARCH METHODS						
<i>What methods have you used to try and find a job?</i>						
	Labour Office	Family	Friends	Newspaper	TV/Radio	word of mouth
Totals	190	115	221	95	13	120
<i>What methods did you find most successful?</i>						
	Labour office	Family	Friends	Newspaper	TV/ Radio	word of mouth
Totals	74	92	207	47	5	91

The second most popular method of job search is via labour offices. Despite its common use, respondents found it to be the least successful method of finding work. By far the most successful methods have been via friends, family and by word of mouth.

²⁴ The ILO used the phrase “labour market gatekeepers” to describe those that have front-line contact with job-seekers and are responsible for connecting people out of work and looking for a job with employers who have job vacancies and looking for staff. Research carried out by the ILO, over a period of seven years showed that discriminatory practices and attitudes of labour market gate-keepers created additional barriers to employment for ethnic minorities, and rather than being part of the solution many actually compounded the problem of discrimination. See “Challenging Discrimination in Employment: A Summary of Research and A Compendium of Measures”.

3. THE KEY FINDINGS OF THE RESEARCH

The Gap Between Employment and Unemployment

- 61% of working-age Roma were out of work at the time of the interview; which means that almost two out of every three working age Roma have been unemployed and only one in three Roma had a job. Of those out of work at least 35% fit the description of long-term unemployed as they have been out of work for a year or more.
- 92% of working-age Roma have been previously employed for some period of time. 38% of working-age Roma were in work – an employment rate that is significantly lower than the figure for the working age population as a whole. For example, in 2004, the employment rate for people aged 15-64 was 63%, in the twenty-five European Union (EU) member states.²⁵
- 95% of working-age Roma have at some time experienced unemployment; 2 in every 3 working age Roma have been unemployed for one year or more and a staggering 1 in 3 have had a period of unemployment lasting five years or more.
- Given the opportunity, and like the majority of the working age population, Roma will keep the same job for a considerable length of time. Almost 50% of working age Roma reported periods of continuous employment which lasted five years or more. 79% have had continuous employment of periods exceeding one year. Statistics that contradict, and go some way to dispel the negative and prejudiced view that Roma are unreliable and do not keep steady jobs.
- There is a distinct polarisation in the patterns of employment and unemployment for working-age Roma. At one end, there are those Roma who are or have been working in jobs for a significant length of time. At the other end are Roma who have been unemployed and out of work for a very long time. When a Romani individual loses her job and becomes unemployed, she runs a very high risk of remaining out of work for a very long time, possibly years.

The Kind of Work that Roma Do

Roma, are very clear about their position on the labour market and most search for work that is at the lower unskilled end of the labour market where jobs are menial and low paid. However, they are usually highly competitive positions with a rapid turnover and being filled by employers who are quick to absorb cheap and unofficial workers.

- The type of work that Roma do is very closely correlated with their low levels of education – 69% of those in work confirmed that they were in employment which reflects their educational attainment levels. Unskilled and skilled labouring, which includes jobs as tailors and

²⁵ Source Eurostat, *Labour Force Survey 2004* News Release Number 112/2005 at: http://epp.eurostat.cec.eu.int/pls/portal/docs/PAGE/PGP_PRD_CAT_PREREL/PGE_CAT_PREREL_YEAR_2005/PGE_CAT_PREREL_YEAR_2005_MONTH_09/3-09092005-EN-APPDF.

machine workers, etc., and cleaning are by far the most common employment categories. By far the least common is work in shops, offices, restaurants, hotels, teaching and professional managerial positions.

- Of those Roma who reported that they were in employment at the time of the interview, one in three were actually participating in some form of public works or government funded job creation scheme rather than in employment in the primary labour market.
- Only some 16% of those in employment were in “informal” employment, which in this research means casual, without a contract and not paying tax; a figure that also contradicts the popular belief that most Roma work in the informal shadow economy.
- Very small numbers of Roma work in restaurant/hotel type work or in shops which is surprising given that these types of occupations usually offer some unqualified opportunities for people at the lower end of the labour market. The evidence provides a strong case that employment discrimination is preventing Roma from being employed in jobs which involve contact with the public or with the preparation or service delivery of food.

Discrimination against Roma at the Labour Market

The most prevalent incidence of employment discrimination against Roma is at the job search stage and in the recruitment practices that companies apply. Raw, direct discrimination prevents applicants from even reaching the phase of the interview with the employer. Many companies have a total exclusion policy regarding the employment of Roma and practice across-the-board unmitigated discrimination against Romani applicants. As a result Romani job-seekers are eliminated and excluded from the application process at the very outset; regardless of education, qualifications and competences for the job.

- 64% of all interviewed Romani individuals of working age hold that they have experienced employment discrimination. The situation is almost twice as bad for Roma in the five countries targeted by the research where two out of every three working age Roma are likely to experience employment discrimination, than for ethnic minorities in the 11 countries, in Europe and North America, that were surveyed by the ILO and found to have discrimination rates of up to 35%.²⁶
- When asked “How do you know it was because you are Roma?”, almost one in two people said they had been openly told by the employer or someone in the company. In addition, 20 individuals were told by the labour office. Therefore more than half of all Roma who reported that they have experienced employment discrimination know for sure that their ethnicity, the fact they are Roma, has prohibited and reduced their chances of getting a job.
- The incidence of discrimination at the workplace was not as frequently reported as the discriminatory practices that prevent access to employment. But discrimination in employment is notoriously difficult to prove and frequently goes unreported and unchallenged for fear that action will jeopardise individuals’ employment status. Inequality in employment

²⁶ See ILO. “Challenging Discrimination in Employment: A Summary of Research and A Compendium of Measures”.

is nonetheless a serious problem for Roma as some 1 in 4 of those who are, or have, been in employment reported that they received lesser terms and conditions of employment than non-Roma counterparts doing the same job.

- The most common differential in terms and conditions of employment took place in relation to remuneration – rates of pay. Over half of respondents who reported some form of inequality in employment claimed that they either received lower rates of pay or were denied the opportunity to work overtime.

Tackling Employment Discrimination

- ERRC research provides evidence and draws on experience from other EU countries to show that a mixture of: **anti-discrimination legislation** when it is vigorously enforced; **proactive equality policies** realised through an enforceable positive **duty to promote equality** and **positive action**; and a public equality authority with powers to enforce the public duty to promote equality can be successful to contain, constrain and reduce discriminatory behaviour of employers and their employees.
- There is strong evidence, from countries with the most effective measures to combat racial discrimination in employment, that workforce monitoring, including the collection of data on ethnicity, is really the only means of obtaining statistical evidence to support positive actions to address under-representation of ethnic groups in the workplaces and more generally in specific occupations and sectors of the labour market. Monitoring, recording, reporting and responding to the ethnic composition of a workplace are key factors that guarantee the effectiveness and efficiency of equal opportunities policies.
- Experience from Northern Ireland relating to discrimination against Catholics in the labour force in the 1960s and 1970s is very relevant and in many ways comparable to the systemic exclusion from employment that many Roma in Central and Southeastern Europe currently experience.
- Implementation of effective equality policies in other EU countries has required a complex of measures that ensure sanctions and damages for discrimination are a genuine deterrent for employers; that ensure open and public disclosure of discriminatory practices which can undermine the integrity and vision of companies in the eyes of others, especially foreign investors; that encourage employers to undertake positive action to integrate ethnic minority and other underrepresented groups; and that deliver anti-discrimination and equality training. The combination of compulsion, risk and incentives are the key drivers of change.
- Employment discrimination is more pervasive and insidious than the basic numbers suggest, especially when it is as blatant and explicitly exercised as the cases described by Roma who took part in the ERRC study. Achieving a fairness and equality in employment for Roma will take a considerable length of time; it is a complicated issue that requires widespread commitment and cooperation across all strands of the labour market. The situation is critical and the problem demands immediate attention from Governments as legislators, policy makers, employers and drivers of change; from the equality bodies charged with the responsibility of enforcing, and monitoring compliance; and from employers who are in the position to guarantee recruitment practices and workplaces that are free of discrimination.

- Measures need to be introduced in Bulgaria, Czech Republic, Hungary, Romania and Slovakia which move society towards greater equality of opportunity and in that process Governments have to take the lead. To achieve this they must move from their current passive position to one that is actively promoting equality of opportunity for ethnic minorities, especially in employment and particularly for Roma. The message from government that employment discrimination against Roma will no longer be tolerated must be clear and explicit.

The recommendations are focused on action that needs to be taken by Governments, the equality bodies and by individual employers. Motivating change and the ongoing monitoring of the employment equality environment in Bulgaria, Czech Republic, Hungary, Romania and Slovakia will require sustained advocacy at national and international levels.

This study has revealed levels of discrimination against Roma and systemic exclusion from employment that are unacceptable in a modern society. The research and the empirical evidence contained within this report should serve as a baseline against which future progress can be measured and it will be the responsibility of the Roma rights advocacy movement to repeat the research and monitor progress at appropriate intervals.

4. EMPLOYMENT DISCRIMINATION AGAINST ROMA

Discrimination is exercised against Roma at every junction in the labour market. It creates almost insurmountable barriers that result in systemic exclusion from work for vast numbers of Romani individuals. The most common and overt examples of discrimination occur during job search and in the recruitment practices of many companies. Discrimination also permeates into the workplace and serves to restrict and reduce the employment opportunities for many working Roma. Discrimination against Roma in the world of work is so seldom challenged that perpetrators are either unaware or unconcerned that their actions are unlawful. This chapter provides an analysis of the different patterns of discrimination which emerged from the research carried out in Bulgaria, Czech Republic, Hungary, Slovakia and Romania and uses examples and the stories told by Romani jobseekers and Romani workers to demonstrate how discrimination is most commonly applied.²⁷

4.1. Prohibition of Employment Discrimination in International and Domestic Law

The ILO Discrimination (Employment and Occupation) Convention No.111, 1959, defines “discrimination” at Article 1 as:

- (a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;
- (b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers’ and workers’ organisations, where such exist, and with other appropriate bodies.

In the terms of the Convention, employment and occupation include access to vocational training, access to employment and to particular occupations, and terms and conditions of employment.

The Convention calls for a national policy to eliminate discrimination in access to employment, training and working conditions, on grounds of race, colour, sex, religion, political opinion, national extraction or social origin and to promote equality of opportunity and treatment.²⁸

In addition to the ILO Convention, all of the five countries subject to this study have been bound for several decades by other major international law instruments prohibiting discrimination on ethnic basis in the enjoyment of the right to employment such as the International

²⁷ To encourage open disclosure of information, the interviews provided for anonymity of the Romani individuals interviewed. The examples cited are extracts from the Country Research Reports prepared and submitted by each individual research team in Bulgaria, Czech Republic, Hungary, Romania and Slovakia. The lists of Roma interviewed during the course of the research and the questionnaires have been retained, and are accessible from the ERRC.

²⁸ The five countries subject to this study are bound by the Convention: Bulgaria ratified the Convention on 22/07/1960, the Czech Republic ratified the Convention on 01/01/1993, Hungary ratified the Convention on 20/06/1961; Romania ratified the Convention on 06/06/1973, and Slovakia ratified the Convention on 01/01/1993.

Convention on the Elimination of All Forms of Racial Discrimination (ICERD)²⁹ and the International Covenant on Economic, Social and Cultural Rights.³⁰ Bulgaria and Romania are also parties to the Revised European Social Charter³¹ and Romania alone among the five has ratified Protocol 12 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.³² International law obligations were translated into a number of declaratory anti-discrimination and equality texts in the national Constitutions as well as scattered in domestic legislation. Throughout the 1990s, all countries have been heavily criticised for failing to give effect to international law on the protection of racial discrimination, especially where Romani individuals were concerned.

The legislative environment relating to racial discrimination and equality within the five countries has undergone dramatic change following the transposition into national legislation of the two EU Council Directives – 2000/43/EC³³ (Race Equality Directive) and 2000/79/EC³⁴ (Employment Equality Directive).³⁵ The two Directives require Member States to establish a legal framework to prohibit discrimination on the grounds of, among others, racial or ethnic origin, and put into effect the principle of equal treatment. As of December 2006, although some details of transposition may be lacking, and little jurisprudence is as yet developed, the two Directives have arguably been transposed in the national legislation of Bulgaria, Hungary, Slovakia and Romania, as a result of comprehensive laws adopted by the governments of those countries. The Czech Republic has failed to transpose the Race Equality Directive outside the field of employment.³⁶

Within their remits, both Directives protect everyone against direct and indirect discrimination, harassment, instructions to discriminate and victimisation. Both directives, at Article 3, prohibit direct and indirect discrimination in:

²⁹ At Article 2, the ICERD obligates state parties to combat racial discrimination in all areas, including access to employment. Article 5(e) provides that state parties must work to prohibit racial discrimination in relation to the enjoyment of certain rights, including “ Economic, social and cultural rights, in particular: (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration; (ii) The right to form and join trade unions.”

³⁰ At Article 6, the States Parties to the Covenant recognise “the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.” At Article 2, the States Parties undertake “to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” Bulgaria ratified the Covenant on 21/09/1970; the Czech Republic succeeded to the Covenant on 22/02/1993; Hungary ratified on 17/01/1974; Romania ratified on 9/12/1974; and Slovakia succeeded to the Covenant on 23/05/1993.

³¹ Bulgaria and Romania ratified the European Social Charter (revised), respectively, on 1/09/2000 and 1/07/1999, and thereby declared themselves bound to ensure without discrimination on the grounds of, *inter alia*, race and colour, the right to work, the right to just conditions of work, the right to safe and healthy working conditions.

³² Protocol No. 12 to the ECHR, which entered into force on 1/04/2005, provides a comprehensive ban on discrimination in the application of any right provided by law. Romania ratified the Protocol on 1/11/2006.

³³ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

³⁴ Council Directive 2000/79/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

³⁵ EU Member States were required to bring their national laws into line with the Racial Equality Directive by 19 July 2003 and with the Employment Equality Directive by 2 December 2003. The new Member States, including the Czech Republic, Hungary, and Slovakia, as well as Bulgaria and Romania as candidate countries, were required to implement the Directives by 1 May 2004.

³⁶ The Czech Anti-discrimination Bill was rejected by the Second Chamber of the Czech Parliament in January 2006. The rejected Bill went back to the Deputy Chamber for a second round of voting and was rejected again in March 2006. During the later half of 2006, little lawmaking took place in the Czech Republic, as a result of a prolonged inability to form a government.

- (a) conditions for access to employment, to self-employment or to occupation, including selection criteria and recruitment conditions, whatever the branch of activity and at all levels of the professional hierarchy, including promotion;
- (b) access to all types and to all levels of vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience;
- (c) employment and working conditions, including dismissals and pay;
- (d) membership of, and involvement in, an organisation of workers or employers, or any organisation whose members carry on a particular profession, including the benefits provided for by such organisations.

Article 2(1)(a) of the Racial Equality Directive and Article 2(1)(a) of the Employment Equality Directive prohibit direct discrimination. Direct discrimination occurs when a person is treated less favourably than another actual person in a comparable situation is treated or has been treated in the past, or a hypothetical person would be treated, on the grounds of racial origin, religion or belief, disability, age or sexual orientation.

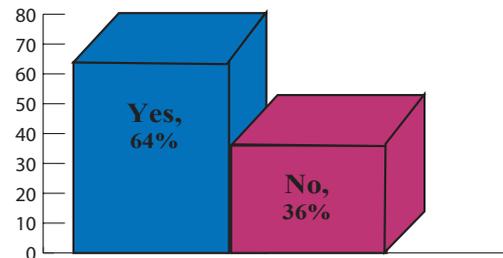
Article 2(1)(b) of the Racial Equality Directive and Article 2(1)(b) of the Employment Equality Directive prohibit indirect discrimination. Indirect discrimination occurs when a provision, criterion or practice which appears neutral actually puts persons with a particular race or ethnic origin, religion or belief, disability, age or sexual orientation at a particular disadvantage compared with other persons unless that provision, criteria or practice is objectively justifiable by a legitimate aim and the means of achieving that aim are appropriate and necessary.

4.2. Discrimination in Access to Jobs

“We do not employ Roma. This is the firm’s policy.”³⁷

The field research revealed that a staggering 64% of Romani individuals have experienced discrimination in the process of job search based on their ethnic background. This means that at least two out of every three Romani job applicants have been refused employment because they are Roma. Employment discrimination is more widespread in the five countries included in the ERRC research and occurs more frequently than employment discrimination experienced by ethnic minorities in eleven countries in Europe and North America.³⁸

Have you applied for a job and been unsuccessful because you are Roma?
Chart 3

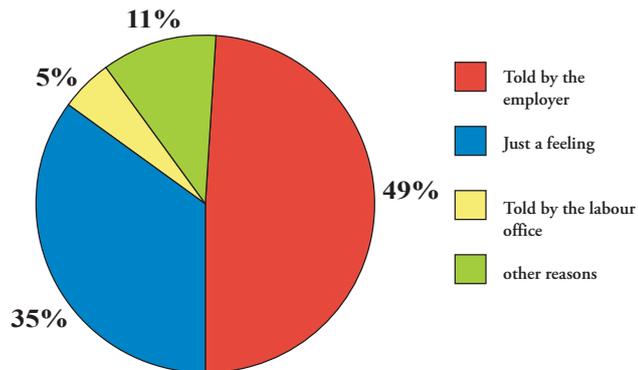


³⁷ An employee of the Sofia-based food company Kenar Ltd. responded to an inquiry by Mr Anguel Assenov, a Romani man from Sofia, whether the company accepted Romani employees. In 2005, the Sofia District Court ruled that the company had violated the prohibition of direct discrimination of the Bulgarian Protection against Discrimination Act and sentenced Kenar Ltd. to pay compensation to Mr Assenov for non-pecuniary damages. For more information, see <http://www.errc.org/cikk.php?cikk=2166&archiv=1>.

³⁸ *Challenging Discrimination in Employment: A Summary of Research and A Compendium of Measures Combating Discrimination Against Migrant and Ethnic Minority Workers in The World of Work from 1991-1999*, found that rates of employment discrimination, against ethnic minorities, of up to 35% were not uncommon.

Those Roma who reported that they had experienced some form of discrimination were asked – “How do you know it was because you are Romani?” Chart 4 provides a summary of the responses to this question.

An alarming 49% of respondents said they had been openly told by an employer or someone in the firm, that – “we do not employ Roma” or “there must be some mistake, there are no jobs here for Gypsies”. Over and above those Roma who are directly told by the employer is an additional 5% who were told by a labour office representative that they had been refused a job because they are Romani. This means that over half (54%) of the Romani individuals who reported they had suffered



employment discrimination know for sure that their ethnicity, the fact they are Roma, is prohibiting and reducing their chances of getting a job. This high level of direct and overt discrimination suggests that employers are either unaware that such behaviour is unlawful or, more likely, that they are unconcerned and do not consider that they are running a significant risk of being sanctioned. Many companies have a total exclusion policy regarding the employment of Roma and apply across-the-board unmitigated discrimination against Romani applicants. As a result, Romani job-seekers are eliminated and excluded from the application process at the very outset; regardless of education, qualifications and competences for the job.

In many instances Romani applicants are not even admitted for an interview if the fact of their ethnicity has become known to the employer.

A short while before I left for a job interview, I called the potential employer to make sure that everything was just the same as we had previously agreed on the phone about the position on offer and whether it was still free. I was assured that nothing had changed and they were looking forward to seeing me. As soon as I entered the office they told me that I had wasted my time as they did not employ Roma.³⁹

Another group of interviewees, reported rejection by employers in the course of or after the interview:

I was told that the negative attitude towards Roma from other employees in the company was the reason why my job application was rejected.⁴⁰

I was interviewed by one company for position as a trainee tailor. They turned me down for the position and told me it was because of previous bad experiences the company had with Roma employees.⁴¹

³⁹ Field research, Slovakia, June-July 2005.

⁴⁰ Field research Slovakia, June-July 2005.

⁴¹ Field research Slovakia, June-July 2005.

Discrimination against Roma was also found in the process of moving from training into employment:

I took a training course as a builder. During our training and classes we had an agreement with the local construction company that at the end of the course they would offer us a contract. At the end the contractor asked us where we live, we replied ‘Margaretelor Street’ (a local and well known Gypsy street). He told us he couldn’t give us the contract as the company does not hire Gypsies.⁴²

In some instances, Romani applicants were offered a job under conditions which were unequal to the conditions offered to other non-Romani applicants and which were impossible to comply with. For instance, a Romani man in Spišská Nová Ves, Slovakia, reported that a security firm offered to employ him on condition that he paid 10,000 Slovak crowns (approx. Euro 269) for his own training. Another ten non-Romani men, who were also offered jobs by the company, had reportedly had their training paid for by the employer.

In a multi-application search for work there is a very high probability that every Romani job seeker will be told directly by at least one prospective employer, or someone in the company, that they are unsuitable for the vacant position because they are Romani.

This year I have had two bad experiences when searching for job. I found an advert in the newspaper for unskilled workers in a warehouse. I went to the warehouse with a friend to inquire about the vacancies; the employer answered that he indeed needed some 6 men, but not Gypsies. I also went to a building materials warehouse to apply for a night security guard vacancy; the employer told me he doesn’t need unreliable people like Gypsies.⁴³

Different forms of indirect discrimination are widely applied and actions that are believed to be “neutral” exclude Roma from access to jobs. The practice of requesting educational qualifications for work that has no educational input or demanding a level of literacy and numeracy that is not directly related to the job excludes Roma even from basic employment:

I have been applying for unqualified manual work and I am being turned down because of my low educational level, but let me ask you: what educational level do you need for a dig?⁴⁴

The Social Services representatives from the town hall told me that my educational level, completion of seven years of classes, is not enough for me to be employed as a street cleaner.⁴⁵

I was told I did not have the necessary education in order to be employed as a guard at a hospital.⁴⁶

⁴² Field research Romania, September 2005.

⁴³ Field research Romania, September 2005.

⁴⁴ Field research, Slovakia, June-July 2005.

⁴⁵ Field research Romania, September 2005.

⁴⁶ Field research Bulgaria, August 2005.

When respondents who reported that they have experienced employment discrimination were asked how they know that this was because they are Romani, 35% responded that “it was just a feeling”. However, behind these ‘just a feeling’ responses are many examples which strongly reinforce that discrimination was behind the rejection:

Last year I went to a nearby factory that makes plastic bags. They asked me to write a job application and then asked me where I live. I told them, right behind the factory on Cantonului Street; everybody knows this is a Roma settlement. It was no coincidence that although I went back to that factory four times, each time they told me there were no vacancies.⁴⁷

Overt discrimination by employers was also confirmed by labour offices. The following statement was made by a labour office official to explain how employers often refuse to consider Roma applicants for jobs:

Employers’ attitude to Roma is mainly about the low levels of qualifications, that is the reason why they [Roma] are not considered for a job. Often they [Roma] don’t even get the chance to present what qualifications they have. It’s a visual type of discrimination.⁴⁸

4.3. Discrimination by Labour Market Gatekeepers

The attitudes and behaviour of labour market gatekeepers in Central and South Eastern Europe create barriers that compound and aggravate the problem of employment discrimination against Roma.⁴⁹ The entrenched and prejudiced views of those working within these public institutions, at the front-line dealing with Roma unemployment brings into question their capacity to deliver an unbiased and professional service that is not distorted by such views.

Labour office officials generally tolerate discrimination against Roma during job search and in the recruitment practices by abiding by employers’ discriminatory rules rather than challenging them. Sometimes labour office officials would defend their actions on the basis of efficiency and compassion, as they see little point in sending someone to an employer they know will not hire Roma, and it is also to protect the Romani individual from the humiliation of being rejected and refused the job. The passive position of labour office officials sends the wrong message to employers. Failure to openly oppose the illegal and discriminatory behaviour of certain employers allows racial discrimination to go unchallenged.

The field research also provided examples where the labour office took particular steps to limit or restrict the job vacancies that are made available to Romani job seekers. For example:

⁴⁷ Field research Romania, September 2005.

⁴⁸ Field research, Hungary, August 2005.

⁴⁹ Research carried out by the ILO, over a period of seven years showed that discriminatory practices and attitudes of labour market gatekeepers created additional barriers to employment for ethnic minorities, and rather than being part of the solution many actually compound the problem of discrimination.

⁵⁰ Field research Hungary, August 2005.

Emily's girlfriend works for the local labour office and she showed her on the labour office computer screen, job offers where the employer did not want Roma people had an 'R' flag to signify that no Roma were employed by the company.⁵⁰

Similarly, a young woman testified:

I was registered at the labour office as unemployed and one day they called me about a job opportunity – cleaning work at the Public Health and Sanitation Office. I got the address from the labour office but when I went to the Public Health Office to find out about the job, they told me that the position had already been taken. I returned to the labour office to let them know. The labour office phoned the Public Health Office and they were told that the job was in fact still open but the reason they gave why I was not suitable for the cleaning position was – because I am Romani.⁵¹

In another instance, an experienced cleaner was sent by a labour office in Miskolc, Hungary, to a bank that was advertising for part-time cleaning staff. She arrived on time for interview, but the bank representative on seeing her told her the job had been taken. Later, the labour office again announced the same job opportunity; but this time they were reportedly notified by the bank that the bank would not employ Roma. The woman learned that the job had been given to non-Romani students.⁵²

Labour offices have a central and extremely influential role that can have a significant impact on the lives and the opportunities of those who are unemployed and trying to re-enter the labour market. The attitude and behaviour of officials can have a direct effect on the self esteem and confidence of people who are searching for work. There appears to be no comprehensive understanding among labour office officials about the nature of discriminatory treatment that Roma, and other ethnic minorities, have to face in the process of looking for work. During ERRC meetings with labour offices, racism and entrenched prejudice was openly and freely expressed by the labour office officials interviewed for the purpose of this research. The meetings were not with low-level public employees but rather with the Labour Office Director, or a representative, who was usually accompanied by other senior labour office officials. The entrenched and openly hostile reactions of labour office management made it nearly impossible to have a professional discussion about the measures and the steps that labour offices, in areas with high Romani populations, take to ensure that services are relevant and appropriate for Roma clients. The following statements are examples of responses that were made to questions asking about the services they provide.

When asked about unemployment data and statistics on Roma unemployment, several labour offices told us that:

The labour office does not have the right to ask people when they register unemployed if they are Romani, nor to collect unemployment data on the basis of ethnicity. If necessary, we can find out in other ways; we can use local knowledge about the family, or judge on the basis of appearance or sometimes based on the name of the person or where they live.⁵³

⁵¹ Field research Hungary, August 2005.

⁵² Field research Hungary, August 2005.

⁵³ Field research May-September 2005.

In terms of the role and influence of the labour office in the process of matching Roma with job vacancies, one official said:

Employers make their own decisions about whom they employ. The labour office has no influence in this process; the person applies for the job and the employer decides, the labour office has no active part. But it's not really surprising that unemployed Bulgarians get considered for jobs before unemployed Roma. The labour office would never consider sanctions against the employer in these circumstances.⁵⁴

Another explained the difficulties of the job matching process because employers are often not prepared to consider Roma for jobs:

You see, they [Roma] do not have working habits and they do not have the education for the job. It can also be difficult to get them involved in the programme from Social Assistance to Employment, as many don't even have the motivation to take part.⁵⁵

Employers want employees with no criminal record and it can be difficult to find a Roma without some kind of criminal record.⁵⁶

Labour office officials in all five countries tried to explain, almost in a conspiratorial way, the problem of Romani unemployment from the perspective of government officials: They cited many reasons such as “different lifestyle, different attitudes to education, issues of cleanliness, welfare benefits too generous, lack of motivation, the fact that they [Roma] do not have the same values as the rest of the majority society.” All the statements were made to demonstrate that Roma are to blame for the high levels of unemployment they experience and to show that it is a situation that many Roma have chosen, and are happy to live with both now and in the past. A Director of a Labour Office in Prague made great effort to give ERRC his perspective on the problems behind Romani unemployment:

The basic problem starts with education. [Romani] parents don't send their children to school. They could be persuaded in one single step if all social benefits were linked to school attendance. The Czechs get criticised for putting them in the schools for the mentally handicapped, but the big problem is that they don't know the language so what else can we do? If there were programmes or positive discrimination for Roma, everyone would claim to be Romani. It happened before when an authority had dedicated jobs for Roma, every third person claimed to be Romani.⁵⁷

The findings from the ERRC research send a very clear signal to the labour offices that the services they provide do not meet the needs of Romani job seekers. The lack of connection between unemployed Roma and labour offices is unacceptable given the part that labour offices play in linking out of work people with job vacancies and with government, and donor funded, employment and training opportunities.

⁵⁴ Field research Bulgaria, August 2005.

⁵⁵ Field research Bulgaria, August 2005.

⁵⁶ Field research Czech Republic, May 2005.

⁵⁷ Director of a Labour Office, Prague Czech Republic, June 2005.

4.4. Discrimination in the Work Place

Discrimination in the work place is notoriously difficult to prove and often goes unchallenged and unreported by the victims for fear that action will jeopardise their own or a colleagues' employment status. Discrimination in employment was less frequently reported during the course of the ERRC research than discrimination from employment.

The majority of Roma respondents (74%) reported that they receive the same terms and conditions of employment as other non-Roma co-workers doing the same or similar job. Twenty-six percent (26%) of Roma who are, or have been in employment reported that they receive lower terms and conditions of employment than non-Roma counterparts doing the same job. With only 39% of working age Roma actually in employment, it is indefensible that one in four do not receive the same terms and conditions of employment as their non-Romani counterparts.

The most common differential in terms and conditions in employment was in the level of remuneration. Over half (52%) of respondents who reported some form of inequality in employment, stated that they received lower rates of pay, including lower or no bonuses.

When I worked at road construction works in Banská Bystrica, there were 15 Roma and 10 'whites'. When it was necessary to dig a well, or go into a shaft, a white man would refuse and I would go and do the job. He would even then get better bonuses than me. Once, my bonus was lowered because I came two minutes later from a lunch break.⁵⁸

Some of the other type of inequality experienced by respondents were: (i) short-term contracts which affect 21% of respondents; (ii) the requirement to work unsociable hours; and (iii) lesser, or denial, of benefits compared to non-Roma workers especially sickness benefit and provision of working clothes.

Romani workers are treated less favourably even in public works schemes. The Technical Service of the Brezno Town in Slovakia is one of the four town institutions which act as activation providers as part of the government activation program.⁵⁹ It employs 275 people on activation work, out of which 255 are Romani. This concentration of Romani involvement in activation works has led to the introduction of discriminatory colloquialisms, to describe the companies involved. The Brezno Town Technical Service is commonly known as "the Gypsy Company". In Zborov village one man looking for the activation coordinators asked: "Where are those who take care of "the blacks?" The activation workers are divided into groups responsible for specific kinds of work for example: separating wastage, cleaning the town, maintenance of roads, maintenance of the market place, upkeep of parks and cemeteries and general cleaning of the four town districts. An unwritten hierarchy and ranking system has emerged and some working positions are considered to have a higher status than others. For instance, in Brezno the status of keeping the park is considered to be higher than cleaning the streets. The ERRC research revealed that when the activation positions are being allocated, the worst and lowest status positions are given to Roma.

⁵⁸ Field research Slovakia, June 2005.

⁵⁹ For a detailed description of the program, see chapter 6.1.2. of this report.

Discrimination was also reported in jobs which involve direct contact with clients:

I am a qualified cook. I was made redundant when the firm I had been employed by for many years was closed down. So I applied and was hired to work as a cook in a spa resort but there was an important condition the person in charge of recruitment imposed: I would be hired as a cook and perform my duties on the basement floor where I could not be seen by doctors and patients.⁶⁰

A public works contractor that employs up to 200 people and has 19 Roma employees, admitted that:

Roma cannot progress to the management level of the company. It is not a question of them being Roma, but rather because they belong to a group with a very high level of criminality.⁶¹

4.5. “The Glass Box”

Sophisticated forms of invisible and indirect discrimination are denying educated Roma the opportunity of labour market choice and many find that they are excluded from mainstream employment and limited to work that is in some way related to their Roma ethnicity. For example, a university-educated Roma can be a social worker for Romani families; a teacher for Romani children; or a Roma advisor in a government office, but they are almost never simply a social worker, a teacher or a public servant working in mainstream functions that provide services for the majority population.

The empirical evidence from this research revealed that the opportunities of qualified Roma are constrained by an invisible *Glass Box*⁶² which limits individuals’ progress upwards, sideways in a new direction, or to obtain employment that is not in some way connected to service delivery for other Romani people.

For example, management officials at Czech Television, a public company which employed no Roma pre-1999, stated that they have made a conscious effort to improve their own and the Roma media image by employing Roma in their workforce of over 500. Now there are less than five Roma employed in the company to report predominately, if not solely, on Roma related news items; a clear example of the *Glass Box* at work.

Many educated Roma feel trapped in their current positions and believe that they would not be considered eligible for promotion, unless it was in another Roma related job and that they could not move away from their current position into mainstream policy. For example, in Slovakia, where a higher incidence of university-educated Roma was reported than in other counties, nearly all university educated Roma interviewed were in work related to their

⁶⁰ Field research Czech Republic, May-June 2005.

⁶¹ Field research Czech Republic, May- June 2005.

⁶² The “Glass Box” metaphor is an analogy to the “Glass Ceiling” used to describe the invisible factors that limited the progress of women and ethnic minorities into senior positions.

ethnicity, such as community work, the Social Development Fund⁶³ or in public service specialising in Roma issues. For example, in the districts of Poprad, Levoča and Spišská Nová Ves the ERRC interviewed seven Romani university graduates working in the civil service or for local governments. All were employed to deal with Roma-related issues.

The *glass box* phenomenon is so intense that young educated Roma believe that to be considered for employment in the first place, they need better qualifications than their non-Roma counterparts and that they need to work harder and be more committed than their non-Roma colleagues:

As a professional and a Roma I have to be the model employee, but it is even more than that... I not only have to be the hardest working and most committed to the job but I also have to be the cleanest and have the smartest appearance. If I don't maintain this high standard, then prejudice will take over and I will become just another dirty Gypsy that does not deserve to have a job. I am always being judged and I feel this level of pressure all the time.⁶⁴

4.6. Challenging Discrimination: First Steps

The transposition of the EU equality acquis into the legislation of the five countries subject to this study has provided mechanisms for the enforcement of anti-discrimination law such as the principle of sharing of the burden of proof; the possibility of organizations, acting in the public interest, to engage in judicial or administrative proceedings, on behalf or in support of victims of discrimination; and specialised equality bodies. This chapter provides examples of several cases of employment discrimination litigated by the ERRC and partners in the five countries.

Burden of Proof

Article 9(1) of the Racial Equality Directive and Article 10(1) of the Employment Equality Directive establish the burden of proof. This provides that Member States “shall take such measures as are necessary, in accordance with their national judicial systems, to ensure that, when persons who consider themselves wronged because the principle of equal treatment has not been applied to them establish, before a court or other competent authority, facts from which it may be presumed that there has been direct or indirect discrimination, it shall be for the respondent to prove that there has been no breach of the principle of equal treatment.”

In one of its earliest rulings under the Bulgarian Protection against Discrimination Act in October 2005, the Sofia District Court applied the principle of sharing the burden of proof in a case concerning discrimination against Roma in recruitment. The Court ruled that the facts presented by the Romani claimant constituted sufficient grounds to presume that the claimant was

⁶³ The Social Development Fund operates in Slovakia and has a staff of 90 people responsible for training, supporting and managing locally based partnerships several in Roma communities. The staff team include 11 Roma employees; the fund has a pro-ethnic minority policy to ensure that local Romani people have equal opportunities to the jobs that are available in the fund.

⁶⁴ Field research Romania, June 2005.

denied a job because of his race, and to shift the burden of proof to the private company which rejected his job application to rebut the inference of discrimination.⁶⁵

In a similar case in Hungary, in September 2005, Romani victims of employment discrimination claimed during a judicial review procedure before the Supreme Court that failure to apply the reversal of the burden of proof principle under Article 5 paragraph (9) of the Labour Code lead to the unlawful evaluation of the merits of the case by the second-instance court. The Supreme Court annulled the second-instance judgment and ordered retrial in the case. The Court reasoned that under Article 5 paragraph (9) of the Labour Code, in cases of disputes relating to the discriminatory nature of an employer's procedure, it was for the employer to prove that it did not violate the prohibition of discrimination. Therefore the employer has to bear the burden of proof, which means that the employer would be released from responsibility only if they prove that they adhered to the equal treatment obligation. The presumption that the plaintiff was discriminated against is not enough, but based on the reversal of the burden of proof principle, it suffices if the party whose rights have been violated proves that he/she has suffered damages then it was for other party to prove that it did not act in a discriminatory way.⁶⁶

Testing

In a number of cases, evidence for discrimination in employment was collected through situation testing.

In August 2004, the Sofia District Court adopted a decision under the Bulgarian Protection against Discrimination Act, in the case of Mr. Anguel Assenov v. Kenar Ltd. The lawsuit was filed in order to challenge the refusal of the company to allow Mr. Assenov to attend a job interview, solely due to his ethnic origin. Acting to test reports that the company in question pursued discriminatory hiring policies, Mr. Assenov, a young Romani man, placed a phone call to the office of the respondent company, a food producer and distributor, to inquire about a job announcement publicised by the respondent. One of the persons employed in the company answered the plaintiff's call and informed him about the requirements for the job. The employee of the company also asked Mr. Assenov to come for an interview. The plaintiff then inquired whether his Romani identity would be a problem for his application. In response, the employee stated that this was indeed a problem. Moreover, the plaintiff was told that there was consequently no need for an interview, since the company has a strict policy of not hiring Roma. The phone conversation took place through a loudspeaker, and was therefore heard by two other witnesses who later testified in court. In the lawsuit, the plaintiff requested a finding of discrimination, the award of compensation, as well as an order from the court obliging the respondent to refrain from similar hiring practices in the future. Ultimately, the Sofia District Court decided in favour of the plaintiff and in doing so granted all of the above-requested remedies.⁶⁷

⁶⁵ For details see *Trial court finds discrimination by inference and awards Romani victim compensation in full*. In Roma Rights 1/2006, *Exclusion from Employment*. Available on the internet at: <http://www.errc.org/cikk.php?cikk=2415&archiv=1>.

⁶⁶ For details see Bodrogi, Bea and Anita Danka. "Litigating Discrimination in Access to Employment in Hungary". In Roma Rights 1/2006, *Exclusion from Employment*. Available on the internet at: <http://www.errc.org/cikk.php?cikk=2542&archiv=1>.

⁶⁷ See ERRC Press release, *First Five Roma Rights Victories under New Bulgarian Equality La*, at: <http://www.errc.org/cikk.php?cikk=2022&archiv=1>.

In another instance, in the Czech Republic, Renata Kotlaravá, a Romani woman, was awarded damages and received a written apology from Rossman, a German owned drugstore chain, for racial discrimination after Rossman withdrew its appeal against an earlier verdict by Prague's High Court ruling in favour of Ms. Kotlaravá in April 2004. Ms. Kotlaravá applied for a job with the drugstore chain but was rejected without being interviewed. Ms. Kotlaravá approached the Prague based Counselling Centre for Citizenship and Human Rights who assisted her with her claim; the organisation sent one of its members (a non-Romani person) to the Rossman shop where they were granted an interview although they held the same qualifications as Ms. Kotlaravá.⁶⁸

Positive Action

Article 5 of the Race Equality Directive and Article 7(1) of the Employment Equality Directive allow states to adopt positive action measures to compensate for disadvantages linked to ethnic origin in order to give full effect to the principle of equal treatment. The Hungarian Equal Treatment Act contains both a general provision allowing for positive action and provisions in relation to positive action in specific fields, including employment. The Bulgarian Protection against Discrimination Act goes beyond the Directives, requiring public authorities to undertake measures to ensure the principle of equality. In the case of Slovakia, in October 2005 the Constitutional Court decided that Section 9 (9) of the Anti-discrimination Act which provides that specific balancing measures to prevent disadvantages linked to racial or ethnic origin may be adopted, was incompatible with the Constitution. The provision was in contradiction with Article 1(1) of the Constitution on the rule of law because taking such measures constitutes more favourable treatment of persons linked to racial or ethnic origin; and neither the criteria for taking such measures, nor limits on the duration of such measures were specified. It was also incompatible with Article 12 of the Constitution on equality which prohibits both positive and negative discrimination.

Equality Bodies

Pursuant to article 13 of the Race Equality Directive, EU Member States were obliged to set up equality bodies with the objective to promote equal treatment of all persons without discrimination on grounds of race or ethnic origin. Such bodies were set up in four out of the five countries subject of this study.⁶⁹

In **Bulgaria** and **Hungary**, the Commission for Protection against Discrimination and the Equal Treatment Authority, respectively, have broad powers to issue binding recommendations on the parties, to impose fines against any legal entities and private persons whose actions or inaction were found to be in breach of the respective anti-discrimination act. The Bulgarian Protection against Discrimination Act and the Hungarian Equal Treatment Act allow for

⁶⁸ See <http://www.errc.org/cikk.php?cikk=2310&archiv=1>.

⁶⁹ Each country has a different name for the organisation acting as the Equality Body, the term Equality Body should be understood to mean the authority or commission responsible for the enforcement of anti-discrimination laws. The information in this section of the report is based on questionnaires submitted by the respective equality bodies to the ERRC in October–November 2005 as well as on the national laws transposing the Race Equality Directive.

In the Czech Republic, the Anti-discrimination Bill proposed designating the existing Ombudsperson the Article 13 equality body. Since the Bill was rejected, no specialized body was set up as of end of 2006.

representation organisations to engage on behalf of the victim in proceedings for alleged violation of the principle of equal treatment as well as to bring *actio popularis* claims when the violation concerns large groups of people.

None of the bodies had engaged in any training or awareness-raising work among employers. While as of the end of 2005, it had been too early to make a judgement about the proactive role of equality bodies in promoting equality and their effectiveness in enforcing the anti-discrimination acts, representatives from both equality bodies stated that they had no resources to carry out trainings.

In Romania and Slovakia, the National Council for Combating Discrimination (NCCD) and the National Centre for Human Rights (NCHR), have very limited powers to enforce anti-discrimination legislation.⁷⁰ The Romanian NCCDI is responsible for “the protection of disadvantaged persons and categories that are in a position of inequality compared to the majority of the citizens due to their social origins or a handicap or are confronted with attitudes of rejection and marginalisation, when not benefiting from the majority chances”. As of November 2005, the NCCD had no powers to apply a wider range of sanctions, such as ordering the perpetrator to reinstate the complainant in his or her rights, compensation, exclusion from public contracts, withdrawing the licence of a company, etc. The Council has the power to fine an employer proven to have perpetrated an act of discrimination and the extent of the sanction can be between 200-4,000 RON (approximately €55 – €1,000).

The Slovak NCHR provides legal aid to and representation in judicial proceedings of to victims of discrimination and of expressions of intolerance, as well as issues non-binding opinions concerning the compliance and principles of equal treatment. The Centre does not have any legal power to impose sanctions. It has an educational section with a remit to encourage and motivate employers to comply with and implement the principles of equal opportunities in the workplace. In 2005, the Centre dealt with approximately 40 employment cases, out of which two alleged discrimination against Roma. The latter two cases were qualified by the Centre as harassment. One case was pending before the court and in the second one was closed due to withdrawal of the complaint following conciliation with the employer.

⁷⁰ The Romanian National Council for Combating Discrimination (NCCD) was established in July 2002; the Slovak National Centre for Human Rights (NCHR) was established in July 2004.

5. ROAD UNTRAVELLED: FROM PROHIBITION OF DISCRIMINATION TO PROMOTING EQUALITY

A High Level Meeting on Achieving Equality in Employment held by the International Labour Organisation (ILO) in 2000 elaborated a compendium of measures to fight discrimination and promote equality which fall into the following categories:⁷¹

- (1) *Organizational initiatives*: measures adopted by employers and other organizations, including trade unions, focusing on internal policy and management. These include, among others, equality action plans, equality benchmarks or targets, recruitment initiative to encourage ethnic minority employment, ethnic monitoring of ethnic minority employees;
- (2) *Collective action*: cooperative initiatives taken up by labour organizations, community groups, associations of employers and NGOs. These include, among others, encouraging minority participation in trade unions, identifying bias in hiring, in opportunities for training and advancement, in appraisals, supporting action on grievances concerning discrimination; collective agreements, monitoring of equal opportunities practices;
- (3) *Legislative and legal measures*: implemented by legislative and judicial institutions of government. These include prohibition of discrimination in national law;
- (4) *Administrative measures, regulations and practices*: by local and national authorities. These include, among others, technical advice and guidance, contract compliance, positive action training for migrant and minority applicants and employees, incentives for entry jobs;
- (5) *Political/educational action*: opinion shaping efforts by political leaders, educational institutions and communications media. These include, among others, opinion shaping efforts by political leaders, public education campaigns, research; and
- (6) International standards and programmes.

The categories defined by the ILO⁷² pinpoint the two major elements of employment equality policy – prohibition of discrimination and pro-active equality approach. While the five countries subject to this study have enhanced anti-discrimination laws as a result primarily of the new EU anti-discrimination acquis, consistent equality policies are not in place in any of these countries. They are limited in scope and ad hoc. Even with the relevant legislation in place and the equality bodies established, very little is being done to build a national policy environment or establish the necessary procedures to encourage or enforce a level of compliance with the principle of equality in employment.

In general, equality policies in the five countries are focused on the individual enforcement of existing anti-discrimination norms. This approach has severe limitations because it is dependent

⁷¹ International Labour Office, International Migration Branch. Patrick A. Taran, Senior Migration Specialist at the ILO International Migration Branch. *Approaches to Promote Equality: A Compendium of Measures*. Geneva, March 2000.

⁷² The compendium of measures is based on the ILO seven-year research Combating Discrimination Against Migrant and Ethnic Minority Workers in The World of Work from 1991-1999.

on individual challenging of illegal discrimination, it does not address broader causes for inequality, and it cannot remedy the situation of larger groups of people in disadvantaged position. Pro-active equality approach involving a positive duty on public and private bodies to identify and address inequalities is non-existent.

On the side of employers – both public and private – there is almost no commitment, beyond a token acknowledgement of anti-discrimination requirements, and nothing to suggest that voluntary compliance will emerge in the near future. The environment of collective action, education and political change suggested in the ILO categories is far removed from the current environment in the employment sector in the counties included in the ERRC research. The message emanating from the respective Governments is not strong on the principles of equality in employment and not good for minorities facing discrimination, especially Roma. The message being received by public and private sector employers, is however loud and clear – the government is not pushing the principles of anti-discrimination too hard.

Among the five countries surveyed, in **Hungary** alone legal entities in state majority ownership employing more than 50 employees are obliged to adopt an equal opportunities plan under the Equal Treatment Act and the Labour Code.⁷³ However, no mechanisms for ensuring compliance with these provisions have been put in place and there is no evidence of sanctions being imposed on bodies which failed to comply. In **Bulgaria**, the Protection against Discrimination Act sets forth a positive obligation on employers to undertake measures to encourage the recruitment or participation in particular jobs of underrepresented sex or ethnic groups in recruitment as well as their professional development.⁷⁴ The Act however does not provide any mechanism for the enforcement of this obligation, neither had such mechanism been developed by the Bulgarian Commission for Protection Against Discrimination. In **Slovakia** and **Romania**, employers – public and private – are not explicitly required to have a written diversity policy. In terms of measuring diversity, the only quota (3.2%) that applied in Slovak legislation as of December 2005, was in relation to employment of people with disabilities.

5.1. Absent Government Leadership

Governments play an important dual role in promoting equality in access to employment: On the one hand, as legislators, governments set the legal framework for combating discrimination and promoting equality. On the other hand, governments are large employers and service providers and in this capacity they can provide a model for functioning equal opportunity policies and good practice of labour market integration.

Government ministries and public institutions in all five countries were interviewed as part of the secondary research. All the Ministries responded that they have an operational equal opportunities policy and that they guarantee equality by applying the same recruitment practices and entry requirements for all potential employees. Each one reported that although they have a policy there is no specific system or process to monitor the efficiency of their policy. In answer to the question how many Roma are employed, most could only estimate the numbers or refer to those Roma that are employed specifically to work on Roma related affairs. Many also justified the situation by stating

⁷³ Articles 11 and 36 of 2003/CXXV Equal Treatment Act and Article 70/A of the 1992/XXII Labour Code.

⁷⁴ Article 24(1) and (2).

that, Roma are not employed [in their particular ministry] as they do not have the necessary educational qualifications to meet the entry level requirements.⁷⁵

The State Secretary of the Ministry of Labour and Social Affairs in Slovakia acknowledged that the Ministry, with over 10,000 employees, was one of the largest employers in the country but at the same time confirmed that they have no positive recruitment policy to ensure that Roma are equally represented in the workforce or anti-discrimination training to increase employees' awareness of discriminatory elements in the recruitment and hiring practices of the Ministry.

The Head of a Hungarian school which employs more than fifty employees, three of whom are Roma employed cleaners, was interviewed during the field research. He acknowledged the existence of racism in the recruitment practices and confirmed that:

There is prejudice in how we recruit staff for the school. If a Roma applicant had the same qualifications as a non-Roma, in most instances we would choose to employ the non-Roma.⁷⁶

No matter whether an employer is in the private or public sector they are making very little effort to actively apply equal opportunity policies.

The employment exclusion that Roma experience is not confined to private sector employment but is also prevalent across the public sector where there is systemic exclusion from employment in government ministries and government agencies. In government ministries, which in some cases are some of the largest employers in each country, there is no evidence of a proactive approach to equality of opportunity in employment. Nor are they taking steps to ensure that their recruitment and employment practices are free from direct and indirect discrimination and compliant with anti-discrimination legislation. Public service, in the five countries covered by the ERRC research, is not at the forefront setting an example of good practice in the area of employment equality. At best some are making special advisory positions available for qualified Roma, but overall their recruitment practices do not guarantee equality of opportunity as they follow equal treatment practices and make no provision to guarantee inclusion of Romani individuals in public sector employment.

5.2. The Chimera of Equal Opportunity Policies

Despite existing equality legislation that prohibits discrimination on the grounds of ethnicity, many companies appear unconcerned and take no positive measures to ensure that they comply with the legislation or ensure that equality in employment is functioning in their hiring and employment practices. It is clear that enterprises, no matter whether they are in the private or public sector, are making very little effort to actively apply an equal opportunity or diversity policy. Even multi-national companies from Western Europe and the USA, with branch offices in Central and South Eastern Europe, where the law will have required them to observe and monitor employment equality policies seem content to hide behind the misconception that in Central and South Eastern Europe it is illegal to monitor the ethnic diversity of their workforce.

⁷⁵ Field research, Slovakia, June-July 2005.

⁷⁶ Field research, Hungary, August 2005.

A total of forty-three employers were interviewed as part of the field research and an additional fifteen interviews⁷⁷ were carried out with government ministries and public institutions across the five countries included in the research. Every enterprise that was interviewed was asked questions relating to the application of an equal opportunities policy in their company. The first question – Does your company have a diversity/equal opportunities policy in place? – generated a very positive response and 70 percent of the companies interviewed claimed that they have an equal opportunities/diversity policy in place. Those who answered positively to the first question were asked how the system works. The response to this request was vague and none of the firms could make available any form of written policy, nor were they able to provide a detailed explanation of what procedures the company follows to ensure their equal opportunity policy is actually functioning. The responses were much more in the spirit of “We can visually look at our workforce”⁷⁸; “I interview everyone and I am not in any way prejudiced” and “I try myself to see to it that our male and female employees get the same salary for the same work.”⁷⁹ A small trading company in Romania with between 21 and 50 employees (employs no Roma and never has) claimed that they have an equal employment opportunities policy in place but they also commented that generally speaking “Roma people are not hired because they don’t like to work in the first place and secondly because of their poor level of education”. (ERRC Research, Romania, September 2005)

None of the companies could articulate how they measure the ethnic mix of the workforce and what measures are in place to make sure their equal opportunity policy works. The most common response was that “We do not measure” and “It is not possible to monitor the ethnic composition of the workforce. We would break the law if we kept a record of Czech nationals’ ethnicity – the data protection act prevents this”⁸⁰ and “No measures are in place to see that the policy works as we only keep an official track of the number of foreigners we employ; the only provision in employment contracts which states that discrimination is not permissible is on the basis of sex/gender.”⁸¹

5.3. The Statistical Black Hole

It is widely acknowledged that statistical data is a key instrument for public authorities in their efforts to design effective equal opportunity/diversity policies. In order to set targets for integration and measure results, governments need to have information disaggregated by ethnicity about the status of ethnic minorities in various sectoral fields.

The current black-hole in demographic and labour market statistics in the countries included in the ERRC research means that it is virtually impossible for governments to accurately manage or resource either the problem or the solution of ensuring access to employment for Roma. It makes it impossible to monitor equality in employment or to prove indirect discrimination.

⁷⁷ In most instances these interviews were for other reasons, for example to talk about active labour market policies, but at each one the person interviewed was asked (i) if the Ministry has an equal opportunity/diversity policy in place; (ii) how they monitor the ethnicity of their workforce to ensure that their policy is operating effectively; and (iii) how many Roma they employ.

⁷⁸ Field research Bulgaria, August 2005.

⁷⁹ Field research Czech Republic, May-June 2005.

⁸⁰ Field research, interview at the Czech Public TV, Czech Republic, June 2005.

⁸¹ Field research, interview at Carrefour hypermarket, Czech Republic, June 2005.

The absence of statistics allows governments to remain passively unaware of the extent or severity of Roma unemployment; arguably one of the most serious, and growing social and economic problems that is affecting many countries. The lack of accurate statistical data interferes with financial accountability and the effective application or monitoring of labour market programmes as Government organisations are unable to: target resources at the most concentrated and entrenched problems; measure participation rates; or manage or account for the outputs and results stemming from public investment.

Data on ethnicity is central to the application of effective equal opportunity policies and there is strong evidence from countries with the most developed and effective measures to combat racial discrimination in employment to support the need for workplace data. The lack of sophisticated official labour market data about Roma unemployment in the five countries included in the ERRC research is astonishing given that: (i) most government sources accept the severity and scale of the problem, and (ii) the potential but unknown level of public finance (national, EU and international donors) that is dedicated to both social assistance and employment reintegration programmes for Roma in these countries.

The issue of ethnic monitoring or data collection on the basis of ethnicity is complex and contentious in the countries covered by this research. Although intergovernmental bodies charged with the oversight and implementation of human rights laws have repeatedly urged governments to provide such data⁸² there is considerable resistance and no consensus about best practice. There is major resistance and a widespread belief that monitoring of ethnicity, be it about unemployment, employment, the ethnic composition of a workforce, and participants in employment and training schemes, is either a contravention of data protection legislation or otherwise in breach of national legislation.

A frequent concern heard in Central and South Eastern Europe pertains to constitutional or data protection rules which have been interpreted by some to mean that “gathering data on ethnicity is illegal”. In Hungary, for example, this is a frequently heard contention deriving from interpretations of the Data Protection Act, while in the Czech Republic, this is more commonly heard with respect to the Constitution. These are misconceptions. In Hungary, for example, producing ethnic data is not in fact “illegal”. Rather, where data on individuals is at issue, ethnicity is considered “sensitive”, meaning that individuals have a number of rights, including rights of access, review, change and deletion. In the case of personal data, handling ethnic data is allowed:

- if the data subject provides written consent;
- if international convention justifies such handling, or law authorizes such handling for the purpose of enforcement of a basic constitutional right, as well as for several other reasons.

Non-discrimination – including the right to be free of indirect discrimination – is an enforceable right in Hungary, as everywhere in the European Union. None of the foregoing rules apply to ethnic data not directly linked to an individual person. For example, the Hungarian Data Protection Act is not relevant for studies which might conclude that “99.7% of the work force of our company is ethnic Hungarian”. This is true of all legal regimes on personal data, and is not solely a quality of the Hungarian Data Protection.

⁸² For a useful summary, see Goldston, James A., “Race and Ethnic Data: A Missing Resource in the Fight against Discrimination” in *Ethnic Monitoring and Data Protection*, Budapest: CPS Books, 2001, pp.33-39.

Although gathering aggregate data on the ethnicity of a given country, staff, housing estate or any other generalised entity is not strictly illegal, given strong data protection regimes in a number of countries in Central and South Eastern Europe, getting from individual data to data disaggregated by ethnicity may be difficult, as well as prone to error, as an individual may be reluctant to allow the researcher or authority to register their ethnicity. In practice, where the purpose of the ethnic data gathering is clearly explained and procedures for processing made clearly known, these issues have been overcome.

In a number of countries, authorities have made available guidelines for gathering and processing ethnic data, so that laws are not violated. For example, in Hungary, the Parliamentary Commissioner for National and Ethnic Minorities has issued opinions on data gathering making clear, for example, that the collection of data based on the perception of the data-gatherer is not in breach of law.⁸³ In the United Kingdom, such guidelines have been made available by the Commission on Racial Equality (CRE).⁸⁴

In the coming years, ethnic monitoring will form an increasingly regularised activity among public and private authorities, as they strive to meet legal requirements to ensure diversity and non-discrimination, as well as to ensure the public of their general probity. Actions to gather ethnic statistical data need to be designed well in order to ensure that the rights of the persons at issue are not infringed. Assistance and advice in designing such surveys is available from the ERRC, and their authors are urged to consult relevant public bodies to ensure compliance with domestic laws.

⁸³ See 4061/K/1997.

⁸⁴ See CRE website <http://www.cre.gov.uk> and guidance document, “Ethnic Monitoring: A Guide for Public Authorities”.

6. LABOUR MARKET MEASURES – DO THEY REACH ROMA?

Equal access to employment demands concerted effort directed towards both the supply-side of the labour market; to improve employability of individuals and reduce unemployment, and also to the demand-side, to increase the number of accessible and available jobs. The section which follows presents the part of the research project examining the supply-side measures in place to improve employability and labour market competence of Romani individuals, normally implemented under the heading of “active labour market policies”, either as part of government financed labour market interventions or through donor supported employment and training and labour market re-integration programmes.

It is not possible to obtain an accurate or even remotely reliable estimate of those active labour market programmes that are the most successful at involving unemployed Roma. None of the organisations interviewed could provide any form of statistical evidence or even a decent estimate, apart from Bulgaria and Slovakia, of the number of unemployed Roma participating in government programmes. Nor could they assess the results and the effect that the programmes are having in getting Romani people back to work.

In each of the five countries, there were varying opinions about whether active labour market programmes should be Roma-specific, whether they should be targeted at unemployed Roma as a vulnerable group, or whether it is sufficient to assume that Roma will routinely be included because they meet some of the wider eligibility criteria, such as being unemployed for six months or twelve months. There is no consensus of opinion on this issue, and in some instances there is strong resistance to any form of targeting for fear of favouring one section of the labour market over another. Many felt that targeting programmes specifically at Roma would make the situation of Roma worse, as there is a risk of a backlash from the majority population.

There is however an element of uniformity in the fact that most national government programmes are inclined to tackle a much wider segment of unemployed people than just Roma. An exception is Hungary, where unemployed Roma are named as a priority group, but in all five countries there has been no specific ring-fenced or even indicative financial allocation to ensure that an element or percentage of the national programme is guaranteed to be used in delivering services to unemployed Roma. All five countries have been recipients of EU Phare funding which has been a potential source of financing for employment and training programmes for disadvantaged communities.⁸⁵ In all of the countries covered by the research, the bulk of employment and training programmes that specifically target Roma, or that strongly focus on Roma as a priority labour market group, are funded by the EU, usually the Phare programme.

6.1. Public Works Programmes

All five countries have some form of public works programmes but Bulgaria and Slovakia have operated very large public works schemes. Although neither of these countries have any mechanism

⁸⁵ This funding was Phare funding in the Economic and Social Cohesion sector where programmes prepared for implementation of European Social Fund. The extent to which unemployed Roma were included as a priority group in Phare programmes has really been at the discretion of the each Government and to some extent in the hands of the labour market policy makers and EU programmers.

in place to count the actual numbers of Romani people taking part in these programmes, those interviewed for the purposes of this research believed that the numbers involved are significant.

Public works programmes vary in their composition, but most provide temporary low-paid jobs, usually created by municipalities or in some cases private firms which focus on the maintenance, in some countries construction, and upgrading of public infrastructure, cleaning of public areas, provision of social work type services and similar activities that are considered to be of community benefit.

From a government perspective, such programmes are primarily about income transfer, removing people from social assistance benefits and replacing this with a form of subsidised employment. The government justification behind this income transfer is often that the programmes claim to motivate and renew good work habits among jobless people and that the community benefit factor behind the work makes the programmes of significant economic value, particularly in transition economies affected by low productivity and high structural unemployment.

ERRC research indicated that in most public works schemes there is little or no connection between work in the scheme and regular full-time employment and no obvious route into the formal labour market on completion of the programme. Research findings thus reinforce the ILO observation that, “Public works are not usually popular among the unemployed as they provide unskilled short-term jobs with no prospect of a long-term assignment, and they also carry a certain stigma.”⁸⁶ An ILO evaluation of labour market policies in transition economies further showed that less than 10% of participants in public work schemes were able to find a job afterwards.⁸⁷

6.1.1. Bulgaria: From Social Assistance to Employment

In Bulgaria, the government programme “From Social Assistance to Employment” started in 2003 with the employment of 100,000 people. This number was reduced over the next years to 70,000 in 2004 and 50,000 in 2005. Participants can remain in the programme for up to three years. Participants cease to register unemployed when they are in the programme and the income they receive is marginally higher than the basic social assistance level. Both the Bulgarian government Employment Agency and the UNDP, which are involved in the management and implementation of the programmes, asserted that a high number, probably the majority of participants, are Romani.

In its earliest form, the programme “From Social Assistance to Employment” allowed only municipalities to provide the employment positions, but since 2005 it has been expanded to include employment in private companies. Those interviewed for the purpose of this research were asked if the programmes are not simply providing cheap labour for private firms. It was explained that in theory these positions have to be additional jobs to ensure that the programmes do not simply displace real jobs for subsidised jobs. The rationale of including

⁸⁶ O’Leary, C., Alena Nesporova, Alexander Samorodov. Manual on Evaluation of Labour Market Policies in Transition Economies. International Labour Office, Geneva Switzerland (2000), p.35.

⁸⁷ Ibid.

private employers is that participants will gain more relevant work related skills working in a private company and also that it will increase their chances of being retained by the firm or finding a real job in another firm. It was acknowledged that in practice the large number of work placements involved in the programme make it difficult to ensure that every job is additional and that displacement does not occur.

There is no available statistical data to confirm how many people actually find real employment as a result of participating in the programme, or to substantiate that private sector work placements are more successful. The Employment Agency explained that the programme is ongoing so definitive data is not yet available, but based on interim unpublished findings they believed that around 20% of participants leave the programme and go into work.

6.1.2. Slovakia: Activation Work Programme

In Slovakia, the scheme is provided under a national project with the title “Activation of the unemployed and the unemployed with a low motivation or those dependent on the material need allowances”, commonly known as the “Activation Work Programme”. The programme started in February 2003 and coincided with the implementation of an amended act on social assistance⁸⁸ which reduced the net social assistance income of families in material need on both objective and subjective grounds and introduced a fixed benefit ceiling, independent of the number of family. This had a net effect of reducing the benefit incomes by as much as 50%.

To receive an income top-up, unemployed people are required to take part in the Activation Work Programme. A person will receive an additional payment of 1,700 SKK per month (approximately 45 EUR) if they have worked at least 10 hours per week in minor municipal services or voluntary (NGO organised) activities provided they meet the eligibility conditions for the “in material need allowance”. The activation allowance is intended for unemployed persons in material need and not for every job-seeker.⁸⁹ Prior to its inception, the Slovak government anticipated that participation levels would peak at 100,000, however demand outstripped this by more than 2:1 and in 2004 243,000 job seekers took part in activation work.⁹⁰ This means that in municipalities with high numbers of unemployed, which often applies to communities with a large Romani population, the number of available job places was significantly lower than the number of registered participants.

The work is organised by the local mayors or activation providers and is dependent on individual motivation to secure sufficient numbers of suitable job places. There is evidence that multiple job-seekers rotate on the same job placement. Activation workers are divided into groups which are responsible for a specific kind of work for example: separating waste, public cleaning, maintenance of roads, maintenance of the market place, and upkeep of the parks and cemetery. Within the groups an unwritten hierarchy and ranking has emerged where some working positions are considered to have a higher status than others.

⁸⁸ Act No. No 599/ 2003 Coll.

⁸⁹ In 2004, the amount of the activation wage per hour was 12.5 SKK (approx. 0.35 EUR) and as of February 2005, it was 21.2 SKK (approx. 0.60 EUR). For comparison, the official minimum wage in Slovakia as of February 2005, was 39.70 per hour (approximately 1.05 EUR).

⁹⁰ This data was supplied during an ERRC interview with the Institute for Sociology Slovak Academy of Sciences, July 2005, Bratislava, Slovakia.

There is limited monitoring or control of the programme at local level leaving significant scope for corruption and mismanagement. For example in Brezno, Town Technical Services provided a free public service but in addition they also supply services, using the activation workers as labour, to private companies on a fee paid basis. Participants reported that municipalities use the activation workers to undertake mainstream duties outside the competencies of the programme. When private sector jobs, private contracts and mainstream work becomes part of these widely applied public works programmes, it is difficult to maintain the integrity of the programme and the requirement that activities should be of community value becomes obscured and difficult to validate. In such circumstances, it is impossible to guarantee that activation works do not displace real employment and with that comes a risk that they create an unequal market where firms with activation workers are better placed to provide services at a lower cost than those with full time employees. When this is the case, the knock-on and negative effect on economic multipliers in local economies is very real indeed.

Although the Activation Works Programme in Slovakia is described as an active labour market policy, which is further reinforced by the fact that the largest share of the budget is paid for by European Social Fund, there is only a marginal connection between the programme and real employment. The programme does not include any formal or additional work related training to improve the employability of individuals. Although there is a mechanism in place to monitor participation levels and to record the numbers leaving to take up employment, the Ministry of Labour felt that it was too early to provide statistics about the number of participants moving from the programme into work. They felt the value of the programme should not be measured by the numbers that go into work but by the volume of people that had been motivated to take up employment in the programme.

The only aspect of the programme that is connected with real employment is the reportedly 11,500 jobs that have been created for the organisers and coordinators of the programme, most of which however are filled by non-Roma. According to information from the Central Office of Labour, Social Affairs and Family, approximately 1% of the participants have been successful in finding work after leaving the programme.⁹¹ With such a low figure it is highly probable that they are the people who would have found work in any case, without participating in the activation programme.

The activation work in Slovakia is task-based and does not provide any formal training or investment to improve the qualifications of participants. Given the limited connection between the programme and improved employability or self-esteem of participants it is difficult to see how it can be justified as an active labour market intervention attracting substantial levels of public investment from the European Union. It is misleading to describe the Slovak Activation Programme in terms of an active labour market intervention as it is much more a scheme that pays basic income support in return for work that is loosely described as of community value.

⁹¹ Information provided by the State Secretary of the Ministry of Labour, Social Affairs and Family to ERRC/Milan Simecka Foundation researchers in July 2006.

7. EQUALITY POLICIES: EXAMPLES OF GOOD PRACTICE OUTSIDE CENTRAL AND SOUTH EASTERN EUROPE

The research went beyond the field research and personal interviews and considered examples of equality in employment policies and measure that have been applied in countries outside Central and South Eastern Europe. This international research was not limited to policies specifically aimed at Roma, Gypsies or Traveller minorities but rather considered the policies and practices that have been successful in combating discrimination in employment against minority groups.

In a similar way to the countries covered by the ERRC research, the legislative environment surrounding racial discrimination and equality in employment across all European Union (EU) Member States is still in a state of transformation following the introduction of the EU Race Equality and Employment Equality Directives. Prior to the Directives, the measures to combat racial discrimination in employment have been varied in their scope and effectiveness, and in some cases they have been virtually non-existent. In some Western European countries there has been fairly widespread and strong resistance, especially among employers, to the introduction of policy measures to combat discrimination in employment.⁹²

It has been noted that legal prohibition against discrimination in employment, while necessary, is not enough on its own to tackle the problem of direct and indirect discrimination. While legal measures provide the framework for interventions in the form of equal opportunity policies, at the level of individual organisations or companies, a range of different measures are needed to combat discrimination. This research points to a few countries leading the way in the application and implementation of equal opportunities policies. It also cites a number of examples of interventions and actions that have been used to combat racial discrimination and achieve better equality of opportunity in employment for ethnic minorities.

Consistently in comparative research, the United Kingdom (UK) and Netherlands have emerged as the countries with the longest history and most developed regulatory and monitoring frameworks. As far back as 1992, Britain and the Netherlands were cited as examples of European countries where employers' initiatives were beginning to address race discrimination more seriously: "In the UK and Netherlands... employers appear to have broader concerns regarding the share and distribution of black and ethnic minority people in the workforce." Also it is in these countries that public services are playing a leading role in the introduction and promotion of equal opportunity measures. For example, "In the Netherlands, the number of organisations that introduced ethnicity and race monitoring was almost twice as high in public administration as it was in the private sector."⁹³

⁹² See Wrench, John. "Diversity Management in Different EU Countries – The New Way of Combating Ethnic Discrimination." *Paper presented at the conference Labour Supply and Diversity – Goteborg, Sweden, September 2002*: "For a long time employers in many European countries argued that measures against discrimination were not necessary. The reasons for this seems to vary with different national contexts – for example, people in Spain and Italy argued that there can be no racism and discrimination against immigrants because they themselves were traditionally countries of emigration and are therefore sympathetic to the problems of migrants. On the other hand, people in Scandinavian countries have argued that there is no racial discrimination in their countries because they have never been colonial powers. The denial of the problem of discrimination at work is often rooted in misconception."

⁹³ Hegewisch, Ariane. "Equal Opportunities Policies and Development in Human Resource Management: A Comparative European Analysis." *Cranfield School of Management Working Paper, SWP 10/93*. This paper examined the framework for equal opportunity practices in employing organisations and set the national differences in the context of the legal and labour market situation at that time. Although many of the findings are out of date for Western Europe some are comparable and relevant for Central and Southeastern European Countries today.

Statutory Equality Duty

The limitations of narrow versions of anti-discrimination law in tackling structural inequality affecting large groups of people, have prompted a proactive approach to equality in some countries. For example, amendments to the UK Race Relations (Amendment) Act in 2000, introduced a positive duty on public authorities to promote racial equality. The general duty, as set out in section 71(1) of the Race Relations Act, requires the public bodies specified, in carrying out its functions, to have due regard to the need:

- a) to eliminate unlawful discrimination; and
- b) to promote equality of opportunity and to promote good relations between persons of different racial groups.

Regulations imposed on authorities certain specific duties, that is, mandatory practical steps intended to help them meet the above general duty. These include, for example, preparing and publishing a Race Equality Scheme, which explains how the authority is planning to meet its general duty, ethnic monitoring of employment practice by employers, etc. According to the Race Relations Act, “A Race Equality Scheme shall state, in particular:

- (a) those of its functions and policies, or proposed policies, which that person has assessed as relevant to its performance of the duty imposed by section 71(1) of the Race Relations Act; and
- (b) that person’s arrangements for:
 - (i) assessing and consulting on the likely impact of its proposed policies on the promotion of race equality;
 - (ii) monitoring its policies for any adverse impact on the promotion of race equality;
 - (iii) publishing the results of such assessments and consultation as are mentioned in sub-paragraph (i) and of such monitoring as is mentioned in sub-paragraph (ii);
 - (iv) ensuring public access to information and services which it provides; and
 - (v) training staff in connection with the duties imposed by section 71(1) of the Race Relations Act and this Order.”⁹⁴

The Commission on Racial Equality (CRE), responsible for the enforcement of the RRA, has explicit powers to enforce compliance with these regulations.

The positive duty amendments are intended to make public bodies take race inequalities into account in developing policy and services, in setting targets and performance measures, and by the audit and inspection bodies which monitor delivery. In practice, this means that listed public authorities must take account of racial equality in the day to day work of policy-making, service delivery, employment practice and other functions.⁹⁵

⁹⁴ Article 2(2), Race Relations Act 1976 (Statutory Duties) Order 2001.

⁹⁵ For further information see the website of the Commission on Racial Equality, www.cre.gov.uk.

Despite concerns that the implementation of the statutory duty to promote racial equality in the UK has been overly bureaucratic and certain public bodies have been concerned more with the procedure than with implementing any meaningful institutional changes,⁹⁶ it was recognised that an approach requiring from public authorities proactive measures rather than reliance on negative enforcement mechanisms, is a step forward toward reducing inequality.

The Fair Employment and Treatment Order (FETO) – Northern Ireland

There are recognisable similarities between the situation in Northern Ireland prior to the introduction of Fair Employment and Treatment Order (FETO) and the current situation for Roma in Central and South Eastern Europe. The following section of the report identifies these similarities and highlights how FETO may be an appropriate model for the five countries covered in this research.

The socio-economic situation for Catholics in Northern Ireland prior to the introduction of FETO was in many ways similar to the situation for Roma in Central and South Eastern Europe today. An unofficial government memo reported that in Northern Ireland “on all the major social indicators, Catholics are worse off than Protestants. Catholics are more likely to experience long term unemployment. Catholics are significantly less likely than Protestants to hold professional, managerial, non-manual positions. More Catholics than Protestants leave school lacking any formal educational qualifications. Catholic households have a lower gross household income than Protestant households. Almost double the proportions of Catholic households are dependent on social security than Protestant households.”

The Protestant majority, which included most major employers, also had prejudiced and stereotypical views about Catholics and their attitudes to work. Widely held was the view, for example, that Catholics were lazy, did not want to work, preferred to live on welfare benefits, only wanted work in the informal economy, and that Catholics were thieves, unclean and not to be trusted. Statements that are resoundingly familiar and often said about Roma today.⁹⁷

Although Northern Ireland had anti-discrimination legislation in place for 10 years, the legislation did not have a discernable effect on the problems of inequality in the labour market and religion-based job segregation did not alter significantly as a result. Labour market discrimination excluded many Catholics from work and as a consequence Catholics were at least twice as likely to be unemployed as Protestants; and twice as many were long-term unemployed – out of work for more than four years. In Ireland, experts recognised that the situation was unlikely to change unless some direct measures were put in place to enforce the legislation and make employers part of the solution. This is arguably very similar to the situation in countries covered by the ERRC research where direct action is needed to challenge the discriminatory practices and the prejudiced views that cause systemic exclusion from employment for most working age Roma.

⁹⁶ See for example, Fredman, Sandra and Sarah Spencer. *Delivering Equality: Towards an Outcome-Focused Positive Duty. Submission to the Cabinet Office Equality Review and to the Discrimination Law Review*, June 2006, available at: <http://www.edf.org.uk/news/Delivering%20equality%20submission%20030606-final.pdf>.

⁹⁷ The similarities in the situation of Roma in the labour market today and the Catholics in Northern Ireland in the sixties through into at least the nineties, in particular the prejudiced views of the majority population against the minorities, were recognised in a discussion with the Committee on the Administration of Justice in Belfast in September 2005.

Largely in response to international pressure, and a weighty internal campaign calling for equality mainstreaming, the 1999 Fair Employment (Northern Ireland) Act was introduced, imposing specific obligations on employers regarding equality in employment. Since the introduction of the Act there has been a steady progression of the Act and procedures. Now all private sector employers, with more than 10 full-time employees, and all public sector employers are required to register with the Equality Commission for Northern Ireland (ECNI) and to carry out monitoring to guarantee the proportionality of their workforce. In 1999 the Fair Employment and Treatment (NI) Order (FETO) tightened the regulatory framework, and made it a statutory requirement to promote equality of opportunity.

Employers are required by the legislation to submit annual returns to the Equality Commission for Northern Ireland, showing the number of Catholics and Protestants and men and women in their workforce. If the monitoring process reveals that the company does not have a proportionate workforce, the company's management is obliged to ensure corrective steps are taken; the employer must draw up a programme of measures to achieve a balance in their workforce and a timetable to implement the measures. The employer may voluntarily undertake positive action measures, or may be directed to do so by the Equality Commission. Over and above the annual monitoring, at least once every three years, companies must undertake a full (Article 55) review of the composition of their workforce.

The positive action measures permitted under the Fair Employment and Treatment Order include the following:

- the encouragement of applications for employment or training from people in under-represented groups;
- training targeted in a particular area or at a particular class of person;
- the amendment of redundancy procedures to help achieve fair participation; and
- the provision of training for non-employees of a particular religious belief, following approval by the Equality Commission for Northern Ireland.

Ensuring participation of employers and enforcement of the workplace monitoring procedures has been the responsibility of the Fair Employment Agency (now the Equality Commission for Northern Ireland). This has been very much a *carrot* and *stick* approach which has used moral responsibility as a good employer, as well as grant aid to encourage participation from employers but at the same time, the Commission has the authority to investigate and impose sanctions on firms that are suspected of non-compliance.

According to the Commission, this approach has been extremely successful and they have seldom had to make use of their sanction capabilities.⁹⁸ Another major factor that has guaranteed and motivated compliance from employers is the proactive approach that the Commission adopted to support new and inexperienced employers with the administration of the fair employment process. The financial assistance to set up the administrative procedures has also been a useful incentive to motivate co-operation from more resistant firms.

⁹⁸ Under FETO, if companies fail to meet statutory reporting and workforce monitoring requirements, or instructions to apply affirmative action, sanctions can be placed on employers including exclusion from public authority contracts. These have been said to have a greater long term deterred effect than the sanctions following litigation.

Those interviewed during the course of this research⁹⁹ are in no doubt that FETO has been a significant driver of change, in terms of equality in employment in the Northern Ireland workforce. A recently published evaluation¹⁰⁰ assessed the changes that have taken place, ten years on as a result of the fair employment legislation, in the labour market and the availability of employment opportunities for Catholics and Protestants in Northern Ireland. The assessment confirmed:

- a substantial improvement in the employment profile of Catholics;
- a considerable increase in the numbers of people working in integrated workplaces, in contrast to continuing segregation in public housing;
- education, rather than religion, now the main determinant of social mobility;
- employers indicating that strong legislation has helped change practices, and evidence suggesting that affirmative action agreements have helped to redress workplace under-representation.

FETO is particularly relevant as a model for the countries covered by the ERRC research, not only because it has proven to be successful at counteracting serious and widespread discrimination in employment for a disadvantaged minority group, but also because the strict process of measuring and monitoring equality in employment has the potential to have a significant impact on the behaviour and attitudes of public and private sector employers, and further upon the attitudes of employees. The adoption of such a strong and regulated approach by the governments of the five countries included in this research would be a very clear and explicit message that employment discrimination against Roma will no longer be tolerated.

The ultimate purpose of fair employment legislation would be to create an atmosphere of equality consciousness in the workplace, so that all aspects of working conditions from recruitment through the course of employment to dismissal are monitored and audited and corrective measures are taken, whenever necessary. Although it would be impossible for every employer and every organisation to change the ethnic composition of their workforce overnight; it must however be a process that starts and is managed by clear goals and timetables. The burden for change must sit very clearly with employers, public and private, giving them the responsibility to ensure that they have an appropriately diverse workforce, and a workplace free of discrimination, and if not that they are taking the necessary steps and applying adequate measures, to change that situation.

Ethnic monitoring in the workplace

An important first step in the development of a strategy to promote equality is to obtain statistical data on the composition of the workforce. The UK Commission for Racial Equality stresses that “data on the ethnic origin of employees and trainees are needed in order to identify how many and where ethnic minority staff are employed in a company or organisation and to provide the evidence to compare

⁹⁹ ERRC interviews carried out in October 2005 with: the Equality Commission for Northern Ireland; Northern Ireland Council for Ethnic Minorities; and the Committee on the Administration of Justice Northern Ireland.

¹⁰⁰ Osborne, B. and Ian Shuttleworth. *Fair Employment in Northern Ireland, A Generation On*. Blackstaff Press; Northern Ireland, 2004.

their progress against that of the white staff.”¹⁰¹ Such statistics can reveal unintentional discriminatory outcomes and allow employers to deal with problem areas by reviewing standard practices. The ethnic profile of the workforce provides a baseline against which progress can be measured.

Data on ethnicity is central to the application of effective equal opportunity policies. There is strong evidence from countries with the most developed and effective measures to combat racial discrimination in employment to support the need for workplace data. However the issue of ethnic monitoring or data collection on the basis of ethnicity is complex and contentious in the countries covered by this research. At government level, there is widespread resistance and no clear message about the legality of data collection and the relevance and value of measuring ethnic composition of the workplace is not widely understood or accepted.

Monitoring, recording, reporting and responding to the ethnic composition of a workplace are key factors that can guarantee the effectiveness and efficiency of equal opportunities policies. In a survey of employers in the UK,¹⁰² employers reported that they found something of value in the practice of workforce monitoring, not least that the process of recording data and reporting provides a degree of systematisation and transparency to the recruitment and selection procedures which might previously have been absent.

In the five countries covered by the research, employers are not required to monitor the ethnic composition of their workforce, and many wrongly believe that collection of ethnic data about individual staff members would be in breach of the data protection laws, constitutional provisions, or other legal norms. This is an incorrect assumption. Compliance with the data protection acts can be achieved with application of the correct monitoring procedures. In the UK, the Commission for Racial Equality brought pressure on government to remove this question, and as a result the Data Protection Act in the UK makes specific provision for the collection of ethnic data for the purpose of monitoring equality in employment.

In the five countries covered by the ERRC research, many employers and government institutions are prepared to systematically and openly discriminate or exclude Roma from opportunities in employment, but when it comes to workforce monitoring and asking an individual about their ethnicity, the employers are suddenly concerned that their actions could be racist or in some way illegal. In many cases the use of law as a pretext for not monitoring the ethnic composition of a workforce is more about hidden efforts to exclude Roma and similarly situated minorities than it is a result of desire to comply with legislation.

Workforce monitoring is a primary means of obtaining statistical evidence to support positive actions to address under-representation of ethnic groups in individual workplaces and more generally in specific occupations and sectors of the labour market. The Managing Director of a large UK retail chain, following a workplace audit to measure the ethnic composition of the workforce, was very positive about the process and said, “We see the audit as a landmark stage in our equal opportunities strategy. After all if you can’t measure it, you can’t manage it.”¹⁰³

¹⁰¹ Commission of the European Communities. Green Paper – Equality and non-discrimination in an enlarged European Union. DG EMPL/D/3, European Commission, Brussels, 2004.

¹⁰² Report on measures to combat discrimination (Directives 2000/43/EC and 2000/79/EC). Country report: The United Kingdom. Drafted as part of a study into measures to combat discrimination in the EU member states. Brussels, 2005.

¹⁰³ ERRC research, London, September 2005.

Probably the most developed example of workplace monitoring is in Northern Ireland, where monitoring, reporting and positive action are required by law. The Fair Employment and Treatment Order (FETO) provides a comprehensive example of good practice that has successfully reversed a pattern of discrimination and has improved access to employment for a disadvantaged minority group.

Positive or Affirmative Action

Positive action has proven to be much more effective than the equal treatment approach and this means doing much more than just outlawing discrimination. The equal treatment approach which tries to create a “level playing field” is not enough to combat discrimination or to compensate for the disadvantaged and lower position from which members of ethnic minorities often start. However, in Central and South Eastern Europe, suggestions of positive or affirmative action are met with very strong resistance and inaccurate claims that such action would be unlawful and would infringe equality law.

Positive action can be more effective than equal treatment and for that reason the EU Directives¹⁰⁴ now make provision for positive action to address under-representation of ethnic minorities. In countries where awareness and understanding of employment discrimination is less advanced, such as in the countries included in this ERRC research, the legal requirement for equality is often interpreted to mean equal treatment, which is considered to rule out the possibility of positive action as it would single out or differentiate between different population groups.

Positive or affirmative action calls for positive measures to tackle the causes of under-representation by devoting extra resources to encourage and support members of under-represented groups to compete for employment. This can mean, for example, measures to increase the skills and competences of a minority group to ensure that they are better equipped to apply for jobs in an occupation or industries where they would not normally apply. Of the policies and laws under survey, only under Northern Irish law is equality viewed from the perspective of equality of results. The following examples have been extracted from the compendium of EU good practice to show interventions that go beyond equal treatment to show how positive actions on the part of the employer can address under-representation of ethnic minorities in the workplace.¹⁰⁵

Virgin Our Price Stores sell a wide range of goods including music CDs, videos, games, etc. As part of a strategy to promote equality of opportunity in the workplace, personal information forms were issued to all employees including a request to self-nominate their ethnic origin. Amongst other things, the audit revealed that ethnic minorities were under-represented in middle management and senior positions.

The company introduced positive action measures to ensure that opportunities are made known to under-represented groups, and provided training to enable members of those groups to compete for

North Holland Department of Public Works and Water Management is responsible for flood defences and water management, traffic, transport and communications. A survey revealed that disillusionment was one of the main reasons for the low response of ethnic minorities to job advertisements. Contacts were initiated with migrant organisations and other relevant bodies to stimulate applications. Also, agreements were concluded with temporary employment agencies that requests for temporary staff would be met in the first instance by candidates from one of the ethnic minorities.

¹⁰⁴ Article 5 Directive 2000/43 and Article 7 Directive 2000/79.

¹⁰⁵ European Foundation for the Improvement of Living and Working Conditions. *European Compendium of Good Practice for the Prevention of Racism at the Workplace*. Available on the internet at: <http://www.eurofound.eu.int/pubdocs/1997/51/en/1/ef9751en.pdf>.

the opportunities available. All individuals who sit on recruitment and selection panels receive antidiscrimination training, and one personnel representative is present at all interviews. The company equal opportunity policy states, amongst other things, that a serious incident of racial harassment can result in summary dismissal for gross misconduct.

The company states that its policy has a number of advantages, including:

- attracting the best from the pool of skills and talent which is becoming increasingly multi-racial and use people's potential to the full;
- ensuring that the company meets the needs of its current and potential customers through a workforce that reflects the make up of the communities which it serves, and provide a competitive edge in reaching and attracting alternative new markets; and
- avoiding incurring the direct costs of racial discrimination – financial, reduced employee moral and commitment, and cost to the image of the organisation resulting from adverse publicity.

In addition, the Department held preliminary interviews with applicants of minority ethnic origin where information was given about the organisation and the procedure, and applicants were advised on how to improve their letters of application and CVs. Preliminary interviews created a relationship of trust, so that contact was maintained after the initial application and feedback was obtained on the progress of the procedure. During selection, personnel officers were careful to see that the correct procedures were followed in the case of applicants of minority ethnic origin and that no improper arguments were used to reject them.

Finally, inflow into short-term placements – such as work experience places and apprenticeships – was encouraged after it emerged that some applicants of minority ethnic origin possessed the necessary educational background, but not enough work experience. By 1 January 1999, the percentage of employees of minority ethnic origin was seven percent, two percent higher than the recommended target set by the national Civil Service plan.

Codes of Practice

Ongoing since the 1990s, guidelines by European Institutions have been published to raise awareness about discrimination and the need for different interventions to counteract the discrimination and improve equality in employment for Europe's ethnic minorities and immigrants. In parallel, an expanding research base has developed to support claims that a number of different types of racial discrimination are at work in the labour market across Europe. In some countries, official equal treatment bodies have been proactive in this area and have taken the good practice guidelines and translated them into "codes of practice" relevant to the policy environment in their country.

The codes of practice are widely distributed to assist employers and organisations to develop and apply equal opportunity policies in their workplace. They cover the full range of employment issues such as recruitment and selection procedures, opportunities for training and promotion, disciplinary procedures for racist harassment, dismissal and redundancy procedures, and taking account of particular cultural or religious needs. The codes could encourage organisations to adopt equal opportunity policy and anti-discrimination training for all staff.

Such a proactive approach by official equal treatment bodies in other countries has gone a long way to promote and convey a message that they expect/ require employers to respond and to introduce equal opportunities policies. In Northern Ireland, where compliance is statutory to be in line with FETO, guidelines are published and distributed to all employers and they go as far as offering financial support in the shape of government grants to assist organisations and companies to develop their equality strategy and to set up their administrative procedures to comply with the regulations. A simple but effective approach that could be replicated and effectively applied by the Equality Bodies in Central and South-eastern Europe.

Contract Compliance

It is possible for national legislation to enable anti-discrimination to be pursued by administrative actions like contract compliance. Contract compliance requires that all companies who apply, or are invited to apply, for government tenders or contracts have to be in a position to demonstrate that they have a fully functioning equal opportunities policy in their workplace. This proof may be provided in the form of a certificate from the equality body, or by other means.

Experience from the USA and the UK¹⁰⁶ has shown that contract compliance can be a significant lever to improve equal opportunity practices in the companies involved. Contract compliance has proven in the USA, England and Northern Ireland to be an effective mechanism to guarantee that only companies that comply with the principles of fair and equal employment have access to government resources. Under such a scheme those seeking a government grant or public contract over a certain value, but low enough to guarantee a high degree of coverage, would have to receive a certification on equality grounds before they could receive such a grant or contract.

By putting in place a contract compliance requirement, the EU, international donors and national and local governments are in a very strong position to encourage, spread good practice and lever compliance with the employment equality directives across a large number of companies.

Diversity Management

In recent times, the trend in some EU countries has been towards adopting a diversity management approach which is in some ways considered to be the most ambitious level for equality policies. A Cost and Benefit of Diversity Report, talks about workforce diversity in the following terms:

Workforce diversity within companies is associated with policies designed to recruit, retain and develop employees from diverse social groups. This leads to a change in the mix of people employed in some cases and in other instances to changes in the type of people employed in special managerial or technical positions. In all cases, policies go beyond compliance with anti-discrimination.¹⁰⁷

The diversity management approach is not necessarily linked to tackling discrimination in (or from) employment for a minority group, but rather about promoting a concept where employers aim for and demonstrate good business practice if they achieve a workforce and workplace diversity – a workforce consisting of employees from a range of different social groups and that reflects the diversity of people from different social backgrounds. An outcome of diversity management could be greater workforce representation of minority groups, but this is not a key objective and could easily be overtaken and replaced by other aspects of achieving and reflecting diversity in the workplace.

The diversity management concept largely moves away from the ethical and moral arguments against discrimination and the social justice reasons for equality in employment and replaces them

¹⁰⁶ Commission for Racial Equality. *Race Equality and Public Procurement: A guide for Public Authorities and Contractors*. Published by the Commission for Racial Equality, London, July 2003.

¹⁰⁷ See “The Costs and Benefits of Diversity. A study on methods and indicators to measure the cost-effectiveness of diversity policies in enterprises”. *Report drawn up by the Centre for Strategy and Evaluation Service (CSES) on behalf of the European Commission. October 2003*. Available on the internet at: <http://www.stop-discrimination.info/fileadmin/pdfs/CostsBenefExSumEN.pdf>.

with a business-oriented and cost benefit argument for achieving workforce diversity. The model comes from the United States and is an approach which has apparently been effective there¹⁰⁸ because of the background of affirmative action and the legal and statutory requirements that control the actions of employers there. However in an EU context, questions have been raised about the relevance of the diversity management approach when the historical and political experiences relating to anti-discrimination policies and affirmative action are significantly different than in the US.¹⁰⁹

The concept of affirmative or positive action to redress under-representation of ethnic minorities in employment is not taken into account by most government officials and employers in the countries included in the ERRC research. Moreover, the moral arguments for equal opportunity policies and the social justice and fairness rationale for affirmative action to guarantee employment for Roma have largely been ignored by most employers in the five countries, to the extent that they have even been attempted. To effectively address the demand-side problem of racial and ethnic discrimination against Roma in employment, it is critical that any future diversity management approaches do not get in the way of properly enforced legislation or obstruct the introduction of numerical and statistical monitoring to guarantee proportional representation for Roma in employment.

Anti-Discrimination Training

Equality in employment also means a workplace free of discrimination. A key component of this would be to make discriminatory conduct towards another employee, or a client, an offence that results in dismissal or a similarly dissuasive sanction. The start of this process requires education and training to raise the consciousness of employees about their discriminatory behaviour and raise awareness about the consequences and penalties for such actions. Some countries recognise the importance of anti-discrimination training. For example, in the UK, Ireland, the Netherlands and Sweden, anti-discrimination training is compulsory for all public servants, especially those working in direct service delivery, and for those employed in human resource management and recruitment. Anti-discrimination training is a key component of awareness-raising and a useful technique to improve the knowledge and skills of individuals who are in a position to influence the opportunities of others. The training seeks to reduce discrimination by raising individual's consciousness about discriminatory practices and by changing attitudes and practices that aggravate different forms of direct and indirect discrimination. However, indications are that, in the absence of other measures detailed above, training measures are not sufficient to change patterns of systemic exclusion from work, and/or other large-scale discrimination problems in the field of employment.

¹⁰⁸ Wrench, J., "Diversity Management in the European Context: a critical examination of organisational strategies for combating ethnic discrimination and exclusion." *Paper presented in International Perspectives on Cross-Cultural Workforce Diversity: The Inclusive Workplace Conference Bellagio, Italy 2001.*

¹⁰⁹ Ibid. Wrench reported that, "In the US the legal and administrative pressure on companies through equal employment opportunities/ affirmative action (EEO/AA) provided the context of Diversity Management. There was also in the US a body of expertise, a tradition of consultants and a class of management experts and human resource professionals who developed into the Diversity advocates and specialists of latter times. There has been nothing like the US experience with affirmative action in Europe and no parallel political movement against it. The Difference of the EU context is that in most Member States there is nothing like the same pressure for action nor has there developed an identifiable management constituency of professionals working with these issues".

8. CONCLUSION

The most compelling evidence from the research is that discrimination is exercised at more or less every junction in the labour market. As a consequence, there is systemic exclusion from employment for vast numbers of working-age Roma.

Employment discrimination against Roma is most prevalent at the job search stage and in the recruitment practices companies apply. Many companies have a total exclusion policy regarding the employment of Roma and practice across-the-board unmitigated discrimination against Romani applicants. As a result, Romani job-seekers are eliminated and excluded from the application process at the very outset; regardless of education, qualifications and competences for the job.

Despite existing equality legislation that prohibits discrimination on the grounds of ethnicity, many companies appear unconcerned and take no actions to ensure that they comply with the legislation. Private and public sector employers alike make little effort to actively apply an equal opportunity or diversity policy. Multi-national companies from Western Europe, the United States and elsewhere with branch offices in Central and South-eastern Europe, seem similarly content to hide behind national claims in Central and South-eastern Europe that it is illegal to monitor the ethnic diversity of their workforce

Although the incidence of discrimination in employment was not as frequently reported by respondents as was outright exclusion from work, inequality at the workplace is nonetheless a serious problem for Roma; one in four of those who are, or have been, in employment reported that they received lesser terms and conditions of employment than non-Romani counterparts doing the same job.

Many qualified Roma who are in work find that their opportunities are severely constrained by an invisible “Glass Box” which limits their opportunities to progress upwards, sideways or to obtain employment that is not connected to the delivery of services for other Romani people.

There is strong evidence of institutional racism in the labour office structures in Central and South-eastern Europe. The entrenched negative stereotypical views of those working in public institutions, at the front-line of dealing with Romani unemployment, call into question their capacity to deliver an unbiased and professional service not distorted by prejudiced views. In many instances, labour office officials have reportedly condoned discrimination against Roma, respecting employers’ request not to offer positions to Romani job seekers.

The ERRC research offers new information that augments and helps to fill some of the gaps in the knowledge base about Roma on the labour market. It reveals a number of key facts about the patterns of employment and unemployment in the Romani working age population and provides evidence that refutes many of the commonly held prejudiced opinions about the Roma attitude and commitment to work. It shows that very real barriers to employment are intensified by prejudiced and stereotypical views.

There is a distinct polarisation in the patterns of employment and unemployment for working age Roma. At one end, there are those Roma who are, or have been working in jobs for

a significant length of time. The research findings strongly support claims that there are very real and sometimes insurmountable barriers that obstruct and prevent Roma from re-entering the labour market. The level of market failure in this area is virtually absolute and will require significant public investment to reverse.

When Roma are employed, the type of jobs they are provided are closely correlated with their low levels of education. Unskilled and skilled labour, including employment as tailors, machine workers, and cleaners are by far the most common employment categories. By far the least common is work in shops, offices, restaurants, hotels, teaching and professional managerial positions. Roma are especially invisible in the employment sectors that deal directly with the public or in the catering and food industries.

Evidence shows that a mixture of: strong anti-discrimination legislation when it is vigorously enforced; equality policies realised through an enforceable positive duty to promote equality and positive action; and a public equality authority with powers to enforce the public duty to promote equality can be successful to contain, constrain and reduce discriminatory behaviour of employers and their employees. There is strong evidence that workforce monitoring, including the collection of data on ethnicity, is crucial component for positive actions to address under-representation of Roma in the workplace, and more generally in specific occupations and sectors of the labour market.

Active labour market policies and measures are not designed on the basis that the unemployed individuals of today – including Roma – will become part of the workforce of tomorrow. Public work programmes are the most used and least effective programmes for reintegration in the labour market. There is only a very tenuous link between work in the programmes and employment in the functioning labour market.

Romani unemployment will remain very high unless the problem and the solution are understood and dealt with in manageable and clearly targeted components. There is no magic solution that will create jobs overnight, and it will be a long process, but through sustained investment and confidence that re-builds, develops and stimulates the human capital that is currently hidden in the “activated” workforce, over time the economic multipliers will deliver growth and generate an expanding jobs base.

Employment discrimination is more pervasive and insidious than the basic numbers suggest, especially when it is as blatant and explicitly exercised as the cases described by Roma who took part in the ERRC research. Achieving equality in employment for Roma will take a considerable length of time; it is a complicated issue that requires widespread commitment and cooperation across all strands of the labour market. The situation is critical and the problem demands immediate attention from legislators, policy makers, employers and drivers of change; from the equality bodies charged with the responsibility of enforcing anti-discrimination laws and stimulating compliance; and from employers who are in the position to guarantee recruitment practices and workplaces free of discrimination.

9. RECOMMENDATIONS

Recommendations for Government Action

- 9.1. Measures need to be introduced in Bulgaria, the Czech Republic, Hungary, Romania and Slovakia which move society towards greater equality of opportunity. In that process, governments must take the lead. To achieve this, they must move from their current passive position to one that is actively promoting equality of opportunity for ethnic minorities, especially in employment and particularly for Roma. The message from government that employment discrimination against Roma will no longer be tolerated must be clear and explicit.
- 9.2. Governments should review domestic laws to identify how and why the legislation is so widely perceived to prevent the collection of statistics and data on the basis of ethnicity. Then take the necessary steps to amend the legislation to ensure an end to these restrictive and obstructive practices.
- 9.3. Governments should introduce legislation which provides a strong and regulated approach to achieving equality in employment, (one model is the Fair Employment and Treatment Order in Northern Ireland). The burden for change must rest with employers, public and private. Employers must be made responsible for achieving a proportionate workforce and a workplace free of discrimination and to apply the relevant measures and take the necessary steps to change that situation within their own workforce.
- 9.4. The key to the legislation must be that every company, public and private, are required to have an ethnically proportionate workforce. Initially each firm would have to undertake a review of the ethnic composition of their workforce and thereafter record, monitor and annually report the information to the equality body.
- 9.5. If as a result of the review the company discovers that they do not have a proportionate workforce, they must ensure that corrective measures are taken and that goals and timetables are set for execution of the process. Although it would be impossible for every employer and every organisation to change the ethnic composition of their workforce overnight; it must be a process that starts now and is linked with and guided by clear goals and timetables.
- 9.6. The public sector should lead by example and the requirement to have a proportional workforce should be imposed on government Ministries. It should be a statutory requirement for the public service to monitor and guarantee equality in their workforce.
- 9.7. Governments should establish specific goals and timetables to reduce the employment differentials between Roma and non-Roma employed in the public service. Governments should publish the timetable and on an annual basis report the progress that is being achieved. If properly managed this mechanism would go some way to strengthen and modernise recruitment practices to government Ministries in the five countries included in the research.

- 9.8. The fair employment scheme must be workable and the official equality bodies in each country must be given the necessary powers to investigate and enforce compliance with the fair employment legislation.
- 9.9. Financial incentives should be made available both to assist private sector employers to carry out the first review and to establish the administrative processes.
- 9.10. Anti-discrimination training should be compulsory for all public officials. The training must increase understanding of the difference between equal opportunity and equal treatment and should focus on implementation of mechanisms for monitoring and confronting patterns of exclusion and discrimination of Roma in employment.
- 9.11. The training should in the first instance be from internationally competent trainers that are experienced in working in countries with a more developed equality environment for ethnic minorities, ideally the UK or the Netherlands.
- 9.12. Disqualification from government and EU tenders would be a major driver for change for many companies. Contract compliance is an effective mechanism to guarantee that only companies which comply with the principles of fair and equal employment have access to government resources.
- 9.13. At all levels of government, national regional and local, before a grant or contract (national, EU, World Bank loans and donor funding, etc.) over a certain value is awarded, but low enough to guarantee a high degree of coverage, should require that companies provide proof that they comply with equal opportunity practices in their company.
- 9.14. Companies should be required to obtain a certification on equality grounds before they can be considered for a grant or contract.
- 9.15. Governments must provide the official equality bodies wide-ranging sanctioning powers. Governments should provide additional investment in the official equality bodies to increase their power, strengthen their independence and provide adequate resources to enable them to develop a much more proactive rather than reactive role. The practices of the equality bodies will have a significant impact on the level of compliance with the employment equality legislation and the extent to which the legislation is enforced.
- 9.16. Instead of a heavy-handed approach involving measures such as public works, Governments need sophisticated programmes that take account of the needs of the labour market and are designed to provide sustained and targeted investment to re-build the confidence and work-based competences of the Romani population.
- 9.17. Employment and training should be focused on getting those involved in the schemes into permanent and sustainable employment.
- 9.18. Individualisation of the labour market programmes is the key to success and they must take account of varying factors, for example whether clients are male under 30 and long term unemployed; over 50 and unemployed; women returning to work; whether they

have skills and experience from past employment; personal confidence; where they live and crucially what are the demands of the labour market in each locality.

- 9.19. To begin to understand the complexities of the problem and the solutions of the mass unemployment that exists in Roma populations, governments need to invest in sophisticated labour market intelligence that will break the problem down and develop more manageable, sustained and systematic types of intervention.

Recommendations for the Equality Bodies

- 9.20. The official equality bodies should lobby government for wider ranging and stronger punitive powers to ensure that enforcement actions have a major deterrent effect. The equality bodies should be assertive about equality in employment for ethnic minorities and adopt a positive equality duty approach which requires employers to actively tackle all the causes of under-representation of Roma.
- 9.21. The equality bodies should be proactive about the principles of equality in employment and take action to convey the message that “good employers” follow equal opportunity policies and achieve equality in their companies.
- 9.22. More relevant than enforcement can be a carrot-and-stick approach that promotes and encourages compliance on the basis of good practice but at the same time, where necessary take serious steps to enforce compliance.
- 9.23. The equality bodies should petition for increased power including higher and more diverse use of sanctions and should use the process of media exposure to stimulate compliance. Adverse media publicity following a successful complaint of ethnic discrimination can often be a more effective and dissuasive sanction than any formal order by a court or tribunal. In practice it is the fear of adverse publicity that frequently influences respondents to settle complaints in advance of hearings.
- 9.24. The equality bodies should translate guidance into ‘codes of practice’ relevant to the policy environment in their country. Whether guidelines are statutory or voluntary they should be published and distributed to all employers. The equality bodies should be resourced to offer financial support, in the shape of a grant, to assist organisations and companies to develop their equality strategy and to set up the administrative procedures to comply with the regulations.
- 9.25. The equality bodies should build partnerships with similar organisations in other EU countries so they can learn from past experience and build on practices that have proven to be successful.

Recommendations for Employers

- 9.26. The public sector should be leading the equality in employment practices by example and should be guaranteeing that ethnic minorities enjoy equal opportunities in employment.

- 9.27. Employers must alter their current laissez-faire attitudes towards equality in employment and begin to take active steps towards building an atmosphere of equality consciousness in the workplace.
- 9.28. If monitoring reveals that some ethnic groups are under-represented in the workforce then positive action should be considered to target job training and recruitment efforts at those groups under-represented.
- 9.29. Employers should provide anti-discrimination training for all staff, especially for managers and for those involved in human resource management and those with a service delivery and direct contact with the public responsibility.
- 9.30. Every company should have a code-of-practice and a clearly written equality policy that covers all working conditions from recruitment practices through every stage of employment to dismissal. Employees must be made aware of these policies and fully understand that racist or discriminatory behaviour in the workplace will result in dismissal.
- 9.31. Every place of employment should have a system for recording the ethnicity of their workforce and a means to ensure that this is carried out in a non discriminatory fashion; where information is kept in a secure environment, to protect the rights of individuals, and is used only for the purposes of monitoring and addressing inequality and under-representation in the workforce.

Recommendations for Roma Rights Advocates Movement

- 9.32. The Roma advocacy movement has a responsibility to act as the watchdog to ensure that employment equality for Roma is being achieved at all levels. From the present very low starting point it will be a considerable length of time before employers and organisations in Central and South-eastern Europe make noticeable changes to the ethnic composition of their workforce.
- 9.33. The burden for change must sit with employers, especially the public sector, and the process must start soon and be managed by clear goals and timetables. Monitoring the process should be the responsibility of proactive equality bodies, but in the absence of sufficiently motivated organisations, the Roma advocacy movement should monitor, measure and if necessary drive the process forward.
- 9.34. This research has revealed levels of discrimination against Roma and systemic exclusion from employment that are unacceptable in a modern society. The research and the empirical evidence contained within this report should serve as a baseline against which future progress can be measured and it will be the responsibility of the Roma advocacy movement to repeat the research and monitor progress at appropriate intervals.

ANNEX 1 COUNTRY CASE STUDIES

This Annex provides a summary of the field work carried out in all five countries.¹¹⁰ The bulk of the findings have fed into the main report and into the overall analysis of research findings. Collectively the research data offers a high (95%) confidence factor although when broken down on a country-by-country basis the information should not be regarded as representative, but rather as a case-studies indicative of the prevailing situation in each country.

The Bulgaria Sample

Interviews were carried out in the capital Sofia (also the biggest city and most developed labour market in Bulgaria); in Bourgas – a big industrial city on the Black Sea coast; in Strelcha – a small town which has some small scale industries and agriculture; and in the village of Rudnik, which has a working coal mine. In Sofia and in Bourgas the interviews were carried out in the largest Romani neighborhoods, Fakulteta and Meden Rudnik, respectively.

The sample comprised 80 people and of that group over two-thirds (69%) responded that they are “Romani”, 18% determined themselves as “Roma/Bulgarian”, 10% that they are “Bulgarian/Roma” and 5% selected the “other” option. It is interesting to note that there were no respondents who determined themselves as only ‘Bulgarians’. The gender ratio of the group comprised of 36 (45%) men and 44 (55%) women. Of the group 67 respondents (94%) are in the age range from 21 to 50 years; the most active range in the working age population.

The distribution of the group by level of education is as follows:

None	Basic	Secondary	Vocational	University	Other
30	33	10	1	2	4
38%	41%	12%	1%	3%	5%

According to official data as well as independent data from different surveys, the educational status of Roma people in Bulgaria is very low. According to a recent World Bank study¹¹¹ the share of Roma aged 15 or above, who are without any education is 13.3%; 76.4% have only primary education; 10% have secondary education, and 0.2% have university or tertiary education. For comparison the respective figures among ethnic Bulgarians of the same age group are: 6.4% (without education), 29.1% (only primary education), 45.4% (with secondary education), and 20.1% (university education).

¹¹⁰ The field work reports were prepared on a country by country basis and the findings have been incorporated into this consolidated report. The individual country specific reports have been retained by the ERRC.

¹¹¹ World Bank Report # 24516-BUL ‘Bulgaria – Poverty Assessment’, cited in the ERRC special Report ‘Stigmata: Segregated Schooling of Roma in Central and Eastern Europe, a survey of patterns of segregated education of Roma in Bulgaria, the Czech Republic, Hungary, Romania, and Slovakia’.

Distribution by employment status

Just over one third (36%) of those interviewed have never been employed officially; they have not had a labour agreement and have not paid taxes on their earnings. This is extremely high but it is not possible to make comparisons with the majority population as there is no official data on the subject. A large number 72% (59 people) said they have at some time or are at present illegally.

For the longest period in continuous employment the data is as follows:

- 19 people said the longest period they have been continuously employed had been between one week to six months. All have been employed in different forms of the so-called ‘temporary employment’, for example the ‘Action Plan’ and the so-called National Program ‘From Social Benefits to Employment’.
- 29 people said that they have been employed continuously for over 5 years and 9 people said they have been employed for 2 to 5 years. Most were found in Sofia (12) and in the small town of Strelcha (7).

Distribution by the kind of work done

TABLE 16								
<i>Unskilled labouring</i>	<i>Skilled labouring</i>	<i>Cleaning</i>	<i>Restaurant/hotel work</i>	<i>Shop</i>	<i>Office</i>	<i>Teaching</i>	<i>Professional/management</i>	<i>Other</i>
24	12	27	1	0	1	0	0	9
33%	16%	37%	1%	0	1%	0	0	12%

About 70% of all respondents described their work during the period in which they have been continuously employed as ‘Unskilled labouring’ or as ‘Cleaning’. Taking into consideration the educational status of the Roma population there is nothing surprising that two subgroups – ‘Unskilled Labouring’ and ‘Cleaning’ provide the majority of employment opportunities for the Roma population.

Most Roma (49 persons or 65%) said that their longest period in employment was official, but when questioned about their last work the ratio of those working legally and those working illegally increased. 54% of respondents said that their most recent spell of employment was in unofficial work whereas only 46% said that their longest period in work was unofficial.

There are no substantial changes in the type of work that people do between their last job and the longest period in employment; the research found only 7 people in self-employment in very small businesses. These are in sales, one is a small farmer, one is in construction, and one weighs people with a balance. None have received any financial aid from government or from any financial institutions and none have benefited from any business development grants or loans. Like other data on Roma there are no official figures about the number of self-employed Roma. In fact there are a few known Roma business people. For instance, the well-known Roma businessman ‘Tzar (King) Kiro’ deals with the production of alcoholic drinks and has a factory in his village, Katunitza. There are also merchants, people who deal with construction etc. Nevertheless, with an estimated background of more than 65% of Roma unemployed, their small number and therefore influence on Roma employment prospects will be limited.

Wider employment and job seeking information

A little bit more than half of the respondents (44 people) said there has been a match between their qualifications and the job they do. The methods people use to find a job are 'family', 'friends' or by 'word of mouth'. This is not a coincidence as Roma people in Bulgaria generally have no trust in the Labour Offices and hope that their relatives, friends and neighbours are a better source of information about prospective employment than branches of the State Agency on Employment.

Discrimination in employment

Similar to most of the other countries covered in the research the majority of the Roma interviewed (62%) have encountered direct discrimination when seeking employment.

The reported incidence of direct discrimination (39%) in Bulgaria may be slightly distorted because half of the people who claimed not to have experienced discrimination live in the village of Rudnik. Most people had previously worked for a local coalmine but were dismissed when the mine diminished its production; as there is virtually no local employment most people have never tried to find a new official job and therefore have never been confronted by discrimination or employment rejections.

The Czech Republic Sample

Interviews were carried out in Hodonin which is a south Moravian rural town, Ostrava which is an industrial city in north Moravia, Most which is an industrialized city in north Bohemia which has one of the highest unemployment rates in Czech Republic and in the capital Prague.

The sample in Czech Republic comprised 84 people and when asked over half of that group (52%) responded that they are Roma’, 20% determined themselves as Czech’, 19% that they were ‘Czech/Roma’ and 9% chose the other category. The gender ratio for all respondents is 40 men (49%) and 44 (52%) women. Of the group 74 (99%) are in the age range from 21 to 50 years; the most active range in the working age population

Distribution by education

The distribution by level of education is as follows:

TABLE 17 EDUCATIONAL ATTAINMENT LEVELS OF THE EMPLOYED IN THE CLUSTER					
<i>None</i>	<i>Basic</i>	<i>Secondary</i>	<i>Vocational</i>	<i>University</i>	<i>Other</i>
1	51	2	21	0	9
1%	61%	2%	25%	0%	11%

Distribution by employment status

Over 90% of those interviewed have been employed officially; had a labour agreement and paid taxes on their earnings. A third of those interviewed (29 people) said they have been employed on a causal basis; have worked or are working at present illegally. The longest period of time that people have been in continuous employment the data is as follows:

- 14 people said the longest period they have been continuously employed was between one week to six months.
- 27 people said that they have been employed continuously for over 5 years and 16 people said they have been employed for 2 to 5 years.

Distribution by the kind of work done

TABLE 18 OCCUPATIONAL CATEGORIES								
<i>Unskilled labouring</i>	<i>Skilled labouring</i>	<i>Cleaning</i>	<i>Restaurant/hotel work</i>	<i>Shop</i>	<i>Office</i>	<i>Teaching</i>	<i>Professional/management</i>	<i>Other</i>
17	22	17	3	1	0	5	0	7
24%	30%	24%	4%	1%	0	7%	0	10%

Just over three quarters (77%) of all the interviewees described their work during the period they were continuously employed as ‘Skilled Labouring’, ‘unskilled labouring’ or as

‘Cleaning’. Taking into consideration the educational status of the Roma population it is nothing surprising that these three subgroups offer the majority of employment opportunities for the Roma population.

Most of the people (63 persons or 96%) said that their longest period in employment was in official tax paying employment. The results are very similar, slightly higher at 99%, for the last periods in employment. There was however a significant change in the type of work that Roma do between their longest period in work and their last period in work. There is an alarming drop (from 30% to 20%) of people reporting that they are employed in skilled occupations; this suggests that Roma are no longer able to find or retain places in skilled employment.

Wider employment and job seeking information

Nearly 90% of respondents said there is a match between their qualifications and their job (56 persons). There is a massive difference between those who use the ‘Labour Office’ as a means of searching for employment and those who have found it successful. Nearly 90% of respondents use the ‘Labour Office’ as a means of trying to find employment but only 15% have actually found it useful in securing a job. Family and Friends are deemed the most successful method of securing employment opportunities.

Discrimination in employment

Similar to most of the other countries covered in the research over three quarters of the Roma interviewed (79%) have encountered discrimination when seeking employment. Over 50% have suffered overt and direct discrimination and have been told that they are not being employed because they are Roma.

The Hungary Sample

Interviews were carried out in Budapest (8th district); Miskolc and Eger. It is believed that the Roma population is growing in the northern regions of Hungary, hence the choice of the cities of Eger (Heves County) and Miskolc (Borsod-Abaúj-Zemplen County).

The sample in Hungary comprised of 80 people and when asked about their ethnic grouping over half (59 people) preferred the description Hungarian/Roma; and 27% said only Roma; 10% said Roma/Hungarian and 5% Hungarian. This is the only country where the national identity, i.e. Hungarian has overtaken the Roma declaration, and it does so significantly. However, there was a wide variance between the different research localities, with more than 50% in Budapest declaring themselves to be Roma, which is in line with most of the respondents in other countries. The gender ratio of the group is 45 men (56%) and 35 (44%) women. Of the group 61 of all respondents (76%) are in the age cohort from 21 to 50 years; in the most active range in the working age population.

Distribution by education

The distribution by level of education is as follows:

TABLE 19 EDUCATIONAL ATTAINMENT LEVELS OF THE EMPLOYED IN THE CLUSTER					
<i>None</i>	<i>Basic</i>	<i>Secondary</i>	<i>Vocational</i>	<i>University</i>	<i>Other</i>
2	32	15	24	4	3
2%	40%	19%	30%	5%	4%

This is the highest reported educational levels from all of the five countries included in this research; but this encouraging picture should be tempered by the fact that the sample is not representative and the figures are much higher than all currently known data related to Roma education.

Distribution by employment status

Over 90% of those interviewed have been employed officially; had a labour agreement and paid taxes on their earnings. A significant number (65%) of those interviewed said they have been employed on a causal basis; have worked or are present working illegally. The longest period of time that people have been in continuous employment the data is as follows:

- 9 people said the longest period they have been continuously employed was between one week to six months, which is very low.
- 34 people said that they have been employed continuously for over 5 years, 17 people said they have been employed for 2 to 5 years and 15 people for 1 to 2 years.

Distribution by the kind of work done

TABLE 20 OCCUPATIONAL CATEGORIES								
<i>Unskilled labouring</i>	<i>Skilled labouring</i>	<i>Cleaning</i>	<i>Restaurant/hotel work</i>	<i>Shop</i>	<i>Office</i>	<i>Teaching</i>	<i>Professional/management</i>	<i>Other</i>
16	24	13	4	2	4	5	2	9
20%	31%	17%	5%	3%	5%	6%	3%	10%

Just over two thirds (69%) of all the interviewees described their work during the period in which they have been continuously employed as ‘Skilled Labouring’, ‘Unskilled labouring’ or as ‘Cleaning’. The slightly better educational level of the Roma population in Hungary is having an impact on the most common types of work, and more people are in skilled occupations including office work and teaching than in the other four countries.

Most Roma (69 persons or 97%) who have been employed continuously said this work had been official but this percentage drops quite substantially when questioned about their last work, when only 50 (64%) are in official employment. There is no change in the type of work that Roma do between their longest period in employment and their last job.

Wider employment and job seeking information

Nearly 90% of the respondents said there has been a match between their qualifications and their job (63 persons). As with the other countries in the research there is little confidence or success given to the ‘Labour Office’ as an avenue to find employment. Family, friends and word of mouth come out strongest for the best ways of finding employment but it is noted that ‘news-papers’ are also given a higher success rate than the Labour offices.

Discrimination in employment

Similar to most of the other countries covered in the research over two thirds of the Roma interviewed (69%) have encountered discrimination when seeking employment. However only 20% have suffered overt and direct discrimination and have been told that they are not being employed because they are Roma. The vast majority of Roma 39% who believe they have suffered from discrimination recorded it “as just a feeling”. An overwhelming reason for this ‘feeling’ was based on being told on the telephone that a vacancy was still available, but when the Roma person turns up at the prospective employer they are immediately told that there is no longer a vacancy. This story was repeated over and over again by respondents.

Another feasible reason for the low Hungarian respondents citing direct discrimination can be traced to the majority of respondents in Eger who answered ‘no’ to any experience of discrimination during their job search. It was reported that the labour offices in Eger have a filtering mechanism to ensure that Roma are not sent to companies who do not hire Roma. Roma were not being sent to companies who would not hire Roma and therefore the direct discrimination was avoided and the local labour office was complicit in the discrimination process. Knowledge of this procedure was confirmed to the ERRC researchers by two separate independent sources.

The Romania Sample

Interviews were carried out in Bucharest (3,5 and 6 districts) and in four towns and a village; Dej, Campia Turzii, Turda, Cluj Napoca and Casei.

The sample in Romania comprised 78 interviews and when asked, over half (60%) responded that they were Roma', 22% determined themselves as Romanian/Roma', 15% that they were 'Roma/Romanian' and only 3% responded Romanian. The research results may come as a surprise as it is widely believed that during the last national census only a few Roma declared their ethnicity. The gender ratio of the group is 47 men (60%) and 31 (40%) women. Of the group 72 of all persons (92%) are in the age cohort from 21 to 50 years; the most active range in the working age population.

Distribution by education

The distribution by level of education is as follows:

TABLE 21 EDUCATIONAL ATTAINMENT LEVELS OF THE EMPLOYED IN THE CLUSTER					
<i>None</i>	<i>Basic</i>	<i>Secondary</i>	<i>Vocational</i>	<i>University</i>	<i>Other</i>
2	47	14	12	2	1
3%	60%	18%	15%	3%	1%

Distribution by employment status

Over 70% of those interviewed have been employed officially; have had a labour agreement and paid taxes on their earnings. However a higher percentage, nearly 90%, of those interviewed said they have been employed on a casual basis; have worked or at present working illegally. For the longest period in continuous employment the data is as follows:

- 9 people said the longest period they were continuously employed was between one week and six months, which is very low.
- 27 people said that they were employed continuously for over 5 years, 26 people said they were employed for between 2 to 5 years.

Distribution by the kind of work done

TABLE 22 OCCUPATIONAL CATEGORIES								
<i>Unskilled labouring</i>	<i>Skilled labouring</i>	<i>Cleaning</i>	<i>Restaurant/hotel work</i>	<i>Shop</i>	<i>Office</i>	<i>Teaching</i>	<i>Professional/management</i>	<i>Other</i>
39	22	4	2	0	1	2	0	4
52%	30%	5%	3%	0	2%	3%	0	5%

Just over two thirds (90%) of all the interviewees described their work during the period in which they have been continuously employed as ‘Skilled Labouring’, ‘Unskilled labouring’. Most of Roma (60 persons or 92%) who have been employed continuously said this work had been official. This percentage however drops quite substantially when questioned about their last work when only 49 (67%) are in official employment. There is little change in the type of work that Roma do between their longest period in employment and their last job.

Wider employment and job seeking information

Only a third of respondents believed that there was a match between their qualifications and their actual job and this was the only country in the research that gave such a low match. As with the other countries in the research there is little confidence or success given to the ‘Labour Office’ for being a successful avenue to finding employment. The labour office along with family, friends and word of mouth once again come out strong for the best ways of trying to find employment but all methods drop dramatically, with the exception of friends, as the most successful in actually finding employment.

Discrimination in employment

Similar to other countries covered in the research over two thirds of the Roma interviewed (71%) have encountered discrimination when seeking employment. Over 50% have been subjected to overt and direct discrimination and have been told that they are not being employed because they are Roma. Open refusal of employment simply because they were Roma was also experienced at private job agencies as one woman’s story was related “ last year I went to an employment agency as they were looking for people to place for housekeeping, baby-sitting and house cleaning work. When I went to see them they told me *‘you are a Gypsy so we cannot hire you.*

The Slovakia Sample

The research took place in the capital Bratislava, in three former industrial towns of Spis region; Popard, Levoca, Spisska Nova Ves, Brezno town, in two villages Hermanovce and Zborov and in some rural localities Janovce, Spissky Stvrtok, Iljasovce, Vilcurna, Hrabusice, Vydrnik and Hel’pa. The respondents represented the Roma population living in segregated settlements, integrated Roma living in town including the capital and in the centre of villages.

The sample in Slovakia comprised 80 people and over half (55%) responded Roma’, 16% determined themselves as ‘Roma/Slovakian’, 12% said ‘Slovakian/Roma’ and 6% responded ‘Other’. 10% of respondents determined themselves as ‘Slovakians’. The gender ratio of the group is 41 men (51%) and 39 (49%) women. Of the group 62 of all people (79%) are in the age range from 21 to 50 years; in the most active range in the working age population.

Distribution by education

The distribution by level of education is as follows:

TABLE 23 EDUCATIONAL ATTAINMENT LEVELS OF THE EMPLOYED IN THE CLUSTER					
<i>None</i>	<i>Basic</i>	<i>Secondary</i>	<i>Vocational</i>	<i>University</i>	<i>Other</i>
2	49	10	13	7	0
2%	60%	13%	16%	9%	0%

It is interesting to note that there is a higher incidence of university educated Roma, in the Slovakia sample, than the other countries covered by the research. However of more interest is the type of employment that these Roma are involved in; as nearly all are working in Roma related jobs like the Social Development Fund which focuses on Roma issues in specific communities, as Roma social workers or in the office of government specialising on Roma issues. A quote from the research was that “Roma with higher education, can only get work in Roma specific areas; otherwise they would most probably be unemployed like most other Roma.” Both the statistics and the quote support the earlier described ‘glass box’ theory which limits the employment opportunities for educated Roma.

Distribution by employment status

Over three quarters (90%) of those interviewed have been employed officially; have had a labour agreement and paid taxes on their earnings. Less than half (47%) said they have been employed on a causal basis; have worked or at present working illegally). For the longest period of continuous employment the data is as follows:

- 9 people said the longest period they were continuously employed from between one week to six months.
- 39 people said that they were employed continuously for over 5 years, 12 people said they were employed for between 2 to 5 years and 10 for 1 to 2 years.

Distribution by the kind of work done

TABLE 24 OCCUPATIONAL CATEGORIES								
<i>Unskilled labouring</i>	<i>Skilled labouring</i>	<i>Cleaning</i>	<i>Restaurant/hotel work</i>	<i>Shop</i>	<i>Office</i>	<i>Teaching</i>	<i>Professional/management</i>	<i>Other</i>
34	19	5	2	0	5	3	2	1
48%	27%	7%	3%	0	7%	4%	3%	1%

92% of all respondents described their longest period of continuous employment as working in unskilled labouring; skilled labouring or cleaning. The number and percentage that said both their longest period in employment and also their last period in employment was in official tax paid work were more or less the same in this Slovak sample (64 people or 90%). This is unlike the research findings in the other countries where in most cases there was a drop, sometimes significant, between those recently working legally. It is not surprising that with 9 university educated respondents the incidence of Roma employed in office and teaching occupations in this sample is relatively higher than found elsewhere.

Wider employment and job seeking information

Most of the respondents (92%) said there has been a match between their qualifications and their job (44 persons). The methods people use in order to find a job are family, friends' or by word of mouth and again the labour offices do not appear as a strong source of employment opportunities; twice as many people find friends a more successful avenue for finding employment than the labour office.

Discrimination in employment

Slovakia is different to the other countries covered in the research, as the majority of the Roma interviewed (52%) have not encountered discrimination when seeking employment. In this case-study – 9 of the respondents had never looked for work and therefore have never been faced or open to employment discrimination. If this sub group is not taken into account, the findings fall into line with the other country research where the majority have experienced some form of discrimination while seeking employment.

ANNEX 2 TABLES OF RESEARCH FINDINGS

QUESTION 1 WHAT DESCRIPTION WOULD BEST DESCRIBE WHAT YOU THINK IS YOUR ETHNIC GROUPING?									
<i>Self Ethnicity Response of Respondents</i>									
BULGARIA					CZECH REPUBLIC				
Bulgarian	Bulgarian/ Roma	Roma/ Bulgarian	Roma	Other	Czech	Czech/ Roma	Roma/ Czech	Roma	Other
0	8	14	54	4	17	16	0	44	7
HUNGARY					ROMANIA				
Hungarian	Hungarian/ Roma	Roma/ Hungarian	Roma	Other	Romanian	Romanian/ Roma	Roma/ Romanian	Roma	Other
4	46	8	22	0	2	17	12	47	0
SLOVAKIA					COMBINED RESPONSE OF RESPONDENTS				
Slovakian	Slovakian/ Roma	Roma/ Slovakian	Roma	Other	Country	Country/ Roma	Roma/ Country	Roma	Other
8	10	13	44	5	31	97	47	211	16

QUESTION 2 WHAT IS YOUR AGE GROUP? AND QUESTION 3 ARE YOU MALE OR FEMALE?										
<i>Country</i>	<i>Age of respondent</i>							<i>Gender of respondent</i>		
	15-20	21-30	31-40	41-50	51-60	60+	Total	Male	Female	Total
Bulgaria	5	22	29	16	5	3	80	36	44	80
Czech Republic	8	30	30	14	2	0	84	40	44	84
Hungary	5	22	18	21	11	3	80	45	35	80
Romania	4	26	31	15	2	0	78	47	31	78
Slovakia	5	21	23	18	10	3	80	41	39	80
Totals	27	121	131	84	30	9	402	209	193	402
Percentage	8%	30%	32%	21%	7%	2%	100%	52%	48%	100%

QUESTION 4 WHAT LEVEL OF EDUCATION DID YOU ACHIEVE?							
<i>Education level of respondent</i>							
	None	Basic	Secondary	Vocational	University	Other	Total
Bulgaria	30	33	10	1	2	4	80
Czech Republic	1	51	2	21	0	9	84
Hungary	2	32	15	24	4	3	80
Romania	2	47	14	12	2	1	78
Slovakia	2	48	10	13	7	0	80
Totals	37	211	51	71	15	17	402

QUESTION 5 HAVE YOU EVER BEEN EMPLOYED AND PAID GOVERNMENT TAX ON YOUR EARNINGS?			QUESTION 6 HAVE YOU EVER BEEN EMPLOYED ON A CASUAL BASIS (MONEY IN YOUR HAND AND NO TAX)?	
	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>
Bulgaria	51	29	58	22
Czech Republic	70	14	28	56
Hungary	68	12	52	28
Romania	56	22	62	14
Slovakia	65	15	38	42
Totals	310	92	238	162

QUESTION 7 WHAT IS THE LONGEST PERIOD YOU HAVE BEEN CONTINUOUSLY EMPLOYED?								
	<i>1-7 days</i>	<i>9-31 days</i>	<i>1-3 months</i>	<i>3-6 months</i>	<i>6-12 months</i>	<i>1-2 years</i>	<i>2-5 years</i>	<i>Over 5 years</i>
Bulgaria	4	7	5	3	8	10	9	28
Czech Republic	0	3	7	4	5	11	16	27
Hungary	1	1	3	4	3	15	17	34
Romania	1	2	1	5	6	5	26	27
Slovakia	1	2	1	5	2	10	12	38
Totals	7	15	17	21	24	51	80	154
%	1.9	4.1	4.6	5.7	6.5	13.9	21.6	41.7

QUESTION 9 WHAT CATEGORY WOULD YOU DESCRIBE THAT EMPLOYMENT?									
	<i>Unskilled labouring</i>	<i>Skilled labouring</i>	<i>Cleaning</i>	<i>Restaurant/hotel work</i>	<i>Shop</i>	<i>Office</i>	<i>Teaching</i>	<i>Professional/management</i>	<i>Other</i>
Bulgaria	24	12	27	1	0	1	0	0	9
Czech Republic	17	22	17	3	1	0	1	5	7
Hungary	16	24	13	4	2	4	5	2	8
Romania	38	22	4	2	0	1	2	0	4
Slovakia	34	19	5	2	0	5	3	2	1
Totals	129	99	66	12	3	11	11	9	29
%	35	27	18	3	1	3	3	2	8

QUESTION 10 WAS THAT EMPLOYMENT FULL-TIME AND TAX PAID OR ON A CASUAL BASIS?			
	<i>Taxable employment</i>	<i>Casual employment</i>	<i>Total</i>
Bulgaria	48	26	74
Czech Republic	63	10	73
Hungary	68	10	78
Romania	60	13	73
Slovakia	64	7	71
Totals	303	66	369
%	82	18	100

QUESTION 11 WHAT IS THE LONGEST PERIOD YOU HAVE BEEN CONTINUOUSLY UNEMPLOYED?									
	<i>1-7 days</i>	<i>9-31 days</i>	<i>1-3 months</i>	<i>3-6 months</i>	<i>6-12 months</i>	<i>1-2 years</i>	<i>2-5 years</i>	<i>+ 5 years</i>	<i>Total</i>
Bulgaria	0	0	3	2	1	11	12	46	75
Czech Republic	1	0	4	7	9	7	26	26	80
Hungary	7	1	9	4	9	15	9	24	78
Romania	1	1	11	7	19	15	8	11	73
Slovakia	3	0	0	3	6	8	17	39	76
Totals	12	2	27	23	44	56	72	146	382
%	3.1	0.5	7.0	6.0	11.5	14.8	19.1	38.0	100

QUESTION 12 HOW LONG SINCE YOU WERE LAST WORKING?										
	<i>presently employed</i>	<i>in the last month</i>	<i>In the last 3 months</i>	<i>Between 3-6 months</i>	<i>6 months - 1 year</i>	<i>1-2 years</i>	<i>2-5 years</i>	<i>+ 5 years</i>	<i>never employed</i>	<i>Total</i>
Bulgaria	19	7	4	2	4	13	2	23	6	80
Czech Republic	20	0	6	3	3	6	10	25	11	84
Hungary	47	0	1	0	7	5	5	13	2	80
Romania	37	9	7	3	10	2	2	3	5	78
Slovakia	32	3	1	5	1	3	4	22	9	80
Totals	155	19	19	13	25	29	23	86	33	402
%	38%	5%	5%	3%	6%	7%	6%	21%	9%	100

QUESTION 13 WAS (IS) THIS TAX PAID OR CASUAL WORK?			
	<i>Tax paid employment</i>	<i>Casual employment</i>	<i>Total</i>
Bulgaria	34	40	74
Czech Republic	65	8	73
Hungary	50	28	78
Romania	49	24	73
Slovakia	61	10	71
Totals	259	110	369

QUESTION 14 WHAT CATEGORY WOULD BEST DESCRIBE THAT EMPLOYMENT?									
	<i>Unskilled labouring</i>	<i>Skilled labouring</i>	<i>Cleaning</i>	<i>Restaurant/hotel work</i>	<i>Shop</i>	<i>Office</i>	<i>Teaching</i>	<i>Professional/management</i>	<i>Other</i>
Bulgaria	27	10	20	2	0	0	0	1	14
Czech Republic	20	15	15	5	1	0	1	6	10
Hungary	17	23	10	5	4	6	5	0	8
Romania	37	20	5	2	1	1	1	1	5
Slovakia	34	17	4	2	0	5	2	1	6
Totals	135	85	54	16	6	12	9	9	43
%	36	23	15	4	2	3	2.5	2.5	12

QUESTIONS 15 WAS (IS) THERE A CLOSE MATCH BETWEEN YOUR QUALIFICATIONS AND THE JOB YOU ARE (WERE) EMPLOYED TO DO?				QUESTION 16 WAS (IS) YOUR JOB PART OF A TRAINING PROGRAMME OR A NATIONAL/LOCAL GOVERNMENT SCHEME?		
	<i>Yes</i>	<i>No</i>	<i>Total</i>		<i>Yes</i>	<i>No</i>
Bulgaria	44	30	74	Bulgaria	14	60
Czech Republic	58	15	73	Czech Republic	16	57
Hungary	62	16	78	Hungary	13	62
Romania	27	46	73	Romania	10	63
Slovakia	59	12	71	Slovakia	25	43
Totals	250	119	369	Totals	78	285
%	68	32	100			

QUESTION 17 WHAT METHODS HAVE YOU USED TO TRY AND FIND A JOB?						
	<i>Labour Office</i>	<i>Family</i>	<i>Friends</i>	<i>Newspaper</i>	<i>TV/Radio</i>	<i>Word of mouth</i>
Bulgaria	30	14	40	8	0	35
Czech Republic	65	33	27	9	0	8
Hungary	24	34	42	27	3	19
Romania	35	11	67	34	8	26
Slovakia	36	23	45	17	2	32
Totals	190	115	221	95	13	120
%	25	15	29	13	2	16

QUESTION 18 WHAT METHODS DID YOU FIND MOST SUCCESSFUL IN FINDING A JOB?						
	<i>Labour Office</i>	<i>Family</i>	<i>Friends</i>	<i>Newspaper</i>	<i>TV/Radio</i>	<i>Word of mouth</i>
Bulgaria	19	13	41	7	1	32
Czech Republic	11	21	24	8	0	6
Hungary	11	22	43	17	1	15
Romania	12	4	59	6	2	4
Slovakia	21	22	40	9	1	24
Totals	74	82	207	47	5	81
%	15	17	42	9	1	16

QUESTION 19 HAVE YOU EVER APPLIED FOR A JOB AND NOT BEEN SUCCESSFUL BECAUSE YOU ARE ROMA?		
	<i>Yes</i>	<i>No</i>
Bulgaria	50	30
Czech Republic	58	25
Hungary	54	26
Romania	55	23
Slovakia	38	42
Total	255	146
%	64	36

QUESTION 20 IF YOU ANSWERED YES, YOU HAVE APPLIED FOR A JOB AND NOT BEEN SUCCESSFUL BECAUSE YOU ARE ROMA, HOW DO YOU ARE ROMA

	<i>Told by the employer</i>	<i>Just a feeling</i>	<i>Told by the labour office</i>	<i>Other reasons</i>
Bulgaria	33	6	2	9
Czech Republic	38	19	0	1
Hungary	13	31	3	7
Romania	25	17	7	6
Slovakia	17	15	0	6
Total	126	88	12	29
%	49	35	5	11

QUESTION 21 WHEN IN EMPLOYMENT DO (DID) YOU RECEIVE THE SAME TERMS OF EMPLOYMENT AS OTHER NON-ROMA CO-WORKERS DOING THE SAME OR SIMILAR WORK?

	<i>Yes</i>	<i>No</i>
Bulgaria	33	22
Czech Republic	65	8
Hungary	65	14
Romania	48	22
Slovakia	51	13
Total	262	79

QUESTION 22 IF THE TERMS OF EMPLOYMENT WERE DIFFERENT, WHAT DIFFERENCES DO YOU KNOW EXISTED?

	<i>Lower pay</i>	<i>Short term contracts</i>	<i>No benefits</i>	<i>No over time</i>	<i>Different hours</i>	<i>Other</i>
Bulgaria	12	2	0	20	1	4
Czech Republic	2	0	0	0	1	7
Hungary	3	5	0	0	0	7
Romania	4	2	0	0	1	16
Slovakia	0	0	1	0	0	9
Totals	21	9	1	20	3	43

ANNEX 3. LIST OF INSTITUTIONS INTERVIEWED

Name / Institution / Address	Name / Institution / Address
<i>Institutions responsible for Equality Body Functions</i>	
National Council for Cooperation on Ethnic and Demographic Issues Directorate of Ethnic Issues Council of Ministers Sofia, Bulgaria	Commission for the Protection of Discrimination Sofia, Bulgaria
Equal Treatment Authority Budapest, Hungary	National Centre for Human Rights Bratislava, Slovakia
National Council for Combating Discrimination Bucharest, Romania	
Equality Authority Dublin, Republic of Ireland	Equal Treatment Commission The Netherlands
Commission for Racial Equality London, United Kingdom	Equality Commission for Northern Ireland Belfast, Northern Ireland
<i>Labour Market Policy and Implementation Institutions</i>	
National Employment Agency Ministry of Labour and Social Policy Sofia, Bulgaria District Labour Office “Serdika”, Sofia District Labour Office “Vazrajdane”, Sofia	Ministry of Labour and Social Policy Directorate “Labour Market Policies” Sofia, Bulgaria
Ministry of Labour and Social Affairs Department of Social Policy Prague, Czech Republic	District Labour Offices for districts 3, 5, and 8, Prague, Czech Republic District Labour Office, Ostrava, Czech Republic
Ministry of Employment and Labour Budapest, Hungary	National Employment Office Budapest, Hungary
National Agency for Employment Bucharest, Romania	Labour Office, Districts 2 and 5 Bucharest, Romania
Ministry of Labour Social Affairs and Family Bratislava, Slovak Republic	Central Office of Labour and Social Affairs and Family Active Labour Market Policy and Project Management Department Bratislava, Slovak Republic
District Labour Office, Bratislava, Slovak Republic District Labour Office Kosice, Slovak Republic	City of Prague EU Funds Department SPD 3 Unit Czech Republic

NROS Civil Society Development Foundation Prague, Czech Republic	National Training Fund Prague, Czech Republic
Confederation of Industry European Economic and Social Committee Prague, Czech Republic	Ministry of Employment and Labour Human Resource Development OP Managing Authority Budapest, Hungary
European Social Fund National Implementing Agency Budapest, Hungary	Centre for Economic Development Bratislava, Slovak Republic
<i>Other Government Institutions and International Organisations</i>	
Ministry of Education Office of the Commissioner for Integration of Roma and Disadvantaged Children Budapest, Hungary	Government of Romania General Secretariat, Bucharest, Romania
The World Bank Sofia, Bulgaria	UNDP Sofia, Bulgaria
<i>Research Institutions and Nongovernmental Organisations</i>	
Romanian Academy of Science National Institute for Economic Research, Institute for Quality of Life Bucharest, Romania	Civil Society Development Foundation Bucharest, Romania
Hungarian Software Alliance Budapest, Hungary	Step by Step Programme South Transdanubian Regional Resource Centre PBC Pecs, Hungary
Autonomia Foundation Budapest, Hungary	European Study Centre for Social Policy and Employment, University of Bucharest, Romania.
Pavee Point Travellers Centre Dublin, Ireland	

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The European Roma Rights Centre (ERRC) is an international public interest law organisation engaging in a range of activities aimed at combating anti-Romani racism and human rights abuse of Roma. The approach of the ERRC involves, in particular, strategic litigation, international advocacy, research and policy development, and training of Romani activists. The ERRC is a cooperating member of the International Helsinki Federation for Human Rights and has consultative status with the Council of Europe, as well as with the Economic and Social Council of the United Nations.

Advocates challenging discrimination against women in the field of employment have noted that a "glass ceiling" often blocks the advancement of women to managerial or executive positions. Where Roma are concerned, the obstacle is rather a "glass box". In post-communist Central and Southeastern Europe, where Roma have found gainful employment at all, this is frequently in isolated "Roma jobs" dealing solely with Roma issues. A barrier exists between Roma and non-Roma in employment. Roma are fully absent from the work forces of major sectors of employment, particularly white collar areas.

This report presents the results of groundbreaking factual research in five countries, as well as legal and policy research from various contexts. The central finding of the research is that explicit, open and unconcealed racial discrimination against Roma is a fact in hiring procedures in all five of the countries at issue. A stunning 64% of all Roma survey believe that they have personally suffered discrimination on the labour market. Close to half of those persons reported to researchers that they had been explicitly told by prospective employers that the company at issue did not hire Roma. The research further revealed that public labour offices charged with assisting the unemployed in finding work in the main magnified discriminatory hiring policies by undertaking no actions whatsoever to challenge these.

A glass box excludes Roma from gainful employment, denies Roma access to major segments of the labour market, blocks Roma from having access to well-remunerated work, isolates Roma at the workplace, and secludes Roma into segregated work arrangements dealing solely with Roma issues.



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