

John Wrench

Breakthroughs and blind spots

Trade union responses to immigrants
and ethnic minorities in Denmark and
the UK



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This report is dedicated to Jan Hjarnø

Without the groundwork of knowledge laid down by Jan's own research, this report would have been so much poorer. To have had his observations on the final report would have made it so much richer.

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Glossary of organisations

Danish

LO	Landsorganisationen i Danmark	Confederation of Danish Trade Unions
DA	Dansk Arbejdsgiverforening	Danish Employers Confederation
SiD	Specialarbejderforbundet i Danmark	General Workers Union
NIF	Netværk i Fagbevægelsen	Network in the Trade Union Movement
HK	Handels- og Kontorfunktionærernes Forbund	Union of Commercial and Clerical Employees
FOA	Forbundet af Offentligt Ansatte	Trade Union of Public Employees
RBF	RestaurationsBranchens Forbund	Restaurant Workers Union
AIF	Arbejderbevægelsens Internationale Forum	Workers' International Forum
AF	Arbejdsformidling	Public Employment Service
NEL	Nævnet for Etnisk Ligestilling	Board for Ethnic Equality
DRC	Dokumentations- og RådgivningsCenteret om Racediskrimination	Documentary and Advisory Centre on Racial Discrimination
Foreningen Nydansker	Foreningen til integration af nydanskere på arbejdsmarkedet	The association for the integration of new Danes into the labour market
	Lægeforeningen	The Danish Medical Association (DMA)

British

TUC	Trades Union Congress
TGWU	Transport and General Workers Union
PCS	Public and Commercial Services Union
FBU	Fire Brigades Union
NUT	National Union of Teachers
RMT	National Union of Rail, Maritime and Transport Workers
BIFU	Banking, Insurance and Finance Union
NATFHE	National Association of Teachers in Further and Higher Education
UNISON	Public Service Union
CRE	Commission for Racial Equality

Summary

The focus of this report is trade union reactions to immigrant workers and ethnic minorities in Denmark and the UK. Through an analysis of interviews with trade union officials and activists within each country, the study compares union approaches to issues such as tackling racism, facilitating participation in union structures of power, and embracing organisational equality strategies, such as equal opportunity policies and diversity management. The study looks at how differences of structural context have implications for national trade union activities, including the “consensus’ and “conflict’ dimensions which characterise the Danish and British approaches to industrial relations respectively. The interviews were carried out with 20 activists in Denmark, most of whom were trade union members of NIF, a network for foreigners, ethnic minorities and refugees, as well as Danes who wish to involve themselves in issues of ethnic equality in trade unions, the labour market and the workplace. There were also interviews with 10 British trade union activists, specialist officers in British trade unions with responsibility for issues of ethnic equality.

Equal treatment

One dilemma for European trade unions is whether special policies, services and facilities should be established for immigrants and ethnic minorities, or whether unions should stick strictly to a policy of “equal treatment”. One problem here is the confusion that can exist around terms such as “equal treatment” or “equal opportunities”. Broader equal opportunities activities can be categorised under the following headings:

- The *equal treatment approach*. With this approach, it is believed that equal opportunities follows on from making sure that all are treated the same, regardless of ethnicity or colour. This is the classic “colour-blind” approach.
- The “*level playing field*’ approach. This recognises the need to remove some unfair barriers (of, for example, racism or discrimination) which operate in the labour market, so that all have a fair chance at the opportunities which are available.

- The *equal opportunities approach*. This aims for longer term proportional representation of minorities by a range of organisational measures, such as ethnic monitoring and targets. It might include ethnic record keeping, and elements of “positive action” to overcome the effects of past inequalities.
- The *equal outcome approach*. This uses quotas and “positive discrimination” to achieve a much shorter-term proportional representation of minorities. It is the most controversial type, seen by many to be in breach of natural justice.

An overview of British and Danish union policies since the 1970s reveals some differences in emphasis. In terms of the four different levels of activity, the British unions, after the initial “equal treatment” phase, moved on to the second phase in the 1970s and by the 1980s they had embraced “equal opportunities” activities of special policies and positive action. By the 1990s there was in the UK a far greater and more established range of policies and structures than in Denmark, with self-organisation structures for black and ethnic minority members within unions and positive action measures such as special training for minorities who are under-represented in union positions, and reserved seats on executive bodies. The UK policies also seem to have reflected, since the 1970s, a strong awareness of issues of racism and discrimination, with, in particular, over the last 10 years or so, the realisation that unions were performing poorly with regard to supporting victims of discrimination, and the institution of measures to encourage a greater effort to assist members with cases and take them to tribunals.

In Denmark, the unions held on much longer to an “equal treatment” view. In terms of special policies the Danish unions embraced changes in union structures to a much lesser degree. Instead the emphasis has been more on improving the participation of ethnic minorities in unions without significant changes to current structures. The focus of Danish union policies have been more on language and education courses for immigrants, work related training, and counselling and advice for them, including a desire to “activate” those groups that are disproportionately economically inactive. When barriers have been identified in the attitudes and practices of employers and union members themselves, the main thrust of solutions seems to be on campaigns of information and persuasion. One assumption is that changes in both unions’ and employers’ practices will come about through education, awareness raising and persuasion. This contrasts with the British approach where there is a stronger underlying assumption of the effects of racism and discrimination as processes of exclusion and a stronger focus on changing structures and policing behaviour. The specific “anti-discrimination” focus seems to be reflected less in the Danish approach.

The interviews

These national differences were reflected in the respective discourse of the 10 British and 20 Danish activists. For example, not one of the British interviewees raised any objections to the practice of monitoring the ethnic origin of the union membership, or questioned its value. Neither did any of them express any reservations about the principle of self-organised black groups within unions. With both of these policies, any debate was over the precise form that these should take, rather than over the principle itself. Several of their unions either already had reserved or additional places for black members on their executive committees, or were in the process of changing their rules in order to allow this to happen. Six of the ten British respondents described the problem of racial harassment and the union policy in relation to it, and three of the respondents recognised the problem of a culture of racist “jokes” at the workplace, and union codes of conduct against this. All ten of the interviewees talked to some extent about the problem giving practical support to members who complained of racial discrimination, and how some unions were trying to improve their record on this.

The interviews with the Danish trade unionists revealed often very different attitudes with regard to special union policies compared to their British counterparts. Only a small minority held the same opinion as the British respondents, and thought that ethnic monitoring was an essential pillar of future policies. The rest either had reservations about it, or were strongly against it. One reason for monitoring is that it allows employers to introduce targets, such as trying to represent the local ethnic breakdown of the population in the workforce. However, for most of the activists, this was going too far - this was “too soon” or “too controversial”. A minority were in support of extra training for immigrant members to equip them better for union positions, but others had reservations because it might be seen as “positive discrimination” by other union members. Similarly, there were reservations about special groups within unions, or special conferences, which were seen as “not the Danish way of doing things”. Even the more apparently straightforward “anti-discrimination” practices were relatively neglected in the discourse of the Danish respondents. Most had never even considered union policies against physical or verbal harassment at the workplace, which were again seen as not the Danish way, and the policing of “jokes” was far too extreme for any Danish respondent to contemplate.

The interviewees’ experiences of discrimination

Does the apparently weaker emphasis in Danish unions on issues of racism, discrimination and harassment at work, and on the specific union policies to combat it,

simply reflect the genuine reality of a much lesser problem of racism and discrimination in the Danish workplace? It seems not, as the Danish interviewees were well aware of the different treatment experienced by immigrants and refugees when seeking work, and of the negative experiences when in a job. Whilst discrimination at the job-seeking stage is usually hidden from the victim, once a person is actually at the workplace, any differences in the way he or she is treated are more easily recognised. Sometimes their first experience of this comes at the interview, where unprofessional and inappropriate questions are asked to ethnic minorities. When in work, the majority of the 20 interviewees could give examples of how ethnic minorities were being treated differently by co-workers and supervisors. Sometimes people didn't respect their experience or their qualifications. Often people made unjustifiable assumptions about them, rooted in some simplistic ideas about culture. Sometimes people would make racist jokes. Fellow workers would take up stories that were in the media, and they would complain that "all immigrants are criminals" or "all immigrants just come here to get money from the social security" and then finish by saying "Oh, of course I don't mean you". Examples were given such as a woman who had just finished her training as a lawyer being mistaken for the cleaning lady in a prestigious law firm, or a black NIF member putting up with the constant reference by his librarian colleagues to NIF as "Niggers in the Union". There were also clear cases of unjust denial of promotion and unfair dismissal.

The next question to ask was how the local trade union responded to cases of discrimination. Eighteen out of the twenty respondents could not describe in their own or any one else's experience one case of a trade union helping a victim of discrimination and starting the steps which might take the case to court. In the opinion of one of the NIF coordinators, one of the reasons for union passivity in cases of discrimination at work was the complete lack of knowledge of union officials on how to handle a discrimination case. Another respondent observed that in his experience, where shop stewards had acted, it was because of their own personal motivation, but without knowing at all what to do, as they had not received any training on the topic. Recently the Danish labour movement has begun a reorganisation of its central training arrangements, yet it is still not planned to include training for shop stewards on how to handle cases of discrimination.

There seems to be a paradox here. Whilst there is a clear awareness on the part of the majority of interviewees that racism and unjust discrimination are regular features of working life in Denmark, the perception of what are the appropriate measures of response to this in Denmark is very different to that in the UK. The remedies that these activists are pushing for are not those discussed by the British respondents, such as training shop stewards to deal with cases, policing racial harassment or incorporating new structures in the union to counter existing structures of exclusion. The measures that are being suggested in Denmark are those of gaining

better “integration” through information provision, persuasion, campaigns and training for diversity.

The context of public discourse

One defining difference between the political discourse in Denmark and the UK is over the concept of multiculturalism. In Britain, political leaders will intermittently endorse this concept, whilst in Denmark, not only is there no official political endorsement of multiculturalism, but it is more likely to be actively and vehemently opposed. For example, in 2001 the British Foreign Secretary made a speech stating that the British are not a “race” and Britishness cannot be defined in terms of race or ethnic background. The speech was described in one newspaper as “one of the strongest defences of multiculturalism made by a Government minister” (*Guardian* 19 April 2001). In contrast, in 2000 the Danish (Social Democratic) Minister of the Interior felt the need to forcefully reassure the public that “Denmark will never be a multicultural society”.

The climate of political discourse in Denmark is reflected in public opinion. Several respondents recognised the taboo on the word “multiculturalism”. One Danish union activist said “I myself don’t use the word “multicultural” – there’s a big resistance to it.” One interviewee lamented that the denial of multiculturalism in Danish official discourse was having a negative effect on the adoption of policies which some respondents saw as important to the future of Denmark, particularly with regard to the practice of diversity management, which stresses the necessity of recognising and making practical allowances for cultural differences between groups of employees so as to enhance business efficiency.

Unions and diversity management

One noticeable difference between Denmark and the UK is the reaction of labour movement activists to diversity management. Whereas in Denmark the development tends to be looked upon favourably, in Britain it seems to be regarded with more suspicion. For example, at the 1997 TUC Black Workers Conference a motion *opposing* diversity management was passed. Consistent with this, the interviews with the ten British trade union activists revealed attitudes of scepticism or even outright hostility to diversity management. In Denmark, the opposition by many in the labour movement to government discourse on immigrants has been expressed in a general support for the ideas of multiculturalism, and this is also consistent with a generally positive view towards the introduction of diversity management. In the Danish interviews there was no evidence of any suspicion towards it. Those who were aware of diversity management were strongly in favour of it, and saw it as the

way forward in Denmark, and the way to get ethnic equality on to the business agenda. Indeed, the language of diversity seems to have become central to the new labour movement training courses, including topics such as “intercultural communication”, “diversity management” and “the diverse working place”.

Why should ethnic equality activists in the British trade union movement have such different attitudes to diversity management than their Danish counterparts? As we have seen earlier, there is a long history of ethnic equality and anti-discrimination measures in UK unions, with reasonably strong equal opportunities and anti-discrimination policies with positive action, such as extra training just for members of minority groups who are under-represented in management level positions. Yet some diversity management advocates are adamant that there is no place for such policies in a diversity management approach. In this context British equal opportunities activists, who fought hard for positive action, do not always see diversity management as welcome. On the other hand, in the Danish context it is more understandable that ethnic equality union activists see diversity management as a progressive development. They see diversity management as a way to break down the barriers to equal employment that exist within the Danish labour market. Unlike in the UK, Danish unions are used to consulting with and co-operating with employers far more in workplace agreements, and many large Danish employers themselves also welcome the development of diversity management. Also, the context of political discourse on multiculturalism is much more negative in Denmark than in the UK. Thus in Denmark, the embracing of a multicultural philosophy by unions is progressive in the context of a national debate where politicians generate an assimilationist and “anti-multiculturalism” discourse. Furthermore, multiculturalism sits very well with diversity management. In Britain however, a multicultural diversity management approach is contrasted not with “anti-multiculturalism”, but with an alternative ethnic equality approach, namely equal opportunities with elements of positive action. People who have been active in equality struggles within the British trade union movement see a move to diversity management as a “soft option”, a retrograde, not a progressive step, in a context where there are already a great number of anti-racist, anti-discrimination and equal opportunities initiatives underway.

Given the Danish trade union activists’ positive view of multicultural policies, this is consistent with the approach of the unions’ new training initiatives which emphasise diversity, respect for cultural difference, and the breaking down of barriers to communication problems. However, an over-emphasis on this, in the context of a broader tradition of tackling ethnic inequality through educational campaigns and awareness raising, has led to a neglect of those forms of anti-discrimination which involve, for example, changes in union structures and the policing of discriminatory behaviour.

Thus it could be argued that union activists in Denmark and the UK, coming from their different traditions, have correspondingly different blind spots. The British activists, many of whom are rooted in a politicised “race relations” tradition, resist the breaking down of the black/white dichotomy into smaller ethnic classifications and are suspicious of the consensual diversity management approach. In this they miss the positive potential of diversity management as a way of getting ethnic equality mainstreamed into business life, and of facilitating ethnically sensitive services. The Danish union activists, with their tradition of consensus and cooperation, and their embracing of multiculturalism, miss the strength of anti-discrimination policies which could more effectively tackle the exclusion experienced by immigrants and ethnic minorities in Danish working life.

Chapter 1 Introduction

The focus of this report is trade union reactions to immigrant workers and ethnic minorities in contrasting national contexts within Europe. Through a programme of interviews with trade union officials and activists within in Denmark and the UK, supplemented by documentary material on trade union initiatives in this field, this study attempts to provide an insight into the responses of unions to issues of particular importance to their immigrant and ethnic minority membership, such as tackling racism, facilitating participation in union structures of power, and embracing organisational equality strategies such as equal opportunity policies and diversity management. The study looks at similarities and differences of discourse and practice on this issue in two countries with very different industrial relations traditions, and examines how differences of structural context have implications for national trade union activities, especially the “consensus” and “conflict” dimensions which characterise the Nordic and Anglo-Saxon approaches to industrial relations respectively.

Trade unions and immigrants

It has been suggested by Penninx and Roosblad (2000) that there are three dilemmas confronting trade unions regarding immigration and immigrant workers:

- The first is whether to resist state immigration policies, or to co-operate with them in order to influence their operation so as to minimise negative consequences for union members.
- The second dilemma arises when immigrants have arrived: should they be included in the union and accorded the full protection given to existing members.
- The third dilemma arises when immigrants are members: should special policies, services and facilities be established for immigrants and ethnic minorities within the workplace or within unions themselves.

Following the evidence of the 1960s and 1970s there developed a certain “pessimism” regarding trade unions and migrant labour, based on two observations. One of these

relates to the first dilemma, and one relates to the second. The first observation was that trade unions have often opposed immigration on principle, and welcomed immigration restrictions, as part of the classic union role of limiting the labour supply in order to keep the price of labour from falling. The second is that even though, by the same classic argument, once immigrants were in the country, it should be in the interests of unions to embrace and organise them to ensure equal wages and conditions and prevent divisions in the working class, in reality unions frequently operated racist and exclusionary practices against them. There are many examples of this in the UK in the 1950s, 1960s and early 1970s, where there were, for example, conference resolutions and protests by union members who didn't want to work alongside black workers, marches in favour of populist anti-immigrant politicians, co-operation with management in allocating inferior pay and working conditions to immigrants, and a refusal to punish union members for openly racist stances and actions (Fryer 1984; Ramdin 1987; Duffield 1988). This led some British academics such as Gilroy (1987) to argue that trade unions operated racist and exclusionary practices against migrant labour because this gave white British workers economic benefits, and he saw this as consistent with the historical fact that the white working class had gained economic benefits from colonialism. Writers such as Gilroy were consequently pessimistic about the possibility of breaking down the barrier between white and black to create inter-racial solidarity or engage in inter-racial working class action.

However, this position of theoretical pessimism has been modified by subsequent writers such as Virdee (2000), who argued that you have to understand the exclusionary activities of British unions in the particular historical and economic context of the 1960s. He explains how during the 1970s, for a number of reasons, trade unionists came to realise that their economic interests could not be maintained through exclusionary practices. Therefore ordinary trade union members increasingly rejected racist practices and engaged in "inter-racial" activism on the grounds that divisions created by racism were harmful to their interests (Virdee 2000: 559-560). The 1970s was a decade of great political activity within British unions by black activists, in cooperation with white anti-racists, which succeeded in getting issues of racism and discrimination into members' consciousness and onto union agendas. This initially included black self-organised groups which later became formalised into the structures of British unions (Virdee and Grint 1994). From the 1970s onwards an increasing range of anti-racist policies were developed by the Trades Union Congress (TUC) and within individual unions themselves in Britain.

Similarly, with regard to immigration, the evidence of the 1980s and 1990s has produced a more complex picture than the original "pessimistic" one, with European union leaders increasingly opposing restrictive immigration policies by European governments. Julie Watts (2000) in her study of union policies in Italy, Spain

and France, concluded that, given the difficulties that states have in controlling immigration, and the fact that restrictive policies simply serve to increase the instability of immigrant workers, a rational policy is therefore to support relatively open immigration policies so as to increase the stability of immigrant workers and cause less damage to native workers' interests. Similarly, Avci and McDonald, observing the opposition to restrictive immigration policies by the TUC and individual British trade unions during the 1990s, conclude "this would appear to illustrate a new degree of solidarity with immigrant labour rather than the hostility that traditional interpretations of the situation would lead us to expect and which previously both employers and race-baiting politicians had been able to exploit. This is indicative of an important shift in the position of the unions" (Avci and McDonald 2000: 202-3).

This takes us away from the notion that ordinary white trade unionists and their unions somehow "naturally" tend to racist exclusion. Clearly, the pessimistic view of trade unions and immigrant workers is, at the very least, overstated. Firstly, in the past two decades across Europe stances on immigration have changed, and secondly, unions in many EU countries are starting to introduce a range of special measures and policies related to migrant and ethnic minority workers. Examples of these are stronger anti-racism and anti-discrimination measures at work and in the union, positive action measures such as special training policies and other measures to encourage under-represented minorities to take union positions, modifications to union rules and structures to facilitate the active participation of migrants and minorities, and measures to support, regularise and unionise undocumented workers. Recent developments at EU level have provided an incentive for greater activity on this issue by unions. The European Race Equality Directive¹ came into force in 2003, necessitating some awareness-raising on the part of both employers and unions on issues of racism and discrimination at work.

Combating discrimination

This takes us to the third dilemma of Penninx and Roosblad, the extent and nature of special policies for immigrants and ethnic minority membership. This report focuses in particular on one area of special policies – combating discrimination. In 2002 the European Trade Union Confederation (ETUC) began a programme to identify and encourage "good practice" in this field among its membership. As part of an initial information-gathering exercise the ETUC commissioned a survey, and a questionnaire was sent to affiliated national trade union confederations (ETUC

¹ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

2003). Answers came from 24 confederations including all the EU countries (except Greece). Responses showed that, for example, the single most important topic in their advice work for migrant and ethnic minority membership was “advice on discrimination at work”. Similarly the most common issue for union campaigns was said to be “combating discrimination”. This suggests that racial or ethnic discrimination is now on the agenda of unions, at least at confederation level. However, this overall positive development masks the variety between unions in different Member States regarding the nature and priority of their actions against discrimination. Much of this division of difference must be understood in the context of the north-south divide in the EU, with northern European countries more concerned with informal racial discrimination, its implications for the opportunities of an established second or third generation of post-war migrant origin, and the equal opportunities and anti-discrimination strategies to combat this, whereas in countries of southern Europe unions tend to be more preoccupied with the issues of a relatively recent influx of immigrants, working precariously on short term work permits, and with a very large problem of undocumented workers suffering extreme exploitation (Wrench 2000). However, there is also great variation within this division. For example, Spanish trade unions have for many years operated special centres to help immigrants, provided a wide range of social services and other assistance, strongly encouraged them to join the unions, and fought for the rights of undocumented workers, whereas Greek trade unions have virtually no history of any special measures for migrant workers, and have largely ignored and excluded them. (Only in 2001 did the General Confederation of Labour in Greece announce its intention to allow union membership to migrants.)

In the light of such national variation, it is interesting to carry out more detailed comparisons between unions in Europe. This research compares trade unions in two countries of northern Europe, the UK and Denmark, focusing on an issue which falls into the third dilemma – the nature of union special policies against racism and discrimination. One reason for comparing the UK and Denmark is because they represent a broader division within union movements in Europe, namely those that are contrasted on the dimension of union legitimacy and power, and institutionalised cooperation in society.

The UK has a longer and more varied history with regard to ethnic equality and anti-discrimination policies than Denmark. In terms of anti-discrimination measures the UK is thought to be in advance of many other EU countries, largely because of its more ready adoption of elements of the earlier experiences of the USA in this field. In many dimensions the UK is becoming a more self-consciously “multicultural” society. British trade unions have inevitably been affected by these developments. In Denmark, issues relating to migrant workers, immigration and refugees are increasingly featuring in public debate. The issue of ethnic discrimination

has become topical, partly because of the law on workplace discrimination which came into force in July 1996, and also because of growing evidence that there is indeed a problem. However, in Denmark, like in many other EU countries, these issues have been later to develop than in Britain, and trade unions have not embraced the range of initiatives now accepted as relatively “normal” in the UK. There is sometimes an assumption that this is just a question of time - that the issues which have arisen in Britain, and the policies that have developed in reaction to them, will inevitably have a relevance for unions in other European countries. Danish trade unions have, for example, on occasion invited trade union representatives from Britain over to Denmark to learn about British policies relating to migrant and ethnic minority members. However, it may well be naive to assume that all British policies and practices can simply be transplanted into a very different Danish context.

Nordic and Anglo-Saxon models

It has been argued that a major distinction can be made between countries in which unionism is demarcated along industrial lines, (e.g. Sweden, Norway, Germany) and countries which have craft and general unionism. Denmark and Britain are both examples of the latter (Scheuer 1992). However, despite this, there are probably more differences than similarities between Denmark and Britain, characterised respectively by the Nordic and Anglo-Saxon systems of legal regulation of employment. The UK is a voluntary industrial relations system, with little parliamentary involvement in industrial relations. Collective agreements are considered private arrangements, without force of law. In Denmark, as in the UK, collective bargaining agreements are established on a voluntary basis. However, unlike the UK, once established they are legally binding (Scheuer 1997). Whereas in other countries issues such as limits on overtime, maximum working hours, shift working, notice of redundancy, etc., are regulated by legislation, in Denmark they are regulated by collective bargaining. The collective responsibility for policing agreements gives trade unions in Denmark a great deal of formal power, and this exists largely independent of membership militancy and is less sensitive to unemployment (Scheuer 1992). In Britain, in contrast, the level of union power reflects more directly the context of recessions or economic upturns.

There are major differences in the Anglo-Saxon and Nordic models of labour market regulation (Nielsen, 1995). One dimension which can be used to characterise the British and Danish approaches respectively is that of “conflict” versus “consensus”. Although conflict is inherent in all systems of industrial relations, it is true to say that in some EU countries industrial relations is characterised by relative

cooperation and interdependence between the two sides, whereas in others conflict and confrontation are seen as more “normal”. An article in the *Nordic Labour Journal* in (Pedersen 1997) gives an illustration of what happens when these consensus and conflict systems meet on European Works Councils, or Cooperation Committees. These are committees which according to an EU directive must be introduced into all European businesses that have more than 1000 employees in two or more European Union (or European Economic Area) countries. When trade unionists from different EU countries meet on the committees, their different traditions and expectations can lead to problems of working together. For example, Scandinavian representatives have a long tradition of discussion and entering into flexible agreements, which is quite different to the situation in France and in the south of Europe. One of the senior shop stewards from one of the Scandinavian countries is quoted in this article as saying that: “We notice quite clearly that delegates from certain countries do not know how to cooperate.” He found that representatives from the Nordic countries tend to think in the same way, whereas the French and the British unions are very political. He felt that “In union terms, we probably all have the same priorities. It’s more the way we negotiate that’s different. The others are very polemic and occasionally violently aggressive”. (It is said in this article that the Scandinavian representatives were quite shocked when the French representatives called their managing director “a stupid pig”.) Furthermore, the French tend to refuse when management asks them to keep information confidential, whereas the Scandinavians accept this. This is because they are used to being given all the relevant information by their national managements in Scandinavia, whereas the French generally have to fight to be told anything. The French think the Nordic representatives are “too soft” whereas the Nordic representatives say they are not soft, but they are aware that it is in their interest that the business makes money.

There are a number of recent publications which have set out the specificities of “the Danish model”, with its implications for trade unions and the character of industrial relations, showing clear contrasts with British experience (Scheuer 1992, Due et al 1994, Lind 1995, Nielsen 1995). Although one study has compared Denmark, the UK and Norway on union bargaining practices (Scheuer 1997) there has been no study of the implications of Nordic – Anglo-Saxon differences for issues relating to migrant labour. The aim of this research has therefore been to explore the similarities and differences with regard to this issue in the Danish and British contexts. The research works from the premise that a proper understanding of union reactions, discourse and policies in both countries will only be possible by relating these to broader structural contexts, including the conflict-consensus dimension.

As a classic example of a “consensus” system, the Danish model of industrial relations has been summed up as follows:

The main features are a highly organised labour market both on the employers' and the employee's sides, with widespread co-operation and consensus between trade unions and employers and their organisations; centralised and nation-wide collective agreements; widespread codetermination/democracy in working life; active state support of class collaboration with an effective system of conflict solution; and comprehensive state intervention in the labour market characterised by corporatist (tripartite) decision-making processes and implementation (Lind, 2000: 146).

In contrast, British unions have not had the political legitimacy of their Danish counterparts, nor the institutionalised cooperation. In Britain the unions' stance has been characterised historically as "a resistance to change and an adversarial posture in the workplace" (Edwards et al. 1992: 5). In Britain, both the unions and the employers organisations are relatively weak compared to Denmark. Britain has many more large employers, whereas Denmark is characterised by the predominance of small and medium sized firms, a structural factor which induces employers to form organisations and conclude collective agreements with trade unions (Due et al. 1994). Correspondingly, the attitudes of Danish governments of recent years have not been antagonistic towards unions, in strong contrast with the way that the Conservative government behaved towards British unions between 1979 - 1997. The reduction in power of British trade unions over this period was the result not only of economic forces but also of political ideologies and government legislation designed to reduce union collective power and influence.

Amongst other things, the practical significance of trade union policies on ethnic minorities and migrants might depend on the level of union density. In Denmark the rate of organisation among employees is the highest in the EU, rising from 65 per cent in 1970 to 85 per cent in 1994. Over the same period that trade union density in Denmark was rising, in Britain it was falling. In 1979 trade union membership density² in Great Britain was 55.8 per cent; in 1998 it was 29.6 per cent (Waddington 2000: 585). Indeed, in a table of trends in trade union density in the 1980s in 17 advanced capitalist countries, Denmark was at the top with the greatest increase in membership density, and Britain was at the other end of the table with the greatest decline, only outdone by the USA (Kelly 1988: 269). The strength of Danish unions lies not simply in numbers, but in the integration of powerful central organisations and effective workplace representation mechanisms (Ferner and Hyman 1992).

It seems that the level of ethnic minority membership of unions can be more accurately determined in the UK than in Denmark. This may seem paradoxical, as

² . i.e. union membership expressed as a proportion of all employees, except those serving in the armed forces. The figures relate to Great Britain only, i.e. they exclude Northern Ireland

Denmark has a computerised and centralised population register whereas the UK has to rely on a less accurate 10 yearly census. However, on the past two occasions the census has included categories of (self-identified) ethnic origin, reflecting a greater acceptability of the use of this kind of data in the UK. Employers and trade unions increasingly register the ethnic origin of their workforce and members along the lines of the census categories, and these can be used to determine the degree to which, for example, a workforce reflects the ethnic breakdown of the local population. In Denmark there are legal and cultural obstacles to the local registration of ethnic origin.

The evidence that exists suggests that in both countries, ethnic minorities are significantly represented as trade union members, and in the UK there is evidence that some ethnic groups have a higher rate of representation than the average. However, a higher than average representation may be for different reasons. For example, it might be the result of the fact that migrant workers are simply concentrated in those industrial sectors or occupations which exhibit a high union membership rate, regardless of the ethnic background of the workers. It might also reflect a greater ideological sympathy by groups of migrants to unions, rooted in anti-colonial struggles prior to migration. Both these have been suggested in the case of the UK (Wrench 1987). Alternatively a high representation may reflect legal or administrative imperatives, such as in Denmark, where the generally high membership rate reflects the fact that the unions are important providers of services and administrators of unemployment funds (Scheuer 1992; Lind 1995). Furthermore, foreign workers were for a while obliged to join an unemployment insurance scheme during their first two, vulnerable, years of employment.

In Britain, the most important post-war migrant groups have been those from the West Indies, India, Pakistan and Bangladesh, as well as Asians from East Africa. In Denmark, the immigrants who came to work in the 1960s and 1970s were mainly Turks, Yugoslavs, Pakistanis and Moroccans, and more recently there have been refugees from a broader spread of countries. However, the significance of the differences between the two countries lies not so much in the ethnic differences of the immigrants but in the presence or absence of a colonial past. In the UK immigrants had political rights based on the former colonial relationship, and a knowledge of the language and culture of the “host” country, as well as a feeling that the former colonial country had some sort of duty to fulfil towards them, a feeling shared in the 1950s by some TUC leaders (Vranken 1990: 49). In Britain a “radicalisation” of migrant workers and their descendants through the nature of their colonial origin and their subsequent experience in Britain feeds into the “conflict” dimension. In Denmark, there was no such colonial past, and migrants had no prior historical links with the country. Another difference is that over the last 20 years or so Denmark has taken in a higher proportion of refugees than the UK, including the Vietnamese

in the early 1970s and Ethiopians and a range of Middle Eastern refugees in the 1980s. The higher proportion of refugees amongst the migrant membership in Denmark has implications for union participation, as often refugees have a fear of activist involvement in unions because of their recent experiences in their countries of origin. A far greater proportion of immigrants and refugees in Denmark come from a Muslim background than in Britain, and this has particular implications for the tone of anti-immigrant discourse in Denmark.

Methodology and sources of data

The main source of original material for this research was a programme of interviews with 30 activists for ethnic equality, 20 in Denmark and 10 in the UK. Most of the 20 activists in Denmark were trade union members of NIF, or *Netværk i Fagbevægelsen*, which translates literally as “Network in the Trade Union Movement”. NIF is not a separate trade union organisation in itself but a network for foreigners, ethnic minorities and refugees who are members of trade unions, as well as Danes who wish to involve themselves in issues of ethnic equality in trade unions, the labour market and the workplace. The aim of the initiative is to improve access for ethnic minorities to the labour market, build bridges between ethnic minorities and the trade unions, and get ethnic minorities more active in union work.

Qualitative interviews were carried out with a total of 17 NIF activists. (One of the central co-ordinators of NIF was interviewed twice). Some of the interviews were with members of the national coordinating committee of NIF in Copenhagen, and others were activists from the regions. The interviews were open-ended, and covered topics such as the personal background and experience of the interviewees, their own work and union experience, why they joined NIF, their views on any problematic issues in the relationship between Danish trade unions and ethnic minorities, their own activities within NIF, their perceptions of labour market discrimination, what they would like to see in terms of union policies. The interviews generally took place at the place of work or residence of the interviewees, or in their local union offices, in various parts of Jutland, Funen and Sealand. The respondents came mainly from four unions: the *Specialarbejderforbundet i Danmark* (SiD), the *Handels- og Kontorfunktionærernes Forbund* (HK), the *Forbundet af Offentligt Ansatte*, (FOA) and the *RestaurationsBranchens Forbund* (RBF).³ Interviews were also carried out with a further three activists for ethnic equality who were not members of NIF but who

³ At the start of the research these respondents were in the Restaurations-og Bryggeriarbejder Forbundet, but this split into two separate unions in 1999.

were working in NGOs in Copenhagen which were concerned with ethnic equality issues and whose daily work put them in a good position to comment on the activities of the trade unions in this field. The first of these is the *Dokumentations- og Rådgivningscenteret om Racediskrimination*, the Documentary and Advisory Centre on Racial Discrimination, generally known as the DRC. The DRC documents racially motivated discrimination in Denmark and amongst other things provides guidance and legal advice to victims of racial discrimination. The second organisation is one called *Foreningen Nydansker*⁴ established in 1998 by a number of human resource managers from several large Danish businesses. It acts as a pressure group organisation to work for the improved employment integration of “new Danes” and highlight the potential and qualifications of immigrants and ethnic minorities in Denmark. By 2001 more than 150 public and private sector companies and organisations, including major trade unions, had signed up as members.

This made a total of 20 people interviewed in Denmark. The interviewees comprised eight women and twelve men. Ten of the 20 interviewees came from an immigrant or ethnic minority background themselves. Most of the interviews took place in 1999 and 2000. There was then a gap in interviews in 2001 when the NIF network suffered a funding crisis, the secretariat was lost, and activities declined. Funding was regained and the secretariat started to be fully operational again on 1st January 2002. The last five interviews took place during 2002.

Other material for the Danish side of the project came from observation and intermittent participation in NIF activities over a three year period. The author held regular meetings with the central NIF co-ordinators in Copenhagen. On two occasions he attended one-day national meetings of NIF activists, one in Copenhagen and one in Århus. He participated in two national NIF work conferences, each lasting two days. He also participated in a three day study tour by Danish trade unionists to London, to meet representatives of the Trades Union Congress, the Commission for Racial Equality and other organisations, and learn about the British experience in relation to trade unions and ethnic minorities. Finally he participated with NIF members in a number of meetings and conferences as part of an international exchange of trade union experience on immigrants and trade unions in Europe. This came about through the involvement of NIF in a two year EU funded comparative project on trade unions and racism.⁵ The project consisted of three national partners, Denmark, France and Spain, each national project being a co-

⁴ The full title is “Foreningen til integration af nydanskere på arbejdsmarkedet” which means the association for the integration of new Danes (immigrants) into the labour market.

⁵ The OSIME project - *Organisations Syndicales, Immigrants et Minorités Ethniques en Europe* (Trade Unions, Immigrants and Ethnic Minorities in Europe). European Social Fund ‘INTEGRA’ Project no. I 1997 DK 508

operation between trade unionists and researchers, exchanging experiences and ideas on practices on the issue of racism and discrimination. The author participated in a number of meetings and conferences in Paris, Copenhagen and Madrid between October 1997 – March 2000, gaining an insight into experiences which helped to put the Danish activities in an international context. In particular, in the current report, the comparison between the activities of the Danish and Spanish unions are used in order to theoretically de-limit the later comparison between Denmark and the UK.

Interviews were also carried out with 10 British trade union activists for ethnic equality. It was felt that fewer interviews were necessary in the case of the UK, as there already exists quite an extensive academic literature on British trade unions, racism and ethnic equality.⁶ The interviewees were all specialist officers in British trade unions with special responsibility for issues of ethnic equality, apart from one, who was the General Secretary of a union who had a particular interest in ethnic equality issues. Two of the interviewees held an ethnic equality responsibility within the Trades Union Congress (TUC) and the remainder came from the following unions: the Transport and General Workers Union (TGWU), the Public and Commercial Services Union (PCS), the Fire Brigades Union (FBU), the National Union of Teachers (NUT), the National Union of Rail, Maritime and Transport Workers (RMT), the Banking, Insurance and Finance Union (BIFU), the National Association of Teachers in Further and Higher Education (NATFHE) and the Public Sector Union (UNISON). The interviewees comprised four women and six men, and six of the interviewees were from an ethnic minority background themselves. Two of the individuals were interviewed more than once, at different stages of the project.

The interviews were carried out in English. Most of the interviews were tape recorded and fully transcribed. In the case of the Danish interviews, this meant that when a Danish interviewee felt more comfortable in switching to Danish in order to explain a point where he or she did not have the technical vocabulary in English, this could be translated later with the assistance of a native Danish speaker. The interview transcripts were then marked up according to main topic subheadings, and the material under these subheadings summarised in note form on a wall chart, to facilitate analysis. The main topic subheadings covered issues such as the respondents' awareness of problems and incidents of racism and discrimination at work, their awareness of and response to various anti-racist and anti-discrimination measures which are available to employers and to trade unions, and their knowledge of any trade union "good practice" or "bad practice" in this field. Apart from these headings,

⁶ See, for example, Radin 1966, Bentley 1976, Phizacklea and Miles 1980, Lee 1984, Ramdin 1987, Wrench 1987, Virdee and Grint 1994, Wrench and Virdee 1996, Virdee 2000.)

which were common to every interview, the respondents were given the flexibility to range freely over other issues which they saw as relevant to the focus of the study. Interviews generally lasted between one and two hours. Whilst the analysis of unstructured interviews is inevitably a somewhat subjective process, in this case the core of the interview material remained the respondents' knowledge of and opinions on various anti-discrimination measures relevant to trade unions. The responses on these topics were relatively clear and tangible, and the classification and analysis of this material was therefore relatively unproblematic.

It is not claimed that a total of 30 interviewees can be representative of the membership of their respective trade union movements. Indeed, by the very fact that in both countries the interviewees are leading ethnic equality activists, they are in some senses rather *un*-representative of the majority membership. However, they were chosen because they represent the "vanguard" of opinion in both labour movements on issues of ethnic equality and combating ethnic discrimination, and in this sense they were clearly representative of their respective labour movements regarding the current directions of thought and policy on this issue.

Terminology

There are differences in terminology which have made it difficult to use common concepts between the two countries in this project. In the UK, common usage employs the term "ethnic minorities" to cover the post-war immigrants and their descendants. The word "immigrant" is rarely used, and the term would be seen to be particularly insulting for those born in the UK. The term "Asian" is conventionally used to apply to people from India, Pakistan and Bangladesh. Sometimes the term "black" is used in Britain to include visible minorities from both Asian and Caribbean groups. However, the British census does not adopt this usage of the term "black", restricting it to "Black-Caribbean", "Black-African" and "Black-Other", and some people use it in this restricted sense, referring to "black and ethnic minority" groups or "black and Asian" groups. In political left and trade union circles, however, the term "black" is still frequently used in a political sense to cover all visible minorities, including Asians. In this report, there are interviews with British trade union activists and references to British trade union institutions and documents, and most of these use the term "black" in this broadest sense. For this reason, in this report, when drawing on the British trade union material, the term "black" will be employed in this broader way too.

In Denmark the terminology is different. The word "immigrant" is commonly used, even for the second generation with Danish citizenship. In recent years there

has been a preference by some pressure groups to substitute the word “New Danes” for immigrant, but this usage has not yet spread widely into public or media discourse. Increasingly researchers, political bodies and some trade unions are using the term “ethnic minorities” but in general public usage this has still not replaced the word “immigrant”. Thus, when referring to the interviews with Danish respondents the terms both “immigrant” and “ethnic minority” will be used interchangeably, as both of these were used by respondents themselves. Another difference with the British and Danish discourse is that Danish respondents contrast minority ethnic communities with the “*Danish*” majority whereas British activists do not use the word “British” in this sense, and contrast “black” or “ethnic minority” groups with the “*white*” majority. Even ethnic minority respondents in Denmark referred to the majority population as “Danes” and will, for example, talk about “meetings where ethnic minorities and Danes attended together”.

Thus the principle in this report is that the terminology dominant in a particular country will be used to refer to the research material from that country, even though this often renders the usage inconsistent between the two countries. This principle leads to some difficulties in the writing of this report. For example, when reference is made to the 20 “Danish interviews”, in order to contrast them with the 10 “British interviews”, this includes all the respondents who were interviewed in Denmark, including the ethnic minorities. However, when reference is made to “a Dane” in the interview material from the Danish respondents themselves, this refers to a white majority Dane, as opposed to someone from an immigrant or ethnic minority background.

Chapter 2 The context of union policies in Europe

When looking at European trade union responses to immigrants a useful starting point is the work of Penninx and Roosblad (2000) and their comparative study of the actions of trade unions with regard to immigrants in seven countries of western Europe between the years of 1960 – 1993. Although our focus is after this time period, their study is valuable in two ways. Firstly it sets out many of the theoretically important issues for the present study, and secondly it provides a great deal of factual information on trade union policies up to 1993. (However, Denmark is not one of the countries covered by the Penninx and Roosblad study.)

As stated earlier, Penninx and Roosblad argue that trade union policies towards migrant and minority ethnic workers can be categorised by three dilemmas. The first is whether to resist state immigration policies, or to co-operate with them. The second dilemma is whether immigrants should be included in the union and accorded the full protection given to existing members. The third is whether special policies, services and facilities should be established for immigrants and ethnic minorities within the workplace or within unions themselves. This chapter will first consider these dilemmas in a little more detail, and then reflect on how they relate to the policies of the union movements in the UK and Denmark since the 1960s.

The responses of unions to immigration

Working from a traditional analysis of the function of trade unions, it would seem to be logical that unions should resist immigration. From the very outset, under industrial capitalism, work was reduced to a commodity, a factor of production to be bought and sold in a market, and the logic of the system demanded that businesses would attempt to locate and hire this commodity at the lowest price. In response to this, the classic function of trade unions is to keep the price of labour from falling by using a dual strategy: first, to limit the labour supply, and second, to demand and impose equal wages and conditions (Martens 1999: 220). In this sense it should be in the interests of trade unions to limit the labour supply through opposition to immigration.

In practice the “right” policy for trade unions was far more ambiguous. The dilemma for unions was summarised by Penninx and Roosblad as follows:

Trade unions on the one hand feared that labour migration would be to the disadvantage of indigenous workers, since wages could be kept low and obsolete industrial sectors could be maintained because of the influx of foreign labour. They also had fears of a labour surplus and the opportunity for employers to turn to an alternative source of labour in industrial disputes. On the other hand they realised that in particular sectors of industry, migrant labour was indispensable, at least in times of economic expansion. Moreover, trade unions had always shown a tradition of international solidarity (at least verbally). Too open a resistance against immigrant workers (if that were the policy) would therefore not be in keeping with this ideology (Penninx and Roosblad 2000: 4).

As it happened, in the aftermath of the Second World War unions were not in a position to resist successfully the influx of large numbers of immigrant workers into the industrialized economies of Western Europe, and in many countries unions occupied themselves simply with negotiating the conditions for the entry and employment of the immigrants. After the mid-1970s the nature of the dilemma changed. As Penninx and Roosblad put it, “trade unions were relieved of their original dilemma in so far as most governments implemented very restrictive policies relating to immigration for reasons of employment, and trade unions had only to endorse such policies” (Penninx and Roosblad 2000: 7).

At the end of the period of primary labour migration, in the early 1970s, it was often assumed that labour migrants would return home. Instead, a second migration period began, that of family reunification, consisting primarily of the wives and children of the labour migrants. Whilst this wave of migration reached its peak in the late 1970s it still continues to some extent. By the 1980s the family reunification wave of migration was replaced by a third wave of international migrants, characterised by Wren and Boyle (2001: 8-9) as “post-industrial migration”. This wave was more diverse than the earlier waves. It reflects a greater emphasis on “push” factors, and contains within it more polarised extremes, such as wealthy and skilled migrants moving to take new jobs, dispossessed and impoverished refugees and asylum seekers, and clandestine migrants coming to work in the informal economy.

In the new context, as Haus (1999) puts it, the expectations that unions will naturally favour restrictionist immigration measures does not necessarily apply, in an era when forces of globalisation and technological change mean that long distance migration is easier and transnational networks can sustain migration flows.

If one ... assumes that it is not possible to fully control migration flows at reasonable cost, then one would not expect unions to pursue an unattainable outcome of complete restrictionism. Instead one may expect unions to focus on an alternative outcome: organization of foreign-born workers, which is facilitated by abandoning

a restrictionist posture. Organizing foreign-born workers advances the interests of native workers. Absent organization, foreign-born workers undercut unionized native workers (Haus, 1999: 686)

Similarly, Watts (2000) argues that labour leaders in Europe recognise the difficulties that states have in controlling immigration, and that therefore a rational policy is to oppose restrictive immigration policies which might increase the instability of immigrant workers and cause damage to native workers' interests.

Union organisation of immigrants

Penninx and Roosblad put the second dilemma as follows: "should foreign workers be regarded as an integral part of the rank and file of the trade union movement and therefore actively recruited as members, having the same rights as any worker, or should they, as foreigners and/or temporary employees, be excluded partly or completely from full union membership or at least from the privileges of protected worker status?" (Penninx and Roosblad 2000: 8).

In theory, there should be no "dilemma" about this at all. Immigrants should be embraced and organised on equal terms with the majority population. If immigrants remained as an excluded block outside trade unions, this would lead to segmentation within the labour force which could be exploited by employers and would undermine trade union power. As Martens (1999: 220) puts it, "Having failed to stem the flow of immigration ... the unions were left with no alternative but to demand equal treatment and equal pay". However, in practice, things did not necessarily work out in this way. Although in theory the extension of membership to migrants and the principle of equal treatment should have been seen as vital in the fight to defend and improve working conditions, in practice this was often contested by existing union members. In particular, as we shall see later, this was the case in Britain during the first years of post-war migration.

Special policies

Penninx and Roosblad introduce the third dilemma as follows: "If trade unions solve the second dilemma in favour of including migrant workers, based on the view that indigenous and migrant workers belong to the same class, and fundamentally share the same rights, they are still confronted on a daily basis with actual or alleged differences between the two categories." These differences could be rooted in a range

of things, such as the cultural and ethnic characteristics of the immigrant groups, factors relating to their status as migrants, the different way they are treated by fellow workers or broader society, or problems of newcomers in participating and functioning within existing trade union structures which had formed long before their arrival. "Although one can distinguish the source of these differences analytically, in practice they are often seen as intertwined" (Penninx and Roosblad, 2000: 10).

Whatever the sources of such differences, they lead to the third dilemma: "should trade unions be concerned only with the common interests of indigenous and migrant workers, and practise general policies for all workers, or should they also stand up for the specific interests and needs of their migrant members, and devise specific policies in order to attain material equality?" The question is whether a trade union should concern itself only with issues common to white and minority ethnic members or whether it should in addition operate special policies relating to the specific interests of the latter. If immigrants and minority ethnic workers suffer disadvantages not experienced by white national workers then "equal treatment" will allow these disadvantages to remain. However, if a union devotes extra resources to issues specifically concerning immigrant and minority ethnic members, this may cause resentment and resistance on the part of white majority members who see minority ethnic members as getting favourable treatment.

In fact such extra policies can vary a great deal in their inherent "controversy". As Penninx and Roosblad show, the term "special policies" conceals a great variety of different levels of activity, with quite different implications. Perhaps the most obvious and easiest to implement are activities such as translating union literature into other languages. More ambitious might be the negotiation of longer periods of leave for immigrants so that they can take extended vacations in their country of origin, or the negotiation of the right to observe religious holidays. The practical recognition of religious difference has been difficult for many unions. As Martens observes:

the type of institutional framework that should be given to the creed and practices of Islam in Western European countries is a question that trade unions are doing their level best to side-step. And yet it is very important to several million workers (Martens 1999: 223).

Even more controversially, "special policies" may also relate to the organisational structure of the union itself. A union might introduce facilities for immigrant workers to organise themselves as special groups within the union, positive action in training and employing immigrants or minority members within the union itself, or mechanisms to get them more strongly represented in the higher decision-making ranks of the unions (Penninx and Roosblad 2000: 11-12).

Equal treatment

It is probably true to say that it is issues around this third dilemma, rather than the other two, which are pre-occupying many trade unions in Europe today. These issues cover the “equal treatment” of immigrants and ethnic minorities both at the workplace, and within the union itself. What should now be the “minimum position” is described by Martens (1999: 224) as “guaranteeing access, advancement, training, pay, and the like for all jobs in all sectors without restrictions or limitations for all immigrants or foreigners who already reside, for a specific period of time, in the host country.” Martens continues “It must be said, however, that trade unions seem to have difficulty in coming to grips with equal treatment.”

One problem here is the confusion that can exist around terms such as “equal treatment” or “equal opportunities”. Despite the fact that there has been an established discourse on equal opportunities issues and a history of practice on this subject in some European countries for many years, there remains some disagreement even within these countries about what exactly constitutes equal treatment, equal opportunities, positive action, and so on. In an international context, there is inevitably going to be an even greater problem in agreeing on definitions. What constitutes broader equal opportunities activity can be categorised under the following headings:⁷

- The *equal treatment approach*. With this approach, it is believed that equal opportunities follows on from making sure that all are treated the same, regardless of ethnicity or colour. This is the classic “colour-blind” approach.
- The *“level playing field” approach*. This recognises the need to remove some unfair barriers (of, for example, racism or discrimination) which operate in the labour market, so that all have a fair chance at the opportunities which are available.
- The *equal opportunities approach*. This aims for longer term proportional representation of minorities by a range of organisational measures, such as ethnic monitoring and targets. It might include ethnic record keeping, and elements of “positive action” to overcome the effects of past inequalities.
- The *equal outcome approach*. This uses quotas and “positive discrimination” to achieve a much shorter-term proportional representation of minorities. It is the most controversial type, seen by many to be in breach of natural justice.

⁷ This classification draws on MacEwan 1995, with some modifications.

Once trade unions have got to the “equal treatment” stage, offering membership, protection and services to immigrants and the national majority equally, one common assumption has been that there is nothing else to do. Fairness has been achieved because all are being treated the same, regardless of ethnicity or colour. If formal equality exists, there can be no problem. In Germany, for example, unions fought hard to ensure that migrant workers were covered by the same regulations as German workers, that they received equal pay for equal work, that they had equal rights to be represented by or elected to Works Councils, and so on (Kühne 2000). However, this notion of “equal treatment” came to mean that no other special measures need to be countenanced. Furthermore, the existence of formal equal treatment was assumed by employers and unions alike to mean that there is “no discrimination”. Thus initially, even measures against discrimination were seen to be unacceptable. For example, Rätzl points out that once trade union and employer organisations had agreed that German workers and immigrant workers in the same jobs should receive the same pay and conditions, a kind of complacency set in. The fact that there were hardly any German workers doing the same work as immigrants was not seen to be a problem, and the factors which led to segregation at work, and the channelling of migrants into the least desirable, lowest paid and most unhealthy work, were not critically examined (Rätzl 1999). In some cases any further “anti-discrimination” activity was seen as not only unnecessary, but positively harmful. For example, Martens (1995) describes how in the early 1980s the reason for not including protection against discrimination in employment in Belgian law was that such protection would be seen by other workers as a privilege “and might therefore reinforce rather than combat xenophobia”.

For a long time many European trade unions and employers alike were strongly opposed to any measures which did not apply equally to all workers. However, eventually there came a realisation to some that “equal treatment” in its minimalist form does not do anything to remove barriers of discrimination which in the long term operate to keep whole sections of the community in inferior sections of employment, or in unemployment. Thus, over the 1980s and 1990s European trade unions began to accept the need for anti-discrimination legislation, and started to embrace a range of anti-racist and anti-discrimination measures (Penninx and Roosblad 2000). In doing this they moved to the second “level playing field” approach.

A move to the third “equal opportunities” level comes with the realisation that there is a need to be more pro-active than simply having anti-racist or anti-discrimination policies. Unions, like employers, can in theory embrace a combination of practices in a general equal opportunities policy. There might be an equal opportunities statement for the organisation, a handbook for members setting out the policy’s intentions and procedures, and targets, such as the long-term aim of reflecting the ethnic mix of the local population in the workforce, in union positions, or as

employees of the union. This might entail monitoring the ethnic background of the workforce or membership. There may be positive action initiatives – these are those over and above the simple provision of equal treatment and the removal of discriminatory barriers. There is an argument that such measures are not enough if immigrants are starting from very different and disadvantaged positions, perhaps because of the operation of racism and discrimination in the past. Positive action, like the stronger American version, affirmative action, recognises the existence of a sort of structural discrimination known as “past-in-present discrimination” (Williams 2000) whereby the exclusion experienced historically by certain groups means that inequality of opportunity will continue even when current discrimination processes are removed. Positive action goes further than equal treatment. Whereas equal treatment would mean treating people who apply for positions without discrimination, positive action means, for example, making an extra effort to encourage groups who might not normally apply. Therefore, positive action is in fact doing something extra for previously excluded minorities, something you are not doing for the national majority. Positive action might include special recruitment initiatives, such as translating union literature or job advertisements into ethnic minority languages, having special initiatives to encourage under-represented minorities to join the union or stand for union posts. It might include helping immigrants and ethnic minorities compete for work on a more equal footing with others in the labour market by providing extra training relating to their specific needs, or special training to help them compete for places on committees, or in union posts. One problem is that positive action measures often entail the identification of ethnic background, and this goes against the grain of what many union members regard as acceptable, particularly in a country such as France, where the republican tradition of universalism means that special policies regarding ethnic minorities are regarded with suspicion.

If the third “equal opportunities policy/positive action” approach is controversial, the fourth “equal outcome” is even more so. However, although there have been some elements of this approach in the USA, with selective use of numerical goals and targets, this radical type is generally unknown in practice in Europe. Probably the strongest policy in Europe is found in the Netherlands, where a positive action programme allows a minority candidate to be favoured above a majority candidate in the case of equal qualification. One union policy which appears to be similar to affirmative action of the fourth type is that of reserving places on union decision-making bodies for representatives of under-represented minorities. However, this is not affirmative action with regard to the provision of employment opportunities but rather is seen as a device to increase democratic representation in the union. Although the fourth level - the “equal outcome” approach - is not common in practice, it is important to identify it in theory, if only on the grounds that such an approach is regularly identified as an argument by those who oppose equality

initiatives at other levels. For example, a 1991 project revealed that major UK employers still confuse equal opportunities - and more specifically, positive action - with positive discrimination and giving an unfair advantage to ethnic minorities. Some employers argued that there was no need for an equal opportunities policy in their organisation because they didn't want to "give preference to anybody or any group" (Wrench et al. 1993). This confusion of equal opportunities initiatives with positive discrimination or quotas has been found amongst employers in other European countries. A study of employers in Hamburg, Germany (Haugg 1994) found an under-representation of migrant apprentices, but also that interviewing panels rejected the idea of encouraging migrants to apply. They even felt that the sentence "We welcome applications by young people of migrant origin" would contravene the principle of equal treatment. "Equal treatment" by this logic is seen solely as migrant workers getting the same pay for the same work.

In conclusion we can see that the policies for ethnic equality of immigrants and ethnic minorities by unions can mean different things to different people. Some see ethnic equality to be achieved when the first "equal treatment" level is attained; others work towards it by embracing a whole range of more ambitious equality policies. The disagreement over what the term means in practice is one of the reasons for the variety in union approaches found in EU countries.

Responses in Denmark and the UK

We can now look more specifically at how the British and Danish unions in turn have responded to the three dilemmas set out by Penninx and Roosblad. With regard to the first dilemma, the question of whether to cooperate with state immigration policies was not as relevant in the UK as in other countries of Western Europe. Unlike many other countries, the post-war labour migration to Britain was not officially organised. The labour migration from the ex-colonies, notably from the Caribbean, India and Pakistan, consisted of people who had the legal right to enter Britain through their Commonwealth citizenship and who were coming to satisfy labour shortages. Although there was no official state policy to agree or disagree with, union leaders in the 1950s had some sympathy with migrants from the ex-colonies. Trade unions based on the British model had earlier been formed in the colonies to deal with workers grievances, and had operated with the support and encouragement of unions in Britain (Wrench 2000). However, the TUC did support the government's immigration restriction legislation in the late 1960s and early 1970s.

In Denmark, in the 1960s, whilst the employers organisations were arguing for the introduction of foreign labour to solve the growing labour shortage, the trade unions were initially very reluctant to embrace this solution. As Hjarnø (1993) writes, whenever the Right argued for the importation of foreign labour, the Left argued for the building of more day care institutions for children so that Danish housewives could become active in the labour market. However, by the end of the 1960s, even though most adult females between 18 – 64 had become active in the labour market, a desperate need for labour remained. Thus the Danish unions accepted the import of foreign labour on the condition that they were offered equal pay in accordance with the collective agreements between employers associations and unions (Hjarnø 1993). Then, in the early 1970s, as in so many other European migrant receiving countries, the government introduced a stop on permits for labour immigration.

In Britain, with regard to the second dilemma, the inclusion of immigrant workers into trade unions could not initially be taken for granted. There were many occasions during the 1950s, 1960s and 1970s when groups of workers and local trade unions cooperated in the informal or even formal exclusion of immigrants from equal rights, conditions and opportunities. In some industries white trade unionists insisted on a quota system restricting black workers to a maximum of (generally) five per cent, and there were understandings with management that the principle of “last in first out” at a time of redundancy would not apply if this was to mean that white workers would lose their jobs before blacks (Fryer 1984: 376). In the 1950s transport workers banned overtime and staged strikes in protest against the employment of black labour, and others sent motions to annual conferences asking for black workers to be excluded from their sectors (Bentley 1976: 135). There was a “determined effort” by the National Union of Seamen to keep black seamen off British ships after the war (Fryer 1984: 367). In the late 1960s and early 1970s there were a number of industrial disputes sparked off by the practices of white trade unionists who had conspired to keep ethnic minority workers in worse pay and conditions (Wrench 1987). However, by the 1970s the more blatant incidents of union exclusionary practices became less common, and the normal picture became one of inclusion into unions on equal terms.

In Britain there has been a lot of evidence on ethnic minority participation in unions, helped by the readiness in Britain to identify, monitor and survey workers and unions members by ethnic background, thereby facilitating the recognition of visible minorities. This evidence demonstrates that, in contrast to many other European migrant-receiving countries, the post-war migrant workers to Britain had an above average propensity to join trade unions. A Policy Studies Institute (PSI) survey showed that in 1982, 56 per cent of Asian and West Indian employees were union members, compared with 47 per cent of white employees (Brown 1984: 169).

Although some of this difference was due to the fact that ethnic minority workers were over-represented in those industrial sectors where trade union membership rates are higher for *all* workers, the greater inclination for ethnic minority workers to join unions held true even when allowing for the differences in occupational concentration. The latest PSI report showed that for both men and women, all minority groups except the Pakistanis/Bangladeshis had a higher rate of membership than white people (Modood et al. 1997: 135). The highest rate of membership, approaching half, was among the Caribbeans, though it was also high among the Indians. However, whilst minority ethnic women are slightly more likely than female employees in general to be union members, between 1993 and 1997 there was a sharp fall in male minority ethnic trade union membership from 37 to 27 per cent. It may be that the recession affected male ethnic minority trade unionists disproportionately, forcing more of them to move into non-unionised employment (TUC 1998: 3).

Immigrants in Denmark have had a rate of unionisation generally similar to that of the Danish majority. Unlike in the UK there were no localised grass roots attempts to exclude them from equal union rights. Following the union acceptance in 1967 of the need to allow labour migrants to enter because of the labour shortages, with the condition that they be paid according to collective agreements, the unions then successfully argued, along with the employers, that foreign workers should be compelled to join an unemployment insurance scheme, in order to protect them against deportation should their contracts be terminated. The connection between these unemployment insurance schemes and the unions was a factor which also encouraged immigrants to join unions. Unlike in the UK, it is “normal” to be a member of a union in Denmark - general unionisation rates are among the highest of any EU country, and it would be considered abnormal if immigrants were not also highly unionised.

Special policies in the UK

Penninx and Roosblad’s “third dilemma” was a question which began to occupy British trade unionists in the 1960s with regard to their new immigrant membership. Should a trade union concern itself only with issues common to white and ethnic minority members or should it in addition operate special policies relating to the specific interests of the latter? Developments in the UK moved roughly in sequence through the categorisations of “equal opportunity” activity identified earlier in this paper. Firstly, the “equal treatment” approach was officially taken for granted. There was initially a consensus at all levels of the trade union movement, including the Trades Union Congress (TUC), namely that to institute any special

policies would be to discriminate against the white membership. As one TUC official put it in 1966: "There are no differences between an immigrant worker and an English worker. We believe that all workers should have the same rights and don't require any different or special consideration" (Radin 1966: 159). This classic "colour blind" position was spelled out to justify this approach in 1970 by the General Secretary of the TUC when he said "The trade union movement is concerned with a man or a woman as a worker. The colour of a man's skin has no relevance whatever to his work" (*Sunday Times* 3 December 1972). However, in the early 1970s the TUC changed its stance and began move towards the "level playing field" approach, realising that anti-discrimination and anti-racism policies were needed. The TUC decided to adopt special policies against racism, beginning with educational and training materials on equal opportunities and racism for use in trade union education courses. Then, in 1979 the TUC sent out a circular to all its affiliated unions recommending that they should adopt a policy on racism. In 1981 the TUC published "Black Workers: A TUC Charter for Equal Opportunity", encouraging unions be more active on the issue. The Charter's main points include a commitment to countering racist propaganda, the need for vigorous action on employment grievances concerning racial discrimination, the need to remove barriers which prevent black workers from reaching union office, and an emphasis on personnel procedures for recruitment and promotion being clearly laid down. Seven years later the TUC re-issued the Charter. The TUC also worked with the Commission for Racial Equality in the production of a "Code of Practice", and has encouraged unions to make use of this code.

By now British unions and the TUC were going further than just anti-racism and anti-discrimination. They were also setting up special equal opportunities structures with elements of positive action – i.e. the third "equal opportunities" level. Increasingly, individual unions set up separate committees or structures to deal with race relations and/or equal opportunities issues, and adopted equal opportunity policies. In 1986 the National Union of Public Employees (NUPE - now merged into UNISON) was the first union to create a specific "race equality" post, and this was followed by the Transport and General Workers Union (TGWU) in 1989. Since then many unions have created national officers to take responsibility for issues affecting black members, for encouraging the participation of black members and furthering equal opportunities. Some unions have reserved or additional seats on national executive committees for representatives of the black membership. By 1993 a survey of 21 unions, covering two-thirds of TUC affiliated membership (*Equal Opportunities Review* September/October 1993) had shown that at a national level ten unions had a committee dealing specifically with race equality issues, and nine had some black full-time officials. Nearly two-thirds of unions had taken positive action steps such as organising conferences for black members and producing

literature in ethnic minority languages. Unions were also increasingly putting pressure on employers to introduce positive action measures themselves. For example, the public services union UNISON has called for employers to set targets for the recruitment, training and promotion of ethnic minority workers in relation to the local ethnic composition of the area.

One issue which occupied British unions over the 1990s was that of the “self organisation” of black members within unions, and the forms that this might take. This was usually not taken to mean the creation of separate black trade union structures, but was more likely to mean the creation of black members’ groups in a union, with perhaps an annual black workers’ conference where decisions are made by black representatives on issues of specific concern to black members. Many white trade unionists initially argued against self organisation for black workers on the grounds that class-based interests as employees and workers take precedence over any other sectional interest such as race or ethnicity. This was a “colour-blind” or “equal treatment” approach which argued that whatever problems minorities suffer from can best be resolved through a strategy that asserts from the beginning that all are equal. Autonomous organisations within the body politic, therefore, were considered as divisive and counter-productive (Virdee and Grint 1994: 208). In reply to this position, the supporters of self-organisation denied that such structures detract from the mission of the union, and argued that, on the contrary, it provides an extra means of achieving the main goals of the organisation whilst ensuring that black/ethnic minority issues and rights are addressed by the trade union in a way acceptable to black members (Virdee and Grint 1994: 209-210). Virdee and Grint (1994) came to the conclusion that a strategy of self-organisation may be a viable addition, if not necessarily an alternative, to conventional policies. This is especially so where general representatives are not regarded as adequate to the task of articulating and resolving the grievances of particular interests. They conclude that the practice of non-discrimination is not guaranteed by anti-racist policies and regulations alone; there is also the need for black and minority participation at all levels in the union to increase the likelihood that such policies will be enacted (Virdee and Grint 1994: 222-3). Moreover, self-organisation is one strategy that can increase participation and facilitate the participation of black members into the mainstream union structures more easily (Virdee and Grint 1994: 219). The earlier mentioned PSI survey investigated the extent of support there might be for self-organised black workers’ groups. There was found a strong level of support for the idea of autonomous black and Asian workers’ groups, with just over half of the ethnic minorities questioned supporting the idea of such groups, support being higher among those in work, both in manual as well as in non-manual work (Modood et al. 1997: 137).

In 2000 the TUC initiated a “Root out Racism” campaign through its newly formed Stephen Lawrence Task Group, set up after the 1999 Macpherson Inquiry

into Stephen Lawrence's murder. The aim was to collect examples of racism at work and of the effects it has on those who suffer from it. To facilitate this a special telephone hotline was set up for five days in June to collect evidence and to offer advice to those who sought help. In 2002 the TUC campaigned for the government to legally require all employers in the private and voluntary sectors to promote good race relations, a duty which at the time was placed only on the public sector. The TUC Congress itself in 2001 agreed to change TUC rules so that all affiliates are committed to promoting equality, and the unions agreed to report back to the Congress every two years on their progress on this. To this end the TUC in 2002 sent a major questionnaire to each affiliated union which, amongst other things, asks for statistics of representation at various levels in the union of black members, and for information on all various union practices related to this group.

In the UK, under the Race Relations Act, individuals who feel that they have been the victims of racial discrimination may institute proceedings, and employment cases are heard by employment tribunals. Experience shows that the likelihood of success of an applicant increases if he or she is supported at the tribunal by their trade union. However, research published in 1991 showed that ethnic minority workers still had little faith in trade unions to take up grievances on discrimination and harassment. Instead, they often preferred to seek the support of the Commission for Racial Equality (CRE) (TUC 1991). Trade union officials argued that they were reluctant to take racial discrimination cases to employment tribunals because of the poor record of success in such cases. The CRE tried to encourage more unions to support their members who have complaints in such cases, and argues that if trade unions give greater priority to cases of racial discrimination at employment tribunals, then the success rate will improve. In recent years there have been new initiatives for improving the ability of union representatives to deal with issues of racism at the workplace. Following on from the work of the Stephen Lawrence Task Group, the TUC produced a new publication "Tackling Racism – A TUC workbook", a revised and updated version of an earlier guide, aimed amongst others at trade union educational programmes. It has also produced a new online course – "Tackling Racism". In 2002 the Midlands TUC signed a new protocol to improve the service given to members complaining of racial discrimination and streamline the handling of discrimination cases signed. This sets out joint working arrangements with the local Racial Equality Councils and the Commission for Racial Equality (CRE). Individual unions have started new initiatives – for example, the Communication Workers Union has produced "Prompt cards" which set out the questions which help workplace representatives deal with cases of discrimination.

It is probably true to argue that after many years of collective pressure by activists within and outside the trade union movement, appropriate "race" and equal opportunity structures are finally being put into place within British unions. Now,

more and more unions have measures such as race equality officers, race equality committees, reserved seats on governing bodies, and special race equality conferences. Positive action is becoming more normal. Unions increasingly have black workers committees with representatives from branches and regions, equal opportunities newsletters and group mailings for their black/ethnic minority membership. More unions are giving special training for black members to encourage their participation in union positions. The TUC has developed positive action initiatives such as a mentoring scheme for black and ethnic minority representatives and union officers so as to facilitate the careers of ethnic minorities within the union movement itself. The minimalist “equal treatment” level has been long abandoned, and current policies range across levels two and three. Whilst we would not expect unions to adopt policies within the fourth and most extreme “equal outcomes” approach of positive discrimination (which would risk being identified as unlawful in the UK), there were in the 1990s some policies which might be categorised as being on the fringes of this. Some unions have adopted a policy of reserved seats on their governing bodies, which guarantee a place for a minimum number of black members. This transcends the normal voting procedures. It is an intrinsically more controversial policy, as can be seen from the fact in the opinion of some union lawyers it is actually on the margins of legality. For this reason, other unions “play safe” and create what they call “additional” rather than “reserved” seats for black members on their governing bodies.

Special policies in Denmark

In Denmark, in the first years of immigration, the 1960s and 1970s, unions devoted a great many resources to getting immigrants organised into unions and the unemployment insurance schemes, and checking that they received equal pay as Danes. However, the “equal treatment” approach by trade union leaders appeared to have been held on to by trade union leaders far longer than it was in the UK. The Danish trade union leadership, from the mid-1970s to the late 1990s, were reluctant to consider any special measures relating to the particular problems of members of foreign origin, even though it was clear that racism was growing in Danish society, and the rate of unemployment of people of immigrant origin or descent was three or four times that of the white Danish population. The philosophy was strictly one of “equal treatment”, narrowly defined, since union leaders were sensitive to the fact that any “positive action” might be unpopular with their Danish majority membership. The “social partners” were in agreement on this - for example, the policy of the DA - *Dansk Arbejdsgiverforening* - the Danish Employers’

Confederation, in the early 1990s was that refugees and immigrants should not be regarded as a special group. The rights and obligations of foreign nationals, they argued, were regulated by the same laws and regulations as apply to Danish citizens. The fact that foreign nationals were guaranteed equal conditions of employment, pay, vacation and unemployment insurance as Danes, meant that there was no need for any special measures (Hjarnø 1995a). One reason why employers in the 1990s were generally resistant to positive action policies is that they sometimes confused “positive action” with “positive discrimination”. The Danish Employers Confederation was reported to be against any equal opportunities measures because it did not believe that the problems of the high rate of unemployment among immigrants and refugees could be solved by introducing “positive discrimination” or “quotas” (Hjarnø 1995a).

In the 1990s various unions started a range of initiatives to better the integration of immigrants into employment. Advisers were recruited to help qualified immigrants find work, schemes were introduced to activate unemployed ethnic minority women, and support was given for positive action schemes for the training of young people of immigrant origin. One of the first to act was the *Restaurants-og Bryggeriarbejder Forbundet*, the Restaurant and Brewery Worker’s Union, RBF, which had a high proportion of immigrant members, particularly in the sector for the hotel and restaurant industry (since the 1999 split these are now in the *RestaurationsBranchens Forbund*). The RBF Congress agreed an action plan setting out the union’s standpoint. Its aims included “To secure the legal, social, cultural, economic and residential rights of immigrants on a basis of equality with other members of society”. One goal was to push migrants to be active themselves in unions, and encourage them to stand for election to Works Councils. Also, the union created an Immigrant Committee with a Secretariat to coordinate activities. Local branches organise courses for immigrants in the Danish language and in industrial relations, and there are special courses for immigrants in health and safety, particularly for safety representatives. In 1995 the hotel section made its own local action plan. One person was recruited to be an immigrant counsellor, and information material and training courses have been made available for the immigrant members telling them about their rights, the unemployment system and assisting them in networking.

In the summer of 1993 the General Workers Union SiD took the initiative of gathering together officials from a number of unions who were concerned about the increasingly strident tone of the Danish debate on immigrants, and drew up a proposal for an initiative against racism and xenophobia. LO and some of the main unions granted some money for the initiative, and this brief was added to that of the AIF (*Arbejderbevægelsens Internationale Forum* - the Workers’ International Forum), which had originally been set up by the Danish unions to concern itself with

international issues of interest to trade unionists, such as child labour in third world countries. The AIF began a campaign against discrimination called the *Plads til Alle* (Room for Everyone) campaign. One outcome of this was the creation of a network known as the *Netværk i Fagbevægelsen*, which translates literally as “Network in the Trade Union Movement”, and is generally referred to as “NIF”. This is a network for foreigners, ethnic minorities and refugees who are members of trade unions, as well as Danes who wish to involve themselves in issues relevant to them. The aim of the initiative is to improve conditions for ethnic minorities in the labour market and to build bridges between ethnic minorities and the trade unions. Discrimination at work is to be opposed; immigrants and refugees must work lawfully, according to union agreements, and on their part the trade unions must become more aware of the particular problems facing immigrants and refugees. It was also recognised that ethnic minorities were not particularly visible in the local trade unions, and so activities were organised for them to get them involved in union work.

One of the first NIF initiatives was the publication of a booklet “An Introduction to the Danish Labour Market” for immigrants and refugees, providing them with basic information on their opportunities, rights and obligations. Another initiative has been the “Etnisk booking” project, a directory of 40-50 speakers, most of whom are from an ethnic minority background, who make themselves available to speak at meetings of Danish trade unionists, teachers and others all over the country. They talk about issues of cultural difference, ethnic equality and discrimination, and are able to speak with the authority and experience of people who have been directly affected by these issues. The NIF group has organised meetings with local unions, also organises regular visits of groups of trade unionists to their counterparts in the UK, to get ideas for further initiatives and policies. It was hoped that NIF activism might also be a stepping-stone to union positions for ethnic minorities. Recently, for example, the largest manual union, SiD created a full time post of “Integration Consultant” employing a former NIF activist.

By the end of the 1990s the union with the most ambitious ethnic equality plan was HK, the Union of Commercial and Clerical Employees. The objective of the plan was to “ensure true equality between ethnic minorities and Danes in the labour market and in society”. Internally it aims to increase ethnic minority membership, identify and involve ethnic minority members in the union, break down barriers to participation in union positions and structures, and work to ensure that the contents of collective and local agreements promote ethnic equality. A special national conference was organised for shop stewards to make them aware of ethnic equality issues, and the plan was to introduce ethnic equality issues for introductory courses for HK employees, and training courses for officials. Following on from the Act prohibiting discrimination in the labour market and employment, HK’s legal department has impressed on the union’s 41 local branches that they should be aware

of the legislation. HK has a Complaints Council to deal with complaints from members who feel that they have not been given correct treatment by HK in connection with workplace disputes, and in 2000 their brief was expanded to include complaints where immigrant members feel they have been discriminated against in their dealings with HK. These and many other initiatives were to be evaluated at the HK 2005 annual congress.

In 1999 the LO and the DA publicly committed themselves to start initiatives to promote ethnic equality and combat racism. Then in 2002 they signed an agreement on the better integration of refugees and immigrants. Their proposals included that refugees and immigrants should as quickly as possible be given a contractual relationship with an enterprise, that Danish language teaching should be started at once, preferably in the enterprise itself, and during working hours, and that the skills and qualifications of refugees and immigrants are translated as quickly as possible into corresponding Danish qualifications. The aim is to reduce existing barriers to integration, such as over-long work introduction programmes, ineffective language courses and employer resistance to take on immigrants.⁸ In the same year the trade unions strongly rejected a proposal from a government think tank that collective agreements could allow for new immigrants to be paid less than the contractual minimum wage.⁹

⁸ eironline: Denmark: "LO and DA sign agreement on integration of refugees and immigrants" www.eiro.eurofound.ie

⁹ eironline: Denmark: "Unions oppose reduction in minimum wages in order to increase integration of immigrants" www.eiro.eurofound.ie

Chapter 3 Discrimination and anti-discrimination in Denmark and the UK

The preceding chapter looked at the background context of union policies in the UK and Denmark. This chapter first sets out evidence for labour market discrimination in both the UK and Denmark, in order to present the context for the discussion on union anti-discrimination awareness and practice. Then follows a comparison of the opinions of the British and Danish interviewees on appropriate union anti-discrimination responses and measures.

The international convention whose object is to prevent racism and racial discrimination is the International Convention on the Elimination of All Forms of Racial Discrimination, (ICERD) which was adopted by the UN Assembly on 19 December 1965. The first part of it defines what is meant by racial discrimination:

“The term ‘racial discrimination’ shall mean any distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin, which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life” (Banton 1994: 39).

More narrowly, racial discrimination in employment can be said to occur when migrants/ethnic minorities are accorded inferior treatment in the labour market or in the workplace relative to nationals/whites, despite being comparably qualified in terms of education, experience or other relevant criteria. It can include the denial of opportunities for recruitment, promotion or training, unfair selection for dismissal, verbal or physical harassment at work, and insensitive handling of cultural differences by colleagues and supervisors.

Employment discrimination in the UK

In the UK anti-discrimination legislation with regard to employment has existed since 1968. The Race Relations Act of 1968 was the first to cover the field of employment, and this was considerably strengthened in the Race Relations Act of 1976.

This outlaws both direct and indirect racial discrimination, renders unlawful “pressure to discriminate” and forbids any advertisement which indicates that an employer is intending to discriminate on the grounds of “race”. It also gives individual victims a right of direct access to the civil courts and industrial tribunals for legal remedies against unlawful discrimination. The Act also established the Commission for Racial Equality (CRE) which has law enforcement powers, and which can take proceedings in respect of discriminatory practices and assist individual complainants. In 2000 the government strengthened the Race Relations Act with an amendment which places a duty on public authorities to carry out their functions with regard to the need to eliminate unlawful racial discrimination, and explicitly calls on them to ethnically monitor their workforce, as well as applications for employment, training and promotion.

Evidence for racial discrimination is by its nature hard to come by, and sometimes this evidence is only indirect. For example, since the 1970s the unemployment rate for immigrants and ethnic minorities in the UK has been significantly higher than that of the majority white population, and this raises the question as to whether this is at least partly caused by racial discrimination. Of course there are many possible causes of a higher unemployment rate. These might include language barriers, differences in educational attainment and factors related to the geographical location of immigrant settlement. In order to isolate the importance of the factor of discrimination from other such explanatory factors, certain types of statistical analysis¹⁰ can be carried out. For example, if, after holding constant other variables, such as education, age, sex, occupational level, and region, researchers still find much higher rates of unemployment amongst immigrants and ethnic minorities in comparison with the majority population, then this is *indirect* evidence that discrimination is occurring. Reviewing the results of such analyses for the United Kingdom, a 2002 study by the UK Cabinet Office concluded that there can be little doubt that part of the explanation for ethnic differences that remain after key variables have been accounted for must lie in racial discrimination (Cabinet Office 2002: 61 – 128; 209 – 211).

Indirect evidence of racial or ethnic discrimination is supplemented by direct evidence, obtained through discrimination testing. The method utilises two or more testers, one belonging to a majority group and the others to minority ethnic groups, all of whom apply for the same jobs. The testers are matched for all the criteria which should be normally taken into account by an employer, such as age, qualifications, experience and schooling. If over a period of repeated testing the applicant from the majority background is systematically preferred to the others, then this points to

¹⁰ These use multivariate regression analyses to split the effects of the various explanatory factors on measured disadvantage from the residual (unexplained) factors (interpreted as discrimination)

the operation of discrimination according to ethnic background (see Bovenkerk 1992). In the UK, since the 1960s a series of matched pair discrimination testing experiments have demonstrated the existence of racial discrimination in recruitment (e.g. Daniel 1968; Hubbuck and Carter 1980; Simpson and Stevenson 1994; CRE 1996). In one of the latest examples (CRE 1996) applications were made to 219 vacancies in the north of England and Scotland, mainly covering clerical, administrative or sales positions. The tests were carried out either by letter or in person, the latter method using white, Asian, black and Chinese actors. In 79 per cent of the cases none of the applicants were successful, showing how difficult it was for any applicant to find work. Of the remaining vacancies, the white applicants' chances of getting an interview were nearly three times greater than those of the Asian applicants, and almost five times more than the black applicants. Another example in the 1990s focussed on occupations in the medical profession (Esmail and Everington 1993). In 1993 two doctors developed a curriculum vitae for each of six equivalent fictitious applicants, three with Asian names and three with English names. All the "applicants" were male, the same age, and educated and trained in Britain, with a similar length of experience of work in hospitals. The comparability of the CVs was confirmed by two consultants¹¹ who were unaware of the purpose of the research and who were asked to rate the CVs after the names had been removed. Matched pairs of applications were sent for each post to see who would be called for interview, a total of 46 applications being sent to 23 advertised posts. The researchers found that National Health Service hospitals were twice as likely to shortlist candidates for medical jobs if they had Anglo-Saxon rather than Asian names. (The Asian candidate was never shortlisted unless the English-named candidate was also shortlisted.) Before carrying out the research, one of the researchers had asked a consultant how he normally shortlisted for posts. "He told me that he put all the CVs with English names into one pile, all those with non-English names into another pile, and looked at the English pile first." (*British Medical Journal* 1 March 1997: 2). In 1997 a similar exercise was carried out. Pairs of fake CVs were sent to 50 hospital trusts in response to genuine advertisements for senior house officers. Again, one of each pair bore an English name and one an Asian name, and again, junior doctors with Asian surnames were much less likely to be shortlisted (*Daily Telegraph* 30 May 1999).

Other types of research, often qualitative, have revealed racial discrimination in the routine practices of British employers and of employment agencies, and also showed how young job seekers were sometimes dissuaded from certain options in their job seeing behaviour through the anticipation of racism (Wrench, Hassan and Qureshi 1999). The 1997 PSI study (Modood et al. 1997) sought the views of both

¹¹ i.e. senior hospital doctors

ethnic minority and white people on discrimination. Ninety per cent of all economically active white people thought that employers did refuse people jobs for racial or religious reasons. This was a greater percentage than for most ethnic minority groups. However, ethnic minorities were more likely to believe that discrimination was widespread – one in five believed that most employers discriminate, compared with only one in 20 whites (Modood et al. 1997: 130). When the minority respondents were asked if they had ever been refused a job for a reason to do with their race or religion, one fifth of those who had ever been economically active thought that this was so. The PSI researchers argue that it is not surprising that the belief in discrimination is more widespread than the experience of it, as most discrimination occurs without the victim being aware of it.

Examples of discrimination in the employment sphere can be seen in cases listed in the Annual Reports of the CRE. For example, a woman of Indian origin working for the Post Office on a casual basis was asked to take an aptitude test to decide whether she should continue on a permanent contract, whereas three white workers had been given contracts without taking the test. An Asian man, the only non-white lecturer in a Scottish college, was found to have been discriminated against because he had been twice overlooked for promotion even though he had better qualifications than the other applicants. A Birmingham employment tribunal found that a black worker at a computer centre had suffered racial discrimination through constant racist and insulting remarks made to him by a colleague which made his job intolerable, and his employer was judged to have done nothing to make it clear that racist remarks were unacceptable. (Cases taken from CRE Annual Reports 2002 and 2003).

The most dramatic examples are often reported in the British media. For example in 2002 newspapers reported that a black postman in Birmingham committed suicide after constant racial harassment and bullying where he worked. Because of this, the Royal Mail carried out an internal investigation and dismissed some of its staff. In 1999 newspapers reported a tribunal case where an Asian engine plant worker at Ford's Dagenham factory described his experience of years of racist abuse, harassment and victimisation. The tribunal heard how he had received systematic verbal abuse, Indian food was kicked out of his hand, graffiti written on his pay packet, the words Ku Klux Klan were painted on the toilet block where he worked, and he was forced to work without protective equipment in areas where oil is sprayed, making him sick. He was told he would have his legs broken if he complained. Eventually a supervisor was sacked and a foreman demoted. Furthermore, in May 2002 an employment tribunal awarded £150,000 (215,000E) in damages to an employee of Indian origin at the Ford Motor Company after he had been victimised and abused as a result of supporting the fellow worker who in 1999 had successfully brought a case of racial discrimination against Ford.

Employment discrimination in Denmark

Prior to 1996 there was no law in Denmark providing protection against racial discrimination in the labour market. The feeling by many up to this point was that such protection was not necessary because of the very particular traditions in Denmark which emphasise that such questions should be tackled in collective agreements between the industrial relations partners. This reflects the Nordic tradition of labour market regulation, in contrast to, for example, the Anglo-Saxon or Romano-Germanic traditions elsewhere in Europe where legislation has a more dominant role (Hjarnø 1995b). By the Nordic tradition, it was felt that issues of racism and discrimination should be solved through voluntary agreements between those concerned. Thus the view was strong in official quarters that ethnic discrimination should be combated through collective agreements between the employers' association (DA) and the trade union confederation (LO).

However, others felt this to be unsatisfactory. It is true that within the area of collective agreements all employees are to be treated equally with regard to pay and employment conditions and therefore discrimination on the basis of race or ethnic origin would be prohibited. However, outside the area of collective agreements, pay and conditions of employment are specified by individual contracts of employment and here it would be quite possible to discriminate according to ethnic background. Furthermore, it was quite legal to discriminate against a person because of the colour of their skin in recruitment (Hansen 1997). There was therefore a recognition that more needed to be done. In September 1995 the Ministry of Labour submitted a proposal for an act prohibiting direct and indirect discrimination in employment on the basis of race, colour, religion, political opinion or national, social or ethnic origin covering recruitment, promotion, dismissal, pay and terms of employment. The Danish employers' associations resisted this move towards statutory regulation, arguing that legislation is not the best means of producing change. Instead, they argued, attitudes should be changed by information campaigns. It was feared that legislation could even be counter-productive, alienating public opinion and giving the impression that foreigners were getting preferential treatment. Therefore, employers' associations preferred to rely upon collective agreements (Hansen 1997).

In reaction to this, Hjarnø pointed out that Denmark was a country with one of the highest rates of unemployment of its ethnic minorities in Europe, and concluded: "It is not advisable to leave the question of solving racial discrimination purely to the goodwill of the employers' association and the confederation of trades unions" (Hjarnø 1995b: 9). There is a view that legislation can act as a valuable political signal demonstrating to the population exactly what is and what is not acceptable behaviour. Trying to change attitudes without such regulation is very difficult and attempts to change attitudes are improved by legislation with sanctions.

The new Act on Prohibition against Differential Treatment on the Labour Market came into force on 1 July 1996. The law tightened up the earlier law against discrimination, and clearly states that discrimination on the grounds of race, skin colour, religion, political conviction, sexual orientation or national, social or ethnic origin may not take place in connection with new employment. In the opinion of Hansen (1997) the introduction of this act showed that discrimination in the labour market was at last recognised as a real problem.

As in the UK, evidence for labour market discrimination comes from a number of sources. In Denmark a discrimination testing programme was initiated in 1996 (Hjarnø and Jensen 1997). In each case, two young people, one with Danish and one with a foreign background, applied for the same position. The young people taking part all grew up in Denmark, had a matriculation certificate and were, at the time, taking a course of further education. They were chosen because they were well-spoken, presentable and had similarly wide occupational experience. The only difference between the two young people was that one was of Danish origin and the other was either of Turkish or Pakistani origin. These two ethnic groups were the most suitable to choose for this experiment. Immigrants from Turkey and their descendants constitute today the largest national minority in Denmark. Numerically, immigrants from Pakistan and their descendants are a smaller group but they are highly concentrated in the Copenhagen area. Because both groups came to Denmark in the late '60s and early '70s it was possible for the researchers to find test subjects who were born and have grown up in Denmark and who speak and write Danish so well that nobody can identify them as being of foreign origin when speaking to them on the telephone.

Where possible, the applicant of foreign origin applied for the job first. The results show clearly that the young people of foreign origin were regularly exposed to discrimination, regardless of the suitability of their qualifications. It was only in connection with certain types of employment within the public sector that employers actually favoured applicants of foreign origin, and these were those jobs where there was a need for people with a bilingual background, such as teachers and assistant-teachers. In total, the degree of discrimination against the test applicants of foreign origin was measured at 38.3 per cent. This means that if young people of foreign origin in Denmark seek 1000 jobs, in 383 cases they will be rejected simply because of the colour of their skin or their ethnic background (Hjarnø and Jensen 1997).

In the testing procedure the majority of employers were - on the surface - welcoming, friendly and interested. It was only through the testing that discrimination was identified. For example, a Pakistani test subject was told when applying for a job as a shop assistant that they had just chosen a former department manager from another shop in the same chain. However, the next day the test subject from the majority group was offered the job. Often test subjects found that when they applied

for a vacant position and gave their names they were told that someone would call them back. However, when it was a test subject of Turkish or Pakistani origin, the employer often failed to ask for their telephone number. Some employers offered the minority applicant a job requiring lower qualifications, such as sorting out the return bottles in a supermarket, whilst the Dane would be offered the job as a sales assistant. In a few cases employers confided directly to the test subjects from the Danish majority group that they did not wish to employ people of foreign origin (Hjarnø and Jensen 1997).

The tendency towards discrimination was shown to be stronger in locally oriented companies, and there was also a tendency for smaller firms to discriminate more than the larger ones. Furthermore, private sector companies had significantly higher rates of discrimination than public sector institutions. The researchers concluded that discrimination seems to be less in companies with a properly formulated personnel policy, regular employment procedures and group decision-making. If this is correct, they argue, then much discrimination could be avoided by preventing one person - e.g. the school caretaker, the personnel manager - alone deciding on new employees.

In conclusion, the researchers emphasise that discrimination is unjust for the people exposed to it and creates bitterness and anger.

This bitterness must be seen in the light of the fact that the authorities have strongly encouraged immigrants and their children to learn the language and qualify themselves. When they accept the challenge, as was the case with our test subjects in this study, and they still come up against closed doors, bitterness and frustration are the natural results. People cannot just change the colour of their skin and their ethnic origins (Hjarnø and Jensen 1997).

There is also evidence for discrimination from other types of research, and from cases reported in the media. A study conducted on behalf of the Danish Board for Ethnic Equality in 1995 found evidence that many Danish companies would not take on second generation immigrants as trainees who may "irritate customers or colleagues", "lack the Danish sense of humour", or "do not understand workplace jargon". There is also evidence of a lack of tolerance of cultural differences once ethnic minorities are in employment. Hospitals have instructed their Muslim staff not to wear their head covering at work "on grounds of hygiene" (*Jyllands-Posten* 6 August 1996). During 2000 several stories in Danish newspapers concerned major department stores or supermarket chains where the policy was to refuse to allow Muslim employees to wear the headscarf at work. According to a survey of 1200 private employers conducted by the Ministry of Labour in 2000, 25 per cent replied that they would not under any circumstances hire a refugee or an immigrant to work in their firms (*Copenhagen Post* 3 – 9 March 2000). In 2002 in connection with an

analysis of “bottlenecks” in the Danish Labour Market, consultants financed by the Danish Labour Market Authority asked employers in the public and private sectors whether they would recruit “refugees/immigrants” to solve recruitment problems. The results show that in 2001, only 58% of public institutions said that they would recruit “refugees/immigrants” in the case of recruitment problems. This is a small decrease from 60% in 2000. The results were even less encouraging in the private sector. In 2001 only 42% of employers in private companies said that they would hire “refugees/immigrants” to solve recruitment problems, which is a small decrease from 45% in 2000¹². Whilst all of these are surveys of attitudes rather than discriminatory practices they do reveal factors of potential discrimination. (EUMC 2003: 40).

There have also been studies of the experiences of immigrants themselves. A study of perceived discrimination undertaken in 1998 had shown that 12 per cent of the respondents of Turkish origin had felt subject to discrimination and had asked for assistance from their union, or a lawyer (Møller and Togeby 1999). A study of Muslim women’s experiences of discrimination was carried out in Denmark as part of a European comparative project. In these qualitative interviews with 21 women the respondents generally agreed that those of them who wear the scarf experience far more discrimination, open hostility and harassment than those who do not (Cakmak and Arabac 2001).

Overall, ethnic minorities constitute a much smaller percentage of the labour market than ethnic Danes – statistics from 2001 show that 46 per cent of ethnic minorities between 25 and 64 years are employed, compared to 79 per cent of ethnic Danes between the same ages. One structural problem in Denmark is the fact that almost 70 per cent of job vacancies are never advertised, with most people finding employment through informal networks (Justesen 2003: 4, 3)

Responses to discrimination

It is clear therefore that racial/ethnic discrimination occurs in the labour markets of both the UK and Denmark. However, it is the UK which has the longest experience of official institutions to record and deal with cases. In the UK the CRE, the Employment Tribunal Service and the Arbitration and Conciliation Service (ACAS) all produce data about complaints of discrimination in their annual reports. For example, in 2001/2002 ACAS received 3825 employment cases related to racial discrimination; in the same period the Employment Tribunal Service reported 3183

¹² COWI (2002) Flaskehals analyse, www.ams.dk

cases (EUMC 2003: 59). In Denmark, at the time of the research,¹³ there was no official institution to register complaints of employment discrimination, and any recording of cases was carried out by one NGO in Copenhagen.

Of course, apart from NGOs, another part of civil society which has an important role to play in combating discrimination and fighting individual cases is the trade union sector. The rather abbreviated overview of British and Danish union policies in Chapter 2 already reveals some differences in emphasis in union approaches to issues of discrimination and ethnic inequality. In terms of the four different levels of activity, the British unions, after the initial “equal treatment” phase, moved on to the second phase in the 1970s and by the 1980s they had embraced “equal opportunities” activities of special policies and positive action. By the 1990s there was in the UK a far greater and more established range of policies and structures than in Denmark, with self-organisation of black members and relatively strong positive action measures such as reserved seats on executive bodies. The UK policies also seem to have reflected, since the 1970s, a strong awareness of issues of racism and discrimination, with, in particular, over the last 10 years or so, the realisation that unions were performing poorly with regard to supporting victims of discrimination, and the institution of measures to encourage a greater effort to assist members with cases and take them to tribunals.

In Denmark, the unions held on much longer to an “equal treatment” view. In terms of special policies the Danish unions embraced changes in union structures to a much lesser degree. Instead the emphasis has been more on improving the participation of ethnic minorities in unions without significant changes to current structures. The focus of Danish union policies were more on language and education courses for immigrants, work related training, and counselling and advice for them, including a desire to activate those groups that were disproportionately economically inactive. When barriers have been identified in the attitudes and practices of employers and union members themselves, the main thrust of solutions seems to be on campaigns of information and persuasion. One implicit assumption behind many of the Danish activities is that the problem of ethnic equality is in part related to deficits within immigrant communities themselves. Another is that changes in both unions’ and employers’ practices will come about through education, awareness-raising, and persuasion. This contrasts with the British approach where there is an underlying assumption of the existence of racism and discrimination as processes of exclusion and a stronger focus on changing structures and policing behaviour. Whilst the LO, the most important trade union confederation in Denmark, has long been strongly and publicly opposed to racism and ethnic inequality, this

¹³ At the end of the research period the Danish government designated the Institute for Human Rights to meet the requirements for a specialised anti-discrimination body under article 13 of the EU’s new Racial Equality Directive

stance does not seem to have found expression in specific anti-discrimination policies of the kind found in the UK.

In the light of these differences in emphasis it is interesting to see whether these national differences are reflected in the respective discourse of the ten British and twenty Danish activists. It should be remembered that in both countries these interviewees were selected because they are activists in the area of ethnic equality, and in this sense represent the best informed opinion and widest experience on this topic in their respective countries.

British activists and union policies

There were eight individual British unions represented by the ten interviewees. When asked their opinions on a number of anti-discrimination and equality measures by trade unions and employers their answers were relatively similar, and reflected no areas of fundamental disagreement between them.

Ethnic monitoring

With regard to the specific practice of monitoring the ethnic origin of the union membership, it was clear that this is no longer seen as a controversial practice by UK union activists. They saw such monitoring to be important in order to identify problems and barriers and allow the union to introduce policies to combat them. Not one of the ten British interviewees raised any objections to ethnic monitoring or questioned its value. Opposition to the practice was mentioned only in the context of a perceived resistance to the practice by some white members within two of the unions. The only questions that were raised by the interviewees concerned the precise form that ethnic monitoring should take in different circumstances, and what the categories should be. Also, there were some regrets expressed that there were still some practical barriers to providing accurate data, with the result that some unions still had incomplete pictures of the ethnic breakdown of their membership. All of the respondents envisaged a longer term aim of identifying accurately their union membership by ethnic origin.

Targets

One use of ethnic monitoring data is to facilitate the use of targets, such as when an employer works towards reflecting the ethnic breakdown of the local population in the workforce. In 1999 the UK government decided to set targets for recruitment,

retention and career progression regarding ethnic minority staff in the Home Office and its service areas – the prison service, fire service and probation service. None of the UK respondents expressed any resistance to this type of positive action. For example, an equal opportunities officer in the Fire Brigades Union forcefully stated his support for such targets within the fire service, an organisation which he described as “traditionally very white”. In his opinion, if 25 per cent of the population in London consisted of ethnic minorities, then there should be 25 per cent ethnic minorities in the London fire service. He remarked that many of his local branch members were shocked by this idea, but he was nevertheless strongly in favour of it.

Positive action

Respondents talked in detail about a range of extra policies within their respective unions, with positive action measures and new union structures relating to ethnic equality. They identified special courses for black members on negotiating skills, black members newsletters, networks or committees for black members, black members conferences, extra training for black members to facilitate their access to union positions, and reserved or additional places specifically for black members on union governing bodies. One union was starting to set up a web site for black members to communicate with each other.

Self-organisation structures

Some of the most ambitious positive action measures discussed by the respondents were the range of self-organisation structures in unions. Again, not one of the 10 interviewees expressed any reservations about the principle of self-organised black groups. As with the issue of ethnic monitoring, the debate was over the precise form that these should take, rather than over the principle itself. Also, the strength of some of the measures varied between unions. For example, in some unions the black workers conference can have delegates to the national conference in their own right, whereas in others they don't have this right. The British activists were adamant that these were not parallel or separate black structures, but were devices within the mainstream union to facilitate the democratic inclusion of black members. As one black activist from a transport union put it:

These structures are not alternatives. They are a springboard. Members are activists in both structures. If you just go to the black groups and drop out of the normal union structures you are of no value. You need to take things back to the mainstream. We have always been in the mainstream. We simply say that in the same way that local groups organise, to help the main body of the trade union, so do black

workers. All black trade union representatives are part of the mainstream but they organise themselves so that they can survive in the mainstream.

In one large white collar union there were self-organised groups at different levels, including regional black members committees and, at a local level black members self-organised groups. An official of this union emphasised the importance of these being a genuine part of the union structure, with all the principles of democratic electability and accountability applying. She stated “It is important to work within the main structures, to build black members representation into the mainstream of the union – moving from the margins to the mainstream. Not independent autonomous groups”. She felt that these structural changes over the last few years had helped to produce the result that “the agenda of the union is now beginning to address the diverse makeup of the union”. She saw the long-term goal for these policies to be threefold: changing the agenda, changing the structure and changing the culture. “The agenda has changed, the structure has changed, the culture of the union is beginning to change.” The fact that the black workers structures were successfully enhancing the participation of black members could be seen in one London local branch of the union, where 47 per cent of the members are black and 52 per cent of the branch executive are black members.

Reserved places

One of the more radical positive action measures mentioned by some respondents was that of having reserved places for black members on union governing bodies. Several of their unions either already had such reserved or additional places on their executive committees, or were in the process of changing their rules in order to allow this to happen. The representative of one white collar union explained what happened in his union:

Before, we had a problem of black members standing for election to the executive and not getting elected. Therefore the executive was not representative. Now we have guaranteed places on the national executive. If 50 people stand for 20 places, and if there is no black person among the 20, the highest place black person displaces the lowest polling white member.

He observed that there was no resentment amongst the white membership when this happens. “Everyone understands that this could happen, and they realise that this is necessary – without this reserved seat there would be no black person on the executive.”

Tackling racial harassment

Six of the ten British respondents were able to talk in detail about the problem of racial harassment and the union policy in relation to it. An activist in a civil service union saw that “harassment at work is still a big issue – either from other staff, or from the public. We need to do much more on this”. A union in the educational sector was working to get anti-harassment policies into the national collective agreement with employers, and a union in the financial sector had set up a racial harassment counselling network and created racial harassment counsellors to provide support to victims. An official from a white collar union recognised that “a lot of black members working in the health service have been on the receiving end of harassment for years”. As part of a campaign on this the union produced a publication called “Racial harassment is not part of the job”. Through this and other initiatives they were working to change the culture of the health service. An official in the Fire Brigades Union saw bullying as endemic in the culture of the organisation, with a real problem of harassment of black firemen. He recalled on one occasion discovering in a London fire station racist literature on the wall that had been there for months. The union set up a “Fairness at Work” telephone help line and in six months received 450 calls about harassment and bullying. They had recently introduced a rule in the union rule book making racial harassment an offence, and if a member is accused of racism they must demonstrate that they didn’t do it or the union won’t support them. He reported that in 25 per cent of the cases the union did not represent its members as “they were indefensible”. Three of the respondents mentioned one problematic element of verbal harassment, namely the culture of racist “jokes” at the workplace. One representative of a transport union stated:

There is ordinary racism in canteens and boardrooms, and it is still going on. We make a clear statement about such “jokes” being unacceptable. The only criteria which is valid is whether the recipient finds it offensive. If the person takes offence, that is the criteria.

Similarly a teachers’ union official stated with regard to racist “jokes”: “As a union we’re quite clear – that’s just unacceptable behaviour. We won’t accept that if it happens in the school. We won’t accept it from pupils – it’s in our code of professional conduct.”

Supporting cases of discrimination

All ten of the interviewees talked to some extent about the problem of racism and discrimination at work, and policies to deal with it. A particularly difficult issue was perceived to be that of giving practical support to members who complained of racial discrimination. A teachers’ union official described anti-discrimination casework as a “huge issue” in the union. The “old difficulties” were still perceived to be there,

namely the problem of finding the evidence, taking it through to employment tribunals and winning the case. An official from another union in the educational sector felt that although racial discrimination tribunal cases had a relatively low success rate compared to other sorts of cases it was nevertheless still important for unions to be seen to be taking them on. This union had started an initiative to look into members' complaints that white branch officers were handling cases of discrimination badly, and were trying to make recommendations to improve this situation. They were providing special training on harassment and how to handle complaints of discrimination. Similarly the official from the large white collar union emphasised the importance of union training for the paid and elected officials on racial discrimination, on how to deal with harassment, and on how to take cases to employment tribunals.

Perceptions of problems in the UK

This general awareness of the problem of racism and discrimination at work and the role of unions in addressing this was reflected in the anecdotes and examples which came up in the respondents' interviews. The transport union representative mentioned the case a few years earlier when London Transport had changed their promotion criteria at precisely the time when large numbers of black staff had been employed there long enough to qualify for promotion. More immediately, he had just come from a tribunal case where he was defending a black worker who had been told by a manager to work outside in freezing weather without a coat. An official of a union in the financial sector identified complaints from black members about bias in promotion and in appraisals regarding performance-related pay, and the union was fighting to get more information from management about this. Also, the selection for redundancy at a major bank had been shown to be discriminatory, disproportionately affecting black members. This had been picked up as a result of the raising of people's awareness through training, and the union was now raising this issue with the bank concerned. A new issue was that of how British black managers are treated in other countries. It was reported that some British institutions were holding back from promoting black managers if the next promotion means automatic travel abroad, as they feared the negative reactions within some other EU countries where people are less used to seeing black people at managerial level.

Some respondents were quite certain that their structures of black/ethnic minority members had been instrumental in identifying problems of discrimination in areas such as pay, training, promotion and redundancy. For example, in the Civil Service, unions discovered that the introduction of performance related pay has

led to new possibilities for discrimination, not only as a result of the bias of some managers, but because black/ethnic minority workers are more likely to be in those jobs in which it would be difficult for anyone to collect the “credits” for higher performance-related pay. In one of the Civil Service unions this was seen as an example of where the black workers’ structures had picked up on an issue of relevance to black members that would otherwise not have been spotted. The union had asked management to address this issue.

One respondent emphasised the union’s role in monitoring the application of employers’ equal opportunities policies in practice. For example, when a black bank cashier was suffering racist remarks from a customer who did not want to be served by her, the management moved her off the counter, arguing that “he is a customer”. The union had to put pressure on the bank and remind them that they had an equal opportunities policy, and eventually the bank called the customer in and said that they would not accept this behaviour. A union officer in the further education sector identified a problem of black teachers and lecturers suffering worse appraisals regarding their probationary years. Accordingly, they often feel isolated and vulnerable, and “get picked off”. The union was therefore arguing for proper ethnic monitoring procedures to be introduced by the employers in the Further Education sector, so that injustices at this stage can be identified.

It is noticeable that in most of the above examples, the respondents did not simply describe the incidents and problems of discrimination but also referred to union actions in response to them.

Danish activists and union policies

The interviews with the Danish trade unionists revealed often very different attitudes with regard to special union policies compared to their British counterparts. There was also a much greater variety between the respondents in their views on anti-discrimination measures.

Ethnic monitoring

Whilst from the UK interviewees there was an unquestioning acceptance that the monitoring of ethnic background was essential, the Danish responses were very mixed. A small minority held the same opinion as the British respondents, and thought that monitoring was an essential pillar of future policies. A larger number were sympathetic to the idea in theory, yet held strong reservations about using it

in practice. And the remainder, when they had any opinion at all, were strongly against it.

It was perhaps not surprising that the strongest argument in favour came from a full-time official of the white-collar union HK. He was aiming to get a more accurate breakdown of union members by ethnic background so as to inform future union policies. He was also able to undermine the argument, heard from some opponents of monitoring, that such statistics were impossible for a union to acquire in Denmark because Danish law prohibits the registration of ethnic origin.

We got contact with *Statistiks Danmark* and found out that it is possible. It's allowed to cross our member files with their registration about the population and we can get the figures from that. We can get all the details, country of birth of parents etc. – but not the names! So even when people are Danish citizens they can still find out if they are from an immigrant background. They can do this for the whole of Denmark. They can break it down by branch. They can even go to specific jobs, to see what people are actually doing. You can't get 100 per cent accurate data but you can get quite close to it. Any trade union in Denmark could do the same thing. ... The problem is that if you ask *Statistiks Danmark* to do the statistics in this way it is quite expensive. And you have to get special permission to do that and we have got that.

The statistics enabled him to begin to make more accurate assumptions about ethnic minorities in HK. For example, for the previous year he could say that about 10 per cent of all apprenticeship members in HK came from an immigrant background, and he estimated that in 2010 about 10 per cent of all HK members would be from an immigrant background. There were two other activists strongly in favour of monitoring. One was a coordinator of NIF, who argued "If you want to follow the trends, you have to have some sort of information". However, because there was no legislation or guidelines, it might be done badly. "I have seen some unions do it. They just sit and count the names. And sometimes they don't get the right person". The other activist strongly in favour was a Canadian, who came from a country where such a practice was quite normal.

All the other general NIF activists had reservations about it. One woman of immigrant origin argued:

it's good and a bad idea. The good idea is if you have a plan to do something positive for this group. And the bad idea is that it could be used negatively. And I think that's why you can't do it right now because the experience from the Second World War has shown that it was used negatively.

Several saw it as "not the Danish way of doing things". Another woman of immigrant origin argued "I think Denmark perhaps is different from many other countries because we're not that categorical. We take each individual and we look at that

individual. We don't put them into boxes". One Danish man said that this would be very controversial in Denmark, but he actually liked the fact that it was made legally difficult to do in practice. "In some ways I like that law. It means as a political party you can't do something on the grounds of colour".

Certainly the legal ambiguity around the practice made it difficult for those who want to monitor, and provided a good excuse for those who did not. A spokesman for *Foreningen Nydansker*, the organisation trying to promote the employment of immigrants in Denmark, complained:

A firm called me a month ago and said "We are doing our one year research among all our employees, its anonymous, but we would like to add the question "Are you a New Dane?". Can we do that?" And I called the Ministry of Labour and they said "Yes you can do that". Then I called the *Nævnet for Etnisk Ligestilling* (Board for Ethnic Equality) and they said "No, you cannot do that". I said, "Can you please talk to each other!". So that's the closest I can get – I don't know.

Targets

One reason for monitoring is that it allows employers to introduce targets, such as trying to represent the local ethnic breakdown of the population in the workforce. The Canadian respondent had no reservations about this.

I think it's necessary for the *kommune*¹⁴ to hire someone who will find out what the percentage of people of ethnic minorities are in the workforce, how many are unemployed, how many the *kommune* is employing compared to the proportion of ethnic minorities in the *kommune* area. And some steps should be taken to ensure that principle of having the employees of the *kommune* reflecting the proportions of ethnic minorities be carried through.

However, for most of the other activists, this was going too far. For Denmark, this was "too soon" or "too controversial". One confused this sort of positive action with positive discrimination: "This is not the solution. It could be one way of doing it, but it wouldn't be good because the job must be because you like it and are good at it, not because you come from another country." For another, at best it should be done "informally", just encouraging people to do it, but without making it a formal policy.

¹⁴ i.e. the local council or municipality

Positive action

Other forms of positive action elicited similarly mixed reactions from the Danish respondents. Officials from unions such as HK and RBF were positive about extra training specifically for immigrant members to equip them better for union positions. Other activists had reservations. One said “Yes. I think definitely it would be a good idea. But maybe it will take 20 years!” This was because in Denmark he predicted that it would be seen as “positive discrimination” by other union members, “because then they will say “What about the handicapped? What about these groups?” And so on.” Similarly, most of the respondents had reservations about special groups within unions, or special conferences. One said “Every little group will want a special committee – I think many people [will] think [that] it’s stupid. Crazy. We don’t do that.”

Reserved seats

We have seen that in the UK a number of unions had adopted policies of reserved seats on union committees, so as to ensure that there was always at least one black representative on important bodies. This is a stronger type of positive action which borders on the fourth “equal outcome” category, and is intrinsically more controversial (although this does not give preferential access to a job, but is a device to allow minorities to get their voices heard in union decision-making). Therefore, if some of the more “routine” types of equal opportunity and positive action measures were questioned by many of the NIF activists, it was perhaps not surprising that this measure was even more unacceptable, and certainly not seen as “the Danish way of doing things”. One activist typified the response of many others: “It’s not realistic in Denmark. I don’t think it would be seen as acceptable. In Denmark there is no tradition of this – things work in a different way here.” Even those who thought it was a good idea were sceptical about the response of the union membership: “They would think that ethnic minorities were getting positive discrimination, and I don’t think they’ll accept it. It’s a good idea, ja! But I think Denmark is very far away from that. Especially in North Jutland!” Others felt that this was going too far and that all they should be doing was “encouraging” minorities to stand for office.

Even a full-time HK official, despite seeing the value of the policy, felt that it was “a little bit extreme”. He felt “there’s a lot of groups within HK knocking on the door thinking “We should have access to the national board of HK because we are a special group within HK.” Therefore, he had reservations about allowing this tactic for ethnic minorities, “because if we do that we would open the door for everyone”. He reported that the proposal for a reserved seat on the General Board had been part of the first version of HK’s action plan but had not survived in the final version. Nevertheless, in the last HK Congress NIF had been allowed to send five

participants with access to the rostrum. There was only one respondent who was unequivocally in favour of the idea. A man of immigrant origin argued: “We must have one immigrant whether elected or not. Somebody who is willing to come in and represent the immigrants. The Danish people who are voting – they must understand that it is like this”.

Tackling racial harassment

Most of the policies discussed above could be categorised as extra positive action policies which fall into the category of the third “equal opportunities” level. Yet even the more apparently straightforward “anti-discrimination” practices of level two were relatively neglected in the discourse of the Danish compared to the British respondents. Most of the Danish respondents had never even considered union policies against physical or verbal harassment at the workplace. When prompted by the interviewer as to whether the unions should be adopting such policies, the typical responses were rather hesitant. One ethnic minority woman replied “It depends on how you use it – it might be used wrongly ... I think it would be difficult to show that it had taken place” and a man stated “We have rules against sexual harassment but I don’t know of any cases of racial harassment”. The coordinator of one local NIF group ventured the opinion that there was no problem of racial harassment in Danish workplaces – “We talk nice to each other and don’t fight” When asked about whether there were ever problems of a workplace culture of racist jokes, several respondents replied that “You can’t make rules about jokes”. Again the predominant sentiment seemed to be that this was “not the Danish way of doing things”. One union official explained in more detail:

There is discussion in Denmark about ‘*mobning*’¹⁵ when people treat each other in a bad manner, not doing it in a very visible way, a little hidden – ‘there’s one person we don’t like so we don’t speak to the person’, or ‘he or she is not going to get access to our table in the canteen’, and so on. There is a discussion in Denmark – some people think it is important to get rules about this, but most people are not so sure that it is the best way to do it. ... I think its maybe that we should find a characteristic Danish way in this – we can talk about it, we can find a way, and we can find a solution by discussion. ... Because you know, we are the fatherland of Grundtvig.¹⁶

¹⁵ collective bullying, victimisation

¹⁶ Grundtvig was the 19th century founding father of the Danish tradition of general education and folk high schools.

He felt that in 90 per cent of all cases it would be possible to sort it out in this particularly Danish way. Nevertheless, even though a formal anti-harassment policy would probably be necessary for that last 10 per cent, “I don’t think that we would get an acceptance of that strategy”.

Two of the Danish respondents expressed the view that there was probably no real problem of racism in Denmark. One woman of immigrant origin said “I don’t know whether racism is in Denmark. ... Things are more extreme in Britain, I think”. Another NIF activist said “I think that if we get people to join the union – I don’t think that you will get any problem with racism, because you will learn to know people from other countries – so I think it will change.” He also was of the opinion that “If they are second generation immigrant and speak Danish, I don’t think that they get so much discrimination”.

Supporting cases of discrimination

The respondents were asked whether and how the local trade union responded complaints of discrimination. From the experience of the NIF respondents, it seems that any response at all is unusual. Eighteen out of the twenty respondents could not describe in their own or any one else’s experience one case of a trade union helping a victim of discrimination and starting the steps which might take the case to court. They did not know of any examples of training provided by unions for their officials or shop stewards on how to handle discrimination cases, and were not aware of any plans for such training in the future.

Perceptions of problems in Denmark

There are clear differences between respondents in the UK and Denmark with regard to their opinions on what are appropriate anti-discrimination measures. The UK respondents perceive the problem of discrimination from the experiences of themselves and others, and they are relatively consistent in their support of a number of anti-discrimination policies to counter such occurrences. Does the apparently weaker emphasis of Danish respondents on anti-discrimination measures reflect the fact that they did *not* perceive there to be a similar problem of racial or ethnic discrimination in the Danish labour market? In fact, this was not the case. The recognition of the existence of ethnic inequality and discrimination in the Danish labour market was one of the reasons why the NIF network was formed in the first place. When the Danish respondents were asked if they knew of incidents of discrimination either from their own experience or from others, they were able to talk at length

about this. Their replies can be categorised under two headings: first there are their accounts of suspicions of discrimination encountered when applying for jobs, and secondly there are the cases of differential treatment experienced when at work.

From their own experiences the NIF interviewees were generally well aware of the tremendous problems immigrants and refugees had in finding a job in the first place. A respondent from Århus stated that he knew of a young person from Afghanistan who wanted to be an apprentice and tried 100 places without getting accepted. Several respondents mentioned the frustrations of refugees from former Yugoslavia who find it hard to find proper employment. A woman who works with refugees observed:

In my work with Bosnians, mostly they complained about not having a real job. What they had was job training, and they were considered as trainees, whereas they had years of experience with one thing or another. They were not looked on as being of equal worth in the labour market.

A HK member stated that : “Bosnian refugees don’t have jobs. If they do, they are bad jobs. I know of one workplace where they work under circumstances no Dane would. Repairing cars – no fresh air, no health and safety.” One of the NIF interviewees who worked for the AF, (the *Arbejdsformidling* - the national public employment service) reported that in her job she talks to lot of ethnic minorities who complain about their situation in the job market, “that they have experienced some kind of discrimination when they seek a job, and they don’t think it’s fair because a lot of them have a good education”. She added “They can have hard physical jobs – but if the Danish people want a job then it’s difficult for the ethnic minority to have the same job”. One of the coordinators of the NIF network stated:

I have the personal experience of lots of friends, and mostly they just give up. It’s so obvious – you can’t even get the job. You can’t get the practical placement when you are a student. ... So thinking that you are equal once you get in – you have to be awfully stupid to think that.

For that reason she felt that “nine out of ten want to start their own business”.

The majority of complaints at the recruitment stage were no more than suspicions which could not be proved, such as the cases of immigrants who had failed to get jobs for which they were perfectly qualified. Some instances were far more clear cut, such as the experienced hairdresser who had applied without success for many jobs and was told by one employer “we don’t take foreigners”. However, such blatant cases were rare. The problem for most applicants is that they can never be 100 per cent sure that the reason for their rejection was racial discrimination. For example, a respondent from Africa talked about a friend’s wife who is Indian and a graduate in teaching and who was working temporarily in a kindergarten. “They needed to engage one person permanently, but they said “We can’t just take you on, we need to advertise”. She made an application and received a letter turning her

down, but the next week she saw the advert in the paper again.” However, whilst this case led only to suspicions, there were other instances where this respondent knew the discrimination to be quite unambiguous. He was working on a special scheme for the municipality to find work for immigrants. He telephoned an employer, mentioned the man’s name, Mohammed, and was told the job was gone. He then asked his female colleague sitting next to him to telephone the same employer, and she was told the job was still available. Similarly an Århus respondent described how one of his Arabic friends, who had been educated in Denmark, wrote to 20 or 30 companies to get a job. “Why wasn’t he successful? So he changed his name on one letter to a Danish name and sent it to the same factory and got a letter back, “We are very interested, come along that day”.

If the above cases are examples of *direct* discrimination in the recruitment process, respondents were also aware of the operation of *indirect* discrimination. Two of the most common criteria of indirect discrimination are the use of family networks for filling jobs, and the stipulation of unnecessary language ability levels. With regard to the former, a NIF coordinator observed “We have a society of people “who know somebody who knows somebody”. The easiest way to get a job is if you know someone. And when you come as an immigrant you don’t know anybody.” An example of the latter was reported in relation to the AF *Arbejdsformidling* – the public employment service. A NIF activist in Sealand was working on a scheme located in the local kommune to integrate immigrants and refugees into the labour market. He wanted to find work for a Somali woman, and he went to the AF to see about a particular job - washing dishes. The AF said no, the person must speak and write perfect Danish, and they would not send her for the job. So he then approached the employer directly and the employer took the woman, “and was very pleased with her”.

The very nature of the job application process usually means that discrimination at this stage is hidden from the victim. However, once a person is actually at the work place, any differences in the way he or she is treated are more easily recognised. Sometimes their first experience of this comes at the interview, where unprofessional and inappropriate questions are occasionally asked to ethnic minorities. A respondent who is a bus driver from Afghanistan described how at his interview he was asked “will it be a problem that you have to pray five times a day because you will be stopping the bus all the time?” An economist from Iran who had been educated in Denmark described his interview experiences:

I knew I had a great record from the University, I went to a job interview once, something on economic policy, and I was asked “Why are you looking for a job here – try for something on ethnic equality”. What! I became really sad at this – it wasn’t a private company – I can’t say the name – you would be shocked. You hear from other people that it is a common problem.

Another NIF activist said “I know so many who, when they are in a job interview or at work, will be spoken to like they are imbeciles, very slowly and with sign language.”

With regard to the workplace, the majority of the 20 interviewees could give examples of the sorts of problems experienced by themselves or others, of how ethnic minorities were being treated differently by co-workers and supervisors. Sometimes people didn't respect their experience or their qualifications. Often people made unjustifiable assumptions about them, rooted in some simplistic ideas about culture. Sometimes people would make racist jokes. Fellow workers would take up stories that were in the media, and they would complain that “all immigrants are criminals” or “all immigrants just come here to get money from the social security” and then finish by saying “Oh, of course I don't mean you”.

The Afghan bus driver reported that when he first joined the company he found racist graffiti about him in the toilet. He encountered fellow workers whose view of immigrants was “You're OK but I don't like the others”, and occasionally passengers who would say “Go home, we don't like you”. One ethnic minority NIF member from the FOA public sector union recounted:

Racism happens every day when you are having your breaks at work. It pops up everywhere. Most people, even my pals, say “Why don't they go home?” They all tell stories about the money immigrants get from the Danish Social Security. Everyone knows one or two stories of this kind.

He had come to the opinion that “the Danish people don't like getting close to foreigners. They think they are too dangerous.” A Dane who had worked for 10 years in a major Danish company said “You heard the jokes about foreigners – you also heard a lot of hate in it. ... I know that those people have never spoken to, or been together with foreigners. But they had the opinion. And I didn't like it.”

A black NIF member observed “I feel segregated because - you can feel that you're being given a cold shoulder or not given the right information - just because you are there”. A Canadian observed “When you begin to talk about it everybody has got a story to tell – *everybody* almost”. One Copenhagen member described what happened to an ethnic minority friend who had just finished her training as a lawyer and got a new job in a prestigious law company as their summer intern:

And when she came in as a summer intern her photo was put out on the intranet so everyone knew she was starting. And the second day she was there she met a senior partner who looked at her and said “I didn't know the cleaners started at this time”.

A Danish NIF member in Jutland described how the negative attitudes from both colleagues and customers combined to cause problems for a Somali man, who eventually was forced to leave the company. This man had been taking basic technical

education and he took a work experience placement as an electrician at a firm just outside the town of Silkeborg.

And the people, his colleagues, when they had their lunch time, they were sitting and telling very nasty racist jokes and he had to sit and listen to them. When they had some job in Silkeborg and when they had finished doing their work and had to go back, and take their cars – sometimes they didn't take him with them. So he had to walk to the firm to get his bicycle to cycle home. And another thing was that some of the Danes (customers) who had to have some electrical work said to the owner of the company, "if you are sending him out - don't. Forget it. Then I will take some other firm." And so the story ended that the man who owned the firm called him in and said that he was very, very sorry but he couldn't see any other solution - that their ways had to part.

One NIF activist stated that she could relate many cases of people being exposed to racism directly in their workplace. One was with regard to a man she knew who worked in a company that rents out domestic appliances, and one of his jobs was cleaning the machines.

One day he had just finished washing a machine and a guy comes in with very dirty boots and put the boots on top of the washing machine and said "Clean these boots – you're so filthy inside, it doesn't matter". And the boss walked by at the same time, and the guy I know said "Do I have to do this?" And the boss said, "no, no", and called him into his office and looked like he was going to take it really seriously. And the guy I know said "I don't know if I want to work here if this is the way it is – if you don't support me I don't want to work here". And the boss said "no, no, this guy is not going to work here". Three weeks later the guy with the boots was promoted. And it feels really bad when one year later this guy is at the top and my friend is still in the same position. Who was taken seriously?

The examples show that problems are not only confined to manual workplaces, but can be found in middle class white-collar and professional environments too. One Copenhagen respondent described the insensitivity of a female social worker's colleagues who kept referring to her as a "negro" and when she tried to raise this at a staff meeting she was told that they thought that the word "black" was an ugly word, and "negro" was nicer. A NIF coordinator described the example of a black NIF activist whom she regularly works with. At his workplace, his colleagues regularly refer to NIF – (Network in the Unions) as "Niggers in the Unions". "He is the workplace representative, and he has the right to go to these meetings. He will say, "I am not going to be here this day because I am going to a NIF meeting" and they say, "Ah, the Niggers in the Union meeting". And he is a librarian, works in the (——) Library!"

Another facet of discrimination is when immigrants are employed at different rates of pay and conditions compared to the majority Danes alongside them. One

respondent knew of an employer who had a particularly bad reputation with regard to the way that he treated recently arrived immigrants. She reported that in the first week they are told “In Denmark you only have three weeks vacation, by law you cannot decide when you want it, in Denmark the minimum wage is 50 kroner an hour, so be glad for what you get” – which is lower than the minimum wage – “In Denmark you have to pay your own pension” – things like that – which is against the law.” She found it surprising that employer would take this chance, because she knew the employer was one who had an official agreement with a trade union.

They will do one thing for the Danish people who know the system and they will do another for the ethnic minorities who don't. They rely on the fact that the ethnic minorities don't know the system. So they get three weeks of vacation, less kroner an hour and if they complain they get told “You know where to go”. ... I know people who, when they ask for a union contract, get fired immediately. When they started asking questions, asking for their rights, they get fired. Because its too dangerous for the companies who play on this lack of knowledge – you have to get the people out as soon as possible, because its quite a lot of people sometimes they have running like this – people working extra hours and not getting paid.

Perceptions of union responses to discrimination

As stated earlier, 18 out of 20 respondents knew of no case when a trade union had assisted a complainant of discrimination with the steps to take a case to court. One NIF coordinator responded to the question on this topic with exasperation:

I have met so many ethnic minorities who wouldn't even dream of complaining. Why do the battle? Because you know you are also fighting your own union. A lot encounter mistrust when they go and say to the union “I've experienced this, this and this” and they say “Prove it – are you sure?” And they don't know how to handle the issues, they don't know how to go to court for it.

She reported that she had ethnic minority friends who are very well educated, and the first day that they start a new job they encounter a barrage of racist comments. “And they will never go to their union and say “Please help me with this” Never! And that is mainly because the unions don't show that they will stand up for you. I am *very* negative when it comes to this”.

The only two respondents who could describe examples of union responses to cases of discrimination both worked for the NGO whose function it was to gather data on discrimination cases, the *Dokumentations- og Rådgivningscenteret om Race-diskrimination*, the Documentary and Advisory Centre on Racial Discrimination, usually abbreviated to DRC. The issue of union passivity on cases of discrimination

was the main focus in the interviews with these respondents. In the absence in Denmark of an official body to advise and support victims of discrimination – such as the CRE in the UK – the DRC in Copenhagen is the main organisation which performs this role. Until the end of 2002 there had been an official body called the *Nævnet for Etnisk Ligestilling* – the Board for Ethnic Equality. This was a body which provided advice on discrimination and ethnic equality to the Danish Parliament, the government and other institutions. Unlike the CRE in the UK, the Board was not empowered to investigate individual cases. For this, many victims turn to the DRC.

The DRC respondents stated that people who came to the DRC for advice and assistance on perceived incidents of discrimination at work tended to be those who had already been to their union and felt that the union had not helped them. Alternatively, some had not even contacted their union, perhaps because they were unaware that the union could help them. As one said, “some of the people think that the union is just somewhere where you get money if you don’t have a job, and not somewhere for legal assistance”. The two DRC interviewees were asked to give examples from their files, going back over the last year or so, where unions had given positive support to their members in discrimination cases. They were also asked to provide examples where victims had *not* been supported by their unions and where there was a *prima facie* indication that such support should have been forthcoming. Some of the examples they described in detail have been summarised below.

There were two recent cases recounted by the DRC interviewees where a union had acted positively in support of its member. One concerned a woman administrative worker and FOA union member who came to the DRC. In the organisation where she works it is normal for employees who have worked there for a certain period to be promoted. She had been there for a long while and had not been promoted, and had watched others being promoted in front of her. The DRC contacted the shop steward. “He was very interested in the case, handled all the correspondence, and we got a letter from her that she has been promoted now and it has been back-dated to the day that she should have been promoted – so that was very successful. So the shop steward did OK”. However, he observed that it was perhaps significant that she came to the DRC in the first place, not to the union.

A second “good practice” case concerned a man who had been fired from his job at a clothing retailer after being accused of stealing. He later found out that other people from the shop had also been sacked, and all had ethnic minority or foreign backgrounds. “One of the people he knows who still works at the shop – with Danish background - has told him that the manager has said directly to him that he wants to sack all the foreigners working in the shop because he can’t rely on them, or something like that.” The victim went to his union, HK and reported back to the DRC that the union official did not hesitate, was well organised and had a check-list of

all that had to be done - "he was really impressed by the professional treatment he got". At the time of the interview the case was still ongoing. The other positive aspect of HK was reported to be their well-publicised determination to support their members in fighting "headscarf" cases, an area in which they had already had some success.

However, far more common in the DRC's files were cases where unions had failed to help their members. The first case concerned a chocolate manufacturer. A woman who was expecting to get a job with the company packing chocolate was sent on a 14 day training course especially designed for that company. "Everyone got the impression that they were going to have a job with (——) after the course, because otherwise they wouldn't have spent 14 days on it." However, the company then denied her a job because she was wearing a headscarf. So she went to her union, and the union asked the company to explain why this would be a problem. The company told the union representative that they could not allow her to wear the scarf because the buyers – a major supermarket in England and also one in Sweden - would not allow people wearing headscarves to pack their chocolate. "So the union accepted this explanation and said that this was the company's living, they had to sell their products, and therefore they couldn't do anything for this woman." The problem for the DRC was that this explanation by the company was so unlikely as to be ridiculous, but the union accepted this explanation and did not even bother to check with the British and Danish supermarkets whether it was true or not. Eventually the woman got a lawyer independently, and took the case to court.

The second case was that of a psychologist who applied for a position in a municipality just outside Copenhagen as a school or child psychologist, and who was rejected on the grounds that the children would be unable to understand her Finnish accent. According to the DRC worker "she speaks with an accent but there's absolutely no problem in understanding her." She contacted the DRC, who saw it as an obvious case for union involvement. The DRC contacted the union "and they didn't want anything to do with it - they actually supported the *kommune* and agreed that her accent would be difficult for the work." Later the director of the DRC wanted to write something in the union magazine in reply to what someone from the union had written on the case, and this was refused because "he wasn't a member of the union." He therefore asked the woman to write the letter in her name, but then the union told the woman that because she had not really written it, they would not publish it. "So it shows that not only were they not interested, but that they were actually building barriers for her in her desire to take the case forward." This woman was now also independently pursuing the case with a lawyer.

A third case concerned a man who worked for an international company, operating machinery making plastic items. There were about eight ethnic minorities working there, in one team. They were given a new team leader, who gave them the

impression that he didn't like ethnic minorities. After he started, the company began to lay off people with the explanation that there was not enough orders coming in, and made redundant five or six people out of the eight, all ethnic minorities. However, afterwards they began to hire Danes again. One man complained to the DRC, and the DRC wrote to the local union. Several of the people who had been laid off were union members, yet the union refused to take up the case, on the grounds that the first complainant had not been a member of their union. They also wrote back defending the company. "They said that they had contacted the company and it was OK because the Dane who had been recruited could speak and read Danish better than those who were laid off, and had better qualifications than them too".

A fourth case was a cleaning employee who had been working at the company for five years. He was seen as a good worker, and his manager promised him that he could get a promotion. He wrote an application for one of the jobs, but after a long while the company announced that he had not got the position. Naturally he was frustrated at this and kept asking why, and finally one of the people who had been sitting on the appointment committee told him "The truth is that you are an ethnic minority and we don't like you, and our colleagues don't like you". The DRC wrote to the trade union and they replied that they didn't feel that there was anything they could do because there was nothing in their collective bargaining agreement with the employer that would cover this. The DRC pointed out to them that they had the option of raising a case in connection with the law – they weren't only restricted to doing things in connection with the collective agreement. The DRC arranged a meeting with the union but came away with the impression that they were seen as something of a nuisance, and eventually the complainant lost patience with the union and found a new job.

A fifth case was of a girl at school who was going to start a *praktik* – a work placement – at a major national clothes retailer. She turned up to start her work placement wearing the headscarf, completed a days work, and went home. The next day at work, after about an hour or so, she was called in to the management who said "I'm, sorry, you are going to have to go". She said "I don't understand", and they said "Its because you have got your headscarf on". So she was sent back to school. The problem for the DRC was that the teachers at the school didn't want to do anything about it, and instead had the attitude "So why don't you go to a work placement where they want you?" The girl came to the DRC because she is not a member of a union. However, the issue for the DRC was that the teachers union did not appear to have a stance on this issue which would have encouraged their members to support their pupil.

There were a further two cases where the DRC had persuaded a union to take further action. One was the case of an Iranian physiotherapist who was working in

a team of four, one of whom was consistently hostile to him. The management informed the team that because of a budget deficit one of them would need to be made redundant. The management consulted with the team on this, and chose the Iranian for redundancy, even though he had been strongly supported by two of his three colleagues. When the Iranian physiotherapist suggested that this looked like racial discrimination, the management threatened to take him to court for “making an illegal accusation”, (a threat which legally, according to the DRC respondent, was ridiculous). At first the man’s union would not do anything about this, particularly as one of the sympathetic colleagues then resigned, thus removing the threat of dismissal from the Iranian. However, the DRC persuaded the union to write a letter to the management, asking them to clarify their policy in cases of claims of discrimination by their employees.

The other case was that of a Romanian woman who was about to start work in a cleaning job. She had already been given her uniform and I.D., and had telephoned the company to confirm that she would be starting work at the Copenhagen studios of an international media company. However, half an hour later, she was called again by another member of the staff in the cleaning company, saying that she could not have the job because the client did not want her, because she was foreign, and they thought she didn’t talk Danish properly. According to the DRC respondent, “she speaks Danish very well, with an accent, but good enough to have a conversation on the telephone.” She was upset and went to her union, but the union was reluctant to take action because it said that the case would be difficult to prove. Instead they assisted her to write a letter asking the company for an explanation. The company replied by inviting her in for a meeting, but when she asked the union to send a representative to accompany her to the meeting, the union refused. The Romanian woman then approached the DRC for assistance. At the time of the interview the DRC was in contact with the union and trying to persuade them to take up the case, and “on the phone so far they are positive.”

Finally there is a case which is worth mentioning because it was reported in many of the national newspapers in Denmark. A Danish man receiving treatment in a hospital refused to be examined by an Iranian doctor, calling her an “animal”. Although the doctor and her colleague were ready to turn the man away, the Director of the hospital ruled that the man should receive treatment by another doctor. The Iranian doctor was a member of the *Lægeforening*, the Danish Medical Association (DMA). Whilst strictly speaking this organisation is not a trade union in the narrow sense, it performs many functions similar to a union for the medical profession. It is a lobby organisation for Danish doctors, and its objectives include “to protect the interests of the medical profession, and serve as the body through which the influence of the medical profession may be exercised on general social issues in the best interests of health and the health care system”. Around 94 per cent of doctors

authorised to practice in Denmark are members of the DMA. Following the case, the DMA supported the hospital Director's decision and not their Iranian member, who eventually left the association. The DRC tried to persuade the DMA to change their mind, and invited them to a dialogue on the case, but the DMA justified their inaction with reference to a subsequent ruling by the relevant Danish government Minister that the action of the hospital Director was acceptable and according to the rules.

There were other cases reported to the DRC, such as the man with a business qualification who gained no help from his local union after he had been rejected for a job on what he thought were dubious grounds. He had been well qualified for the advertised position with a national supermarket, but the supermarket rejected him on the grounds that he did not have a particular specialisation, although this had not been mentioned in the original advertisement. However, one of the DRC workers noted that complaints of "union neglect" were more likely to be with regard to issues of harassment or firing rather than about discrimination when job seeking. That was because "its only when you've got the job that you tend to become a member of a union". Thus people who felt that they had experienced recruitment discrimination would come to the DRC directly. However, one area where it was felt the unions could do more in the recruitment phase is with regard to the "policing" of job advertisements. The DRC regularly noted what appeared to be classic cases of "indirect" discrimination in the stipulation of very high standards of Danish for jobs where they would seem to be unnecessary. Over the preceding year, the DRC had monitored advertisements for jobs such as service workers or bus drivers regularly stipulating "perfect written and spoken Danish", or "fluent Danish" or "must understand 100 per cent written and spoken Danish". One advertisement said that the applicant "must be Danish or Swedish". Suspicions that these criteria were unnecessary were particularly strong in the case of cleaning jobs. The cleaning assistant advertisements contained phrases such as "must speak and write perfect Danish" or "must speak and understand fluent Danish." One cleaning job advertisement stated that the applicant "must have Danish citizenship". The important question for one DRC respondent was quite simply "why are the cleaning unions are not kicking up a fuss about this?"

In the opinion of one of the NIF coordinators, one of the reasons for union passivity in cases of discrimination at work was the complete lack of knowledge of union officials on how to handle a discrimination case. The union people say "We don't know where to go". Nobody has the faintest idea which way to go in the justice system."

How do we respond? What legal measures do we have? Nobody knows. People feel powerless. For those who want to do something it's an awful feeling of not knowing what to do. You can write to the newspapers – but you can't keep on doing

that. You have to go to court, to have people support you. You have to draw a line in the sand. ... We need a concrete course on what to do ... people need tools, a book, ten rules on what to do. We are just on the surface.

A DRC respondent observed that in his experience shop stewards were very unsure about topics like “what is racial harassment, where do you draw the line, what cases and examples are there, what can a shop steward do?” The cases that he knew of, where shop stewards had acted, were “because of their own personal motivation, but without knowing at all what to do, as they had not received any training on the topic”.

At the time of the interviews the Danish labour movement had begun a reorganisation of its central training arrangements, and the task of developing training courses on migration and integration was given to one particular educational institute in Denmark. As part of this, this institute was planning to develop the migration and integration component within the general shop stewards’ training course. In the light of the awareness of the Danish interviewees that cases of discrimination were not being adequately addressed by the labour movement, it would seem to be an opportune time to provide shop stewards with the some of the skills and awareness to tackle this problem. However, when a HK official was asked whether the new training for shop stewards was going to include material on how to fight cases of discrimination, he replied “No, it is in general – using the labour market as a tool for integration in society”. Another of the interviewees was a NIF activist who was also one of those responsible for developing the training courses at this institute. When he was asked whether the shop stewards would be receiving any training on how to handle cases of discrimination, he replied “Not on such concrete issues. It’s mostly about opening their minds to see people as they are, to look at their competences, and not their ethnic background”.

There seems to be a paradox here. There is a clear awareness on the part of the majority of interviewees that racism and unjust discrimination are regular features of working life in Denmark. Added to this is the evidence from cases assembled by the DRC which demonstrate that not only are there clear *prima facie* cases of discrimination, but that also unions rarely do anything about them. The perception of what are the appropriate measures of response to the problem in Denmark is very different to that in the UK. The Danish interviewees recognised that ethnic minorities were not participating as much as they might in union life. Like their British counterparts, the Danish activists had a clear awareness of a problem of racial discrimination in the Danish labour market and workplace, and they were also aware that at the moment the unions are doing very little about it. Yet the remedies that these same activists are pushing for are not those discussed by the British respondents, such as training shop stewards to deal with cases, policing racial harassment or incorporating new structures in the union to counter existing structures of

exclusion. The measures that are being suggested in Denmark are those of gaining better “integration” through information provision, persuasion, campaigns and training for diversity. The factors which might be taken into account in understanding this difference will be considered in the next chapter.

Chapter 4 Understanding national differences

Chapter 3 has set out evidence of a difference in emphasis within both the discourse and practice of British and Danish trade unions in this field. The interesting question for us is to explore why this should be so. There are roughly the same proportions of ethnic minority populations in each country, and the immigrant populations arrived at roughly the same time, if a little later in Denmark. There has been relatively little comparative academic work on the responses of European trade unions to immigrant workers. What sorts of variables are significant here? Is it related to the character and power of the unions and the national industrial relations traditions? Is it to do with characteristics of the immigrant communities which are found within each country?

As stated earlier, there was a “sub-project” related to the current research investigation, which allowed an extra international comparative element, and this might throw some light on the kinds of factors which could be relevant in understanding national differences in union practices more generally. This sub-project, known as “OSIME” - Organisations Syndicales, Immigrants et Minorités Ethniques en Europe (Trade Unions, Immigrants and Ethnic Minorities in Europe) consisted of three national partners, Denmark, France and Spain. The aim was to compare empirically the practices within trade unions in the three countries on the issue of racism and discrimination, and exchange experiences and ideas between countries, and funds from the European Social Fund allowed for visits of delegations of trade unionists to each others countries. The NIF network constituted the Danish partners in this project.

Therefore, before turning to the analysis of Danish and British differences, we have the opportunity to look at union policies in another EU country, Spain, revealed as part of this related sub-project. The comparison with Spain might help us to identify factors which might be relevant – or just as importantly, not relevant – in the comparison with the UK.

A comparison with Spain

The Spanish union involved in the project was the UGT (Unión General de Trabajadores - General Workers' Confederation). The UGT is one of the two major trade union organisations in Spain, the other being the CC.OO (Comisiones Obreras - Trade Union Confederation of Workers' Commissions). They hold about 75 per cent of Spanish trade union members between them. The two unions have each created a network of special centres to deal with the specific problems of immigrants: the Centros-Guía de Inmigrantes y Refugiados (Advisory Centres for Immigrants and Refugees) in the case of the UGT. The network of the UGT's Centros-Guía was first set up in 1991 and there are now centres in the 11 Autonomous Communities with the largest immigrant populations. Where there is no centre, the trade union's social-welfare services offer special advice and help for immigrants. The Centres cover legal services such as work and residence permits, visas, and information on work-related issues, and social activities such as courses in Spanish language and culture, cultural activities to promote multi-cultural tolerance, and anti-racist awareness campaigns. The union also engages in political activities to promote the integration of immigrants in the labour market, negotiating with administrative bodies on policies regarding foreigners, and campaigning to raise Spanish workers awareness of immigration. The union has been involved in campaigns to give non-EU immigrants the same rights as EU nationals, and fighting illegal immigration by helping workers to regularise and taking criminal proceedings against employers and traffickers of illegal labour.

Examples of the kinds of problems that were occupying the unions' attention were set out by delegates to the OSIME project conferences. A UGT representative stated that people who have work permits do not complain at work because they are afraid of losing their permits. Another representative stated that women who were suffering sexual harassment from their employer would not complain because they were afraid that their work permit would not be renewed. Often the immigrants in Spain don't receive basic social rights. During the Madrid conference participants were told by a representative of the Federation of Public Sector Unions of their recent concern over the failure of the health authorities in Madrid to treat the sick children of illegal immigrants. So the union had made a formal complaint to the health care services. They had also made complaints to the local police on the issue of police discrimination.

A delegate reported that in the construction sector there are huge differences between the immigrants and Spanish workers. The immigrants don't get proper contracts and are employed not by the big firms, but by the smaller sub-contractors in the heaviest and worse jobs. In construction they *favour* the immigrants because employers like the fact that they work for lower wages. Smaller companies

with a less qualified workforce are more interested in employing immigrants, and when they are illegal they will do anything – “It’s more like a form of slavery”. They are often taken on day by day, so it is difficult for the trade union to do anything. Because of this the union has very few immigrant members in the construction sector. “We talk to an immigrant in a company, and the next day he has gone.” Despite the labour legislation which makes it hard for irregular workers to become members of the union, the union tries to encourage them to join.

Towards the end of the project the Spanish team reported on two of the latest issues preoccupying the UGT, both occurring in the month preceding the final OSIME conference in March 2000. The first was the occurrence of the worst outbreak of racist violence in Spain’s recent history. This occurred in El Ejido, a small Andalusian town of about 50,000 people and 15,000 immigrants from Morocco and Algeria working in the agricultural sector. Three days of violence and arson against immigrants and their houses, cars, shops and mosques, sparked off by the murder of a Spanish national, left 56 people requiring medical attention. Many of the immigrants worked illegally, grossly exploited for poor wages and living in appalling conditions. The union delegate stated “They are working and living in nineteenth century conditions. It is terrible. They live in caves, tents - they have no drinking water, electricity or hot water. Employers like them because they can pay low wages below the agreed levels. They are often single men and nothing has been done to foster their integration in the locality.” In response to the violence the immigrants called a strike in the district, and the UGT was involved in mediating in the conflict and drawing up a new agreement with the employers organisations. The union has until now tried to improve conditions in the agricultural sector by visiting the farms, exposing the shocking housing conditions and reporting the farms to the Labour Inspectorate. But most of the time, the Labour Inspectorate doesn’t respond. “There is no political will to change this.”

The second event was a new law introduced in Spain following heavy political lobbying by the UGT and other organisations. In May 1998, along with the CC.OO, the UGT had released a manifesto entitled “For equal rights and social integration of immigrants, against racism and xenophobia”. This called for a change in the law affecting immigrants. The Government is criticised in this for, amongst other things, the restrictive and arbitrary interpretations of the regulations relating to work and residence permits. The union called for a new law to be implemented. The lobbying of the unions and other pressure groups had some effect, as in February 2000 a new “Law on the Rights and Freedoms of Foreigners in Spain and their Social Integration” came into force. This gives new rights and freedoms to those immigrant workers and their families who reside and work in Spain on a regular and permanent basis but who do not have Spanish nationality. It also gives illegal

immigrants new political and social rights, including to healthcare services, and to join a trade union.

The exchange of experiences of the Spanish and Danish activists provided an opportunity to demonstrate how union movements in different EU countries can have completely different priorities. The main preoccupations of the Spanish trade unionists were entirely different from and almost irrelevant to their Danish counterparts. One way to understand the different priorities and activities of trade unions in different European countries with regard to immigrants and ethnic minorities is to remember that very often these immigrants have a different legal status in different European countries. There are five possible categories of legal status of immigrant and ethnic minority workers in Europe, with number one having most rights and number five having the least rights. According to where the bulk of the immigrant/ethnic minority groups are located in relation to these five types they will be exposed to different combinations of legal and informal discrimination and this has implications for trade union actions against discrimination. These five main categories of the working population of the European Union are as follows (Wrench 1996).

1. European Union citizens living and working within their own country of citizenship
2. Citizens of an EU member state who work in another country within the European Union
3. Non-EU citizens who have full rights to residency and work in an EU member state
4. Non-EU citizens who have leave to stay on the basis of a revocable work permit for a fixed period of time
5. Undocumented or “illegal” workers

The very different emphases and priorities between the Spanish and Danish unions participating in the project can be understood largely through the differences related to the nature of the majority of the immigrant population in the two countries in terms of legal status and citizenship. In Spain there are large numbers of both category 4 and category 5 immigrants. Category 4 occupy low qualified positions where employers find it difficult to hire a national labour force, often in domestic service, catering, construction and farming, for example. Workers in category 4 are in a relatively weak position in the labour market. Foreign workers in Spain in this category are not only under pressure to accept jobs with poor working conditions, arbitrary hours and low pay but they also have to remain compliant within them. Foreign nationals therefore are very attractive to employers as a relatively powerless

and highly flexible workforce. And there are also many category 5 undocumented workers in Spain who have no contract or social security benefits and suffer highly exploitative working conditions which violate regulations and union agreements. Employers who hire this type of labour have the advantage of holding absolute power over their employees since illegal immigrants cannot make formal complaints or take legal actions. In Spain, the unions are concerned with fighting this extreme exploitation of immigrants and will often get involved in activities outside the workplace in this, including helping with regularisation, and with housing.

EU countries differ according to how their immigrant and ethnic minority population fall predominantly into the above categories, and this has implications for the types of policies being undertaken by trade unions within each country. Whilst in Spain a very large proportion of the immigrant population falls into Groups 4 and 5, this is not so in Denmark, where citizenship has been relatively easily granted after a few years residence. Thus many immigrants fall into group 1. Even when immigrants do not have formal citizenship they face much less problems or restrictions than in Spain. For example, in Spain it is necessary to be a Spanish national to get public sector job, whereas in Denmark there is no need for Danish citizenship to get a public sector job. In Denmark the question of legal discrimination has not been a major issue of concern to activists, apart from the occasional high profile case, such as a few years ago when there was criticism of a new law which would have the effect of preventing foreign citizens from owning a taxi company. Nor is the issue of “illegal” work a major issue in Denmark. The high rate of membership of both unions and employers federations, and the traditional way of settling things by collective agreements, means that generally speaking illegal immigration for employment is effectively policed by unions and employers organisations. (In countries with no such arrangements, illegal immigration for employment has to be externally policed by the state, and this is generally expensive, inefficient and unsuccessful. - Hjarnø 2003). As one representative of SiD confirmed at an OSIME conference, the problem of illegal immigrant employment is small in Denmark, generally found in the agricultural sector, and the Danish unions do keep employers under scrutiny on this.

The unions are relatively “institutionalised” into Danish society, and the Danish team’s activities in the OSIME project were characterised primarily by working within the unions, within the workplace, and generally “within the system”, raising consciousness within the unions and aiming ultimately for non-discrimination to be included in the co-operation agreements with employers. In Denmark, a high rate of unionisation is “normal” for all social groups. In Spain the unionisation of immigrants is very low. As Watts (2000) puts it “The union leadership attributes low membership rates to the precarious, often illegal, short-term work done by most immigrant workers, and to the institutionalised irregularity built into the system of

short-term work and residency permits” (Watts 2000: 26). However, Watts argues that affiliating immigrant workers is not the main goal of the leaders of the UGT. “Instead, they want to increase the security and stability of immigrant workers in Spain in the belief that the exploitation of immigrant workers places native workers in a worse situation for maintaining and improving social achievements” (Watts 2000: 26).

In Spain the dominant character of the issue facing the OSIME team was the fact that so many of the immigrants are on fixed term permits or employed illegally. The whole character of the Spanish situation means that, unlike in Denmark, a high proportion of immigrants are in a virtually different labour market to the Spanish workers, taking jobs that Spanish workers don’t want to do. As yet, unlike in Denmark, there is no real issue of “second generation immigrants”. Whereas in Denmark, where NIF activists work to persuade employers to reduce the barriers to employment experienced by immigrants and ethnic minorities, in Spain, in some sectors of the economy, employers operate a kind of positive discrimination *in favour* of recruiting immigrants simply because they can be worked harder for less pay than Spanish workers. Therefore many of the unions’ “anti-discrimination” activities at various levels have the aim of increasing the immigrants’ protection against extreme exploitation by unscrupulous employers. Their legal vulnerability leads to extreme degrees of exploitation, and this has great implications for the nature of the Spanish union activities in the project. Often the union’s activities take place far outside the workplace, such as fighting for the regularisation of workers, or helping with access to health care, welfare entitlement and housing. The UGT’s activities for immigrants have been categorised by Watts as a “social service” model of trade unionism. This model is bolstered by government funding to the unions for a wide range of programmes, including employment training, language training, housing, promotion of multiculturalism and prevention of racism, and academic research on immigration. Thus Watts argues that in Spain the unions moved to fill the void in social services provision for immigrants, and this “grassroots” approach has made the unions one of the main advocates for changing immigration policies at the national level (Watts 2000: 30). The Danish unions, which are part of a country with probably the strongest welfare state in Europe, have no need to act as a social service agency and have a very different set of priorities in relation to immigrant workers.

The comparison with Spain shows that in any comparison of specific union policies between different countries it is necessary to take account of broader structural differences in wider society. However, in this case, the main variables of difference between Spain and Denmark do not actually apply to the comparison between the UK and Denmark. Indeed, the UK and Denmark are in fact very similar to each other, when seen alongside Spain. For both Britain and Denmark, most of

the immigrant/ethnic minority population falls into Group 1, and most do not experience legal discrimination as in Spain. In both the UK and Denmark immigrants are just as likely to be members of trade unions as are the majority workers. In both countries the immigrant communities are relatively well established with second and even third generation members. There is a problem of illegal labour performed by undocumented workers in the UK, more than in Denmark, and the British unions have been turning their attention to this issue in recent years. Nevertheless, this variable by itself is not sufficient to explain the differences in union policy emphases set out in this section. We need a more sophisticated set of factors to do that.

Explanatory factors

In Penninx and Roosblad's study of trade union policies and stances in seven different European countries up to 1993 we can find a categorisation of four sets of explanatory factors which might account for differences in union policies and practices between national contexts (Penninx and Roosblad 2000: 13 – 15).

- The first concerns the position of the trade union movement in a society, its power and its structure.
- The second is the condition of the economy and the labour market within that society at the time of the particular union stance or practice.
- The third covers the context of the society as a whole, its institutions, the political structure, legislation, national ideologies and public discourse.
- The fourth concerns characteristics of the immigrants themselves.

We will use these four categories to organise the material in this section and look at elements under each heading. However, the standpoint taken from this analysis is that it is the third category which is particularly important in the comparison of union policies in Denmark and the UK. Most attention will be focussed on this one, and it will be considered last of all.

The trade union movement in society

If we look at the relative power of the Danish and British trade union movements, it would seem that the Danish unions, with a membership density of around 85 per cent, would be far better placed to introduce and successfully implement strong ethnic equality measures. Compared to Britain, unions in Denmark have far more intrinsic power and a greater potential influence on employers to bring about changes required by the arrival of “New Danes”. One reason for the importance of unions in Denmark and the high membership rate is the collective bargaining system. In Denmark employers who do not observe agreements, for example, on pay, can be held to account, and this has been a major source of union power, as unions can enforce agreements even if their members in a particular area are unable to fight for their implementation (Scheuer 1992). The trade union monopoly in representing employee interests in the labour courts is a major advantage in attracting members (Lind 1995). Another reason for the high membership rate is the link between being a member of a union and membership of an unemployment insurance system.

In the “Danish model” there are strong worker and employer organisations, and centralised collective bargaining with agreements which cover a very large part of the Danish labour market. There is a consensus-based relationship between the opposing organisations and a relatively low level of strikes. Virtually all the conditions in the labour market are agreement-based rather than legislation-based. Individual employment protection is weak and the main protection against the abuse of employers’ discretionary authority has come from the collective bargaining system and grievance procedure (Nielsen 1995: 2). As stated in Chapter 1, one structural factor that has led to the “Danish model” is the predominance of small and medium sized firms, which encourages employers to form organisations and to regulate matters in collective agreements with trade union organisations. This has encouraged the tendency to resolve conflicts of interest by fostering consensus between the organisations that represent the different sides (Due et al. 1994).

The high membership rate and institutionalised influence of the Danish trade union movement would suggest that they are in a much better position to introduce strong policies in support of their immigrant membership than their far less influential equivalents in the UK. The decline in union power in Britain since the 1970s has been due to two main factors. Firstly long-term economic restructuring, recession, and recalcitrant structural unemployment eroded the sectors which had traditionally provided the mainstay of trade union membership in the UK, and increased the proportional significance of sectors that are difficult to unionise. Secondly, the decline in union power was a deliberate policy aim of the Conservative governments which were in power from 1979 to 1997. By the end of 1993 nine pieces of legislation, including five Employment Acts, had considerably reduced trade

union rights and functions in line with the “free and flexible” labour market lauded in New-Right ideology. The principal significance of the Conservative employment legislation was to deny workers access to resources of collective power (Smith and Morton 1993).

Compared to their Danish counterparts, the relatively weak position that this put British unions in when attempting to provide support to certain sections of ethnic minority workers - such as older Asian women who speak little English, refugees, and undocumented immigrants working in low paid work - can be illustrated with two examples from the 1990s: cleaning workers in London and sweat-shop workers in the Midlands. Since the 1960's Heathrow Airport has been the largest employer of Southall's Asian women, who work in the cleaning and catering divisions. Although many of the women had been paying subscriptions to the TGWU they received more sympathetic assistance in their grievances - “job insecurity, physically demanding work, low pay, unsocial hours, shift work, lack of training, and allegations of racism and sexism from employers” (London Borough of Ealing 1988) - from a local community based organisation. After receiving strong criticism over the neglect of these ethnic minority members, the TGWU undertook to make the organisation of the cleaners a priority task. A two-year recruitment initiative increased membership from six to 50; however, this was still only five per cent of the potential membership of 1,000. Thus the initiative was a failure.

A key factor as to why the local TGWU office was unable to organise a larger number of cleaners was the constraint of the restrictive employment legislation. The refusal of Heathrow Airport Ltd to agree to a union recognition agreement meant the local officer was unable to organise the cleaners at their place of work - the most likely place where the cleaners would join a union. The main method of recruitment had to be one of home visits to those cleaning workers known to be working at the airport. This was a very time-consuming task which often had to be undertaken outside normal working hours, and the resulting rewards in membership were small in relation to the effort. The difficulties were exacerbated by shift-working which meant that the officer would often have to make several visits to the homes of these cleaning workers before making contact with them. In addition, because the local officer was unable to organise the cleaning workers at their place of work, the recruitment literature which had been translated into the appropriate minority ethnic languages could not be distributed to them there (Wrench and Virdee 1996). The lack of union recognition rights had made protection of the cleaners an impossible task.

The second example concerned the attempts of the General, Municipal and Boilermakers and Allied Trades Union (GMB) to organise a group of mainly Asian women workers employed at Burnsall Ltd, a small metal finishing company in Smethwick, the West Midlands, in 1992-1993 (Wrench and Virdee 1996). Work

was carried out in stuffy conditions, with long hours, imposed overtime and arbitrary docking of wages. The main catalyst for the strike was the health and safety issue. Workers complained of inadequate protection from the chemicals with which they worked; they reported that they developed skin rashes and dizziness from the tanks of heated chemicals, and that safety clothing such as gloves would not be replaced when damaged. In the three months before the strike, the union made many approaches to secure recognition. A secret ballot took place of the 26 of the 29 workers who had joined the union and on 15 June 1992 the strike began. The objective was union recognition to combat low and unequal pay, imposed overtime and a hazardous environment. There were 26 strikers, mostly Punjabi women who spoke little English. Over the 54 weeks of the strike the dispute was intermittently featured in newspaper articles and television news and documentary programmes, and attracted considerable public support. London and Birmingham support groups were formed, marches of solidarity were held, and concerts and social events organised to raise money for the strike fund. However, despite the support and sympathy, the strike was called off after one year. Legal restrictions on picketing and secondary action had limited the impact of the strike on the company, which found it relatively easy to recruit replacement labour. In particular the Government's restrictive employment legislation made once-normal collective action much more likely to be defined as unlawful activity, so that in the end very little pressure could legally be brought to bear on the employer to recognise the union or to improve working conditions (Wrench and Virdee 1996).

To extend protection to these sorts of ethnic minority workers it is necessary to allow them to organise through a trade union. This was not easy to do under the previous Conservative government, but is now easier after the Labour government's 1999 Employment Relations Bill, under which unions are able to seek recognition for collective bargaining from employers with more than 20 employees, and the union will be recognised if this is supported by a majority of those voting and at least 40 per cent of those eligible to vote. However, the Labour government made it clear that it was still committed to retaining much of the legislation introduced by the Conservative governments to regulate trade unions (Waddington 2000: 576).

There still remains in Britain a problem of undocumented immigrants working the illegal labour market, and British unions are finding it difficult to organise and protect these. Also, ethnic minority workers are now over-represented in sectors which have low unionisation rates. For example, over one quarter are employed in the Distribution, Hotels and Restaurant sector, and only one in 14 in this sector are trade union members (TUC 1998: 18). Despite the recent changes in employment law British unions are still in a much weaker position than their Danish counterparts. For the most exploited immigrant and ethnic minority workers it is too soon to be talking about union equal opportunity policies – they have not even got

to first base in terms of union membership. There are problems of unorganised immigrants in certain sectors, plus problems of illegal immigrant employment which are not found in Denmark. And when immigrants and ethnic minorities are organised, the unions have much less potential influence on employers' policies than Danish unions.

The above cases serve to illustrate how much weaker the British trade union movement is regarding certain basic trade union functions when compared to their Danish counterparts. The paradox is that the stronger and more influential labour movement is exercising less power in the direction of ethnic equality and anti-discrimination policies than is its weaker counterpart. This is the opposite that conventional wisdom would expect. Something similar is true for the next set of factors.

The economy and the labour market

The second set of explanatory factors suggested by Penninx and Roosblad is the condition of the economy and the labour market at the time of a particular union stance or practice. For example, economic recession can inhibit equal opportunity policies. As Penninx and Roosblad put it:

in times of widespread unemployment the competition (whether actual or supposed) between indigenous and migrant workers could increase, making a trade union policy of inclusion much more problematic. In the same vein one might suppose that there is much more room for special measures for the improvement of the socio-economic position of immigrants, such as positive action, language courses, management training, and suchlike, in times of economic affluence (Penninx and Roosblad 2000: 14)

While unemployment has been high by historical standards in both Britain and Denmark, in both countries it has declined since the 1990s and the absolute levels are very similar. It might be assumed that an increase in the unemployment rate would undermine the equal opportunities activities of an already weak trade union movement, such as that in the UK. In fact it is not as simple as that. The paradox is that the economic forces and unemployment which have undermined trade union power and influence in Britain seem to have coincided with a strengthening of the unions' resolve positively in the direction of anti-racism and ethnic equality measures.

During the 1960s and into the 1970s, when unemployment was low and British unions had a higher membership rate, more power and had achieved gains through collective bargaining, this was also a time when the unions were more

“exclusionary”, and when racist practices by union members were relatively common. It was also a time when the TUC was supporting new immigration controls which were in themselves selective and racist. However, as union membership and power significantly declined, this was the precisely the time when parts of the union movement began serious agitation on the issue of racism and discrimination within the labour movement, and ethnic inequality in general. This development has been described by Virdee, who writes:

parts of organised labour came to recognise that collective bargaining and exclusionary practices could no longer guarantee their economic security, leading them to support alternative strategies like strike action and those activists who advocated this type of action. Hence, rank and file workers rejected racism and engaged in “inter-racial” class action on the grounds that working class divisions, including those created by racism, were harmful to the effective pursuit of their material concerns ... (Virdee 2000: 559-560).

Similarly, other authors see that the forces that have undermined trade union power in Britain have also produced a change amongst union leaders to take a stance *opposing* restrictive immigration measures. Avci and McDonald (2000) describe how since the mid-1990s a “central component” of the TUC’s stand against discrimination has involved concerted opposition to both European and national moves to tighten immigration controls. They relate how at the 1990 annual conference a motion was introduced by the white collar union NALGO (now merged into UNISON) which was concerned particularly with the parts of immigration legislation which emphasised internal policing of “illegal” or undocumented workers. The motion expressed the belief that the proposed controls would “lead to the creation of a low paid pool of unauthorized workers without rights in EC countries”, and were damaging because they “will undermine the ability of trade unions to defend their members and ... are totally contradictory to the basic principles of trade unionism” (TUC, 1990: 473, cited in Avci and McDonald 2000: 201). The demands set out in the motion included an amnesty for unauthorised workers, the repeal of legislation which criminalizes them, and that all migrants and refugees be guaranteed legal status and have the right to live and work in any EU country. As Avci and McDonald put it, this is quite clearly “a radically liberal approach to immigration issues and one which, even allowing for the hyperbole of conference speech making, is a complete reversal of the position that the traditional view would lead us to expect.” Trade unions are now taking account of the context of the global labour market and demonstrating increased solidarity with migrant labour rather than maintaining narrowly “national interests”.

Avci and McDonald conclude that, paradoxically, the forces which have weakened trade union power may have stimulated this change. In a situation of comparative strength, unions may not be so opposed to controls, such as could be seen

in the 1970s. However, when unions are being weakened and undermined, and their legitimacy challenged, then issues of membership and recruitment, particularly in growing sectors of the economy and amongst unorganised groups, take on increased significance. "Legislation which threatens to hinder this is therefore likely to be resisted strongly both for ideological and self-interested reasons" (Avci and McDonald 2000: 206).

Ethnic minority characteristics

Thus we can see that the above factors, which can be classified under Penninx and Roosblad's first two headings, do not seem to hold the explanatory power that might have been predicted with regard to why anti-discrimination activities in the UK are so much stronger than in Denmark. Indeed, the relationship between union strength and anti-racist policy seems in this case to be exactly the reverse of that predicted by Penninx and Roosblad. I would next like to argue that Penninx and Roosblad's fourth category, the characteristics of the immigrants themselves, has rather less explanatory value than might first have been thought. This is consistent with the theoretical position of Soysal (1994), who argues that to explain the incorporation of immigrants into Western European societies you must look at the institutions of the host society rather than at the cultural background of the migrants. For example, Soysal argues that Turkish integration into Germany is normally explained by characteristics such as "Islam" or "Turkish village culture". For Soysal, this emphasis is erroneous. Instead, we should look at the "incorporation regimes" of different countries. This refers to "the patterns of policy discourse and organisation around which a system of incorporation is constructed" (Soysal 1994: 32). In doing this, Soysal reverses one of the "driving presuppositions of immigrant literature" – namely that characteristics, circumstances and cultures of immigrants predict how they participate in and interact with the host societies:

Most of the literature attributes a weighted causality to migrants' own conditions – customs, traditions, ethnoreligious background, and so on. In contrast I privilege the institutional repertoire of host political systems which afford the model and rationale for both state and migrant action (Soysal 1994: 5).

Of course, this is not to argue that there are no differences between the post-war immigrant communities in the two countries which are relevant to the quality of their participation within the union. Certainly the Danish respondents felt that there were some features intrinsic to the immigrants and their background which had a direct effect on the character of their participation in the union, and on the union responses to this, such as the fact that a far greater proportion of the ethnic

minority population are refugees in Denmark than is the case in the UK. This has implications for their readiness and suitability for the labour market, and is no doubt one of the reasons why training, skilling and educational programmes directed towards immigrants constitute a greater priority in the discourse and policies of Danish trade unions.

Another factor relates to the history of colonialism. In the case of the UK, post-war immigrants came primarily from former colonies, commonly spoke English, and were familiar with British social institutions. In Denmark, the situation was different, and this is another reason why union policies tended to emphasise language and other forms of training for immigrants, much more so than in the UK. One difference between the UK and Denmark was the quality of previous union experience of immigrants and refugees. The fact that Denmark has taken in a much greater proportion of refugees than the UK has implications here. One Copenhagen respondent observed:

You often find that refugees are afraid of union involvement because of their past experiences. They will pay the fees but they don't ask any questions about it. Some of them even thought the union fee was some sort of protection money for the local mafia.

Another reported that when he tried to encourage his immigrant colleagues to come to union meetings he was told "We don't want anything to do with the union. It's only for Danish people and they only want your money". A Jutland member was trying to encourage more ethnic minority members to become active, but there were several hurdles to overcome, including the fact that many had no tradition of joining a union in their country of origin, or might see the unions as corrupt organisations.

This is different compared to the general background of post-war migrants to the UK, where it seems there was more of a ready motivation to participate in the unions based on their earlier experiences. Many of the British post war migrant groups came from colonies where trade unions were not only active but were based on the British model (sometimes with the help of unions in Britain). In some cases these unions themselves were the locus of anti-colonialist struggles. Therefore many people already had experience of unions and a natural expectation that they would join them and be active when in Britain. Also in Britain, the lower membership rate meant that people who joined unions were more likely to have an activist inclination, more so than in a country like Denmark where it was a more normal expectation that all should join. In Denmark, the system leads to rather passive membership, many of whom do not join for reasons of "solidarity" (Lind 1995).

These differences go some way to explaining the greater emphasis on training in Danish unions, and the "black activist" tradition in British unions. However, they

do not enable us to understand the wide differences in policy traditions in the two labour movements. For this we need to turn to factors within Penninx and Roosblad's third set of explanatory factors, namely the institutions, the political structure, legislation, national ideologies and public discourse of society.

Institutions and public discourse

Consistent with Soysal's views that the priority of focus should be on national incorporation regimes rather than on the characteristics of immigrants, I will argue that it is important to see trade union activities and priorities in this field in the context of national differences in responses to immigration and ethnic diversity. Castles (1995) provides a categorisation of such responses, which includes *differential exclusion* - immigrants are seen as guestworkers without full social and political rights, *assimilation* - immigrants are awarded full rights but are expected to become like everyone else, and *pluralism/multi-culturalism* - immigrants have full rights but maintain some cultural differences. To help us understand the context of trade union policies on immigrants in Denmark and the UK we will use the categorisations of Castles' model, subsequently modified by Kirton and Greene (2000: 237), drawing on Bryant (1997), with expanded explanatory detail from Wren and Boyle (2001). First, the categories need further explanation.

Differential exclusion

Immigrants are seen as guest workers (*gastarbeiters*) without full social and political rights. Citizenship is defined by descent. Naturalisation is possible for non-nationals but requires the renunciation of other citizenships and evidence of meeting the criteria for the national way of life and affiliation to the country. Civil society is suspicious of ethno-pluralism. This categorizes Germany, Austria, Switzerland and Belgium. In Germany, the guest worker approach fits into the idea of a German nation not as political entity confined by territorial boundaries, but as a "Volk-centred ethnocultural" entity, where access to citizenship is based upon biological descent or *jus sanguinis*. This has allowed ethnic Germans who have never lived in Germany - for example those from Eastern Europe - access to citizenship rights more easily than second and third generation Turkish migrants born and educated in Germany. Until the end of the 20th century the ethnic nature of citizenship in Germany continued to be based on definitions of kinship and race as established by the Nuremberg Laws. Wren and Boyle summarise the relationship of foreign workers

with Germany as “highly ambivalent”, with liberal admission policies, and a relatively relaxed asylum policy, but denial of citizenship rights.

Assimilation

Immigrants are awarded full rights but are expected to assimilate to cultural norms. Citizenship is defined by a mixture of birth in the country, descent and residence. Unlike the differential exclusion model, citizenship is linked to a territorial community – the principle of *jus soli* – rather than based on descent. Dual nationality is not encouraged. This categorises France, and elements of this have been found in the UK in the 1960s. In contrast to the German model, the French state is conceived of as a largely political rather than a cultural entity, where political unity and not shared culture constitutes the nation. This allows “others” to be incorporated with relative ease, and citizenship can be achieved through birth and residence. It is assumed that this assimilatory approach allows people to “become French”, and the universalist approach discourages the identification of ethnic origin in social policies.

Pluralism/multiculturalism

Immigrants have full rights but maintain some cultural differences. Citizenship is based on a mixture of descent, birth and residence. Dual nationality is allowed. Unlike the differential exclusion and assimilation models, different group identities are officially recognized. The accommodation of different ethnic cultures and norms is encouraged, although requiring a basic loyalty to the nation. This categorizes the Netherlands and Sweden. In the Netherlands, for example, a pluralistic approach allows the development of separate institutions, such as schools, trade unions and political parties, for people of different religions. Thus the concept of minority groups has been relatively easy to incorporate into Dutch society due to this pre-existing “pillarisation” (Wren and Boyle 2001). Policy in the Netherlands in the 1970s was encapsulated in the phrase “the integration of ethnic minority groups while retaining the cultural identities of their countries of descent” (Glastra et al. 1998: 168). As in France, citizenship rights are based on principle of *jus soli*, and Dutch citizenship is obtained relatively easily. In Sweden citizenship is also relatively easily obtained. Immigrants were encouraged to settle permanently and become part of Swedish society, with the state promoting various integration policies in the context of an overall policy of multiculturalism. Westin (2000) shows how in the 1970s the “traditional unreflected policy of assimilation” gave way to policies which entailed an acceptance that Sweden was turning into a multicultural society, facing a future of “cultural pluralism” (Westin 2000: 20).

It should be noted that these categorisations are in the nature of “ideal types” and there exist some contradictions and tensions within them in practice. For example, Castles states that the *differential exclusion* model was based on the desire to prevent permanent settlement, and has proved hard to maintain because it leads to social tension and contradicts the democratic principle of including all members of civil society in the nation-state. In Germany there has been something of a shift from this model to assimilation policies in some areas, and some multi-cultural policies in education. In 2001 the government-appointed Süssmuth commission called on Germans to abandon the “fiction” that Germany is not a country of immigration (*Guardian* 5 July 2001). The new German immigration reforms, adopted by the German parliament in March 2002 and coming into effect in January 2003, cover new measures for actively recruiting immigrants, and for the first time define Germany as an immigrant-receiving country. In this, Germany is moving away from the old “guestworker” model.

In France, probably the best example of the *assimilation* model with its republican tradition of “equal treatment for all”, there has been a move to some elements of the pluralist model, and this has led to some difficulties because of contradictions between explicit goals and actual policies. Also in France in 1993 there was a move towards in the other direction towards a harder *gastarbeiter* model when the Pasqua laws reversed measures which previously allowed migrant workers to renew their permits at regular intervals and allowed citizenship after a certain period of years, thus rendering illegal thousands of previously legal migrant workers (Kirton and Greene 2000: 238).

Even in the Netherlands there has been some government retrenchment from earlier positions (Glastra et al. 1998: 168), whilst some people interpret Sweden’s brand of multiculturalism as “a less brutally presented assimilation policy” (Westin 2000: 39). Thus there are paradoxes and counter-tendencies within these types. However, although there are contradictory examples in practice, the ideologies relating to the “ideal types” set out by Castles often remain in official discourse, and are directly reflected in how policies on the treatment of migrants and ethnic minorities have originally been expressed. The contrasting associated national “myths” in Europe do provide very different contexts in which organisational policies are located, and the policy discourse can have a tangible effect on social reality.

Denmark, Britain and multiculturalism

Kirton and Greene (2000: 237) classify Britain since the 1970s as close to the pluralist model, as “Pragmatist pluralism”. This is similar to the pluralist model but has

come about in a *de facto* way rather than being legally defined. Immigrants have full rights and maintain some cultural differences, but this is in the context of a lack of a defined policy perspective. It is aided by the fact that “‘British’ has always been a composite identity, and is therefore easy to extend to other groups” (Bryant 1997). References to multiculturalism can be found in British political debate as far back as the mid 1960s, when a British Home Secretary referred to the integration of immigrants as implying the acceptance of “cultural diversity” at the same time as “equality of opportunity” in an atmosphere of “mutual tolerance” (see Rex 2000: 202). In October 2000 an independent think tank produced a major report called “The Future of Multi-Ethnic Britain”, the aim being “to propose ways of counter-ing racial discrimination and disadvantage and making Britain a confident and vibrant multicultural society at ease with its rich diversity”. The report, which was launched by the British Home Secretary, recommended that Britain should develop both as a community of citizens and as a “community of communities” (the pluralist view) (Parekh et al. 2000).

Denmark might be categorised as having elements of more than one type. In some ways the perception of immigration in Denmark reflected the situation in Germany. Labour migration was considered a temporary phenomenon, and migrants were never expected to become part of the fabric of the Danish nation, which itself was perceived as a “culturally homogenous national identity” (Wren and Boyle 2001). However, in direct contrast to the German situation, Danish citizenship has been granted fairly easily, and in recent years the discourse on the integration of immigrants has become what might be termed “assimilationist”.

One defining difference between the political discourse in Denmark and the UK is over the concept of multiculturalism. In Britain, political leaders will intermittently endorse this concept; in Denmark, not only is there no official political endorsement of multiculturalism, but it is more likely to be actively opposed. In 2001 the British Foreign Secretary made a speech stating that the British are not a “race” and Britishness cannot be defined in terms of race or ethnic background (see *Politiken* 28 April 2001). The speech was described in one newspaper as “one of the strongest defences of multiculturalism made by a Government minister” (*Guardian* 19 April 2001). In contrast, in 2000 the Danish (Social Democratic) Minister of the Interior felt the need to forcefully reassure the public that “Denmark will never be a multicultural society”.

In general, the Danish political discourse on immigration is far more extreme and negative than in the UK. In recent years, “cultural racism”, rooted in ideas that Europeans - or Danes - are culturally superior, has become a widespread and deep-rooted aspect of Danish public debate, in the context of an unthinking assimilationism. Cultural racism, unlike biological racism, does not draw on notions of genetic inferiority, but legitimates the exclusion of others on the grounds that they

are culturally different. According to Wren "The theory of cultural racism has found particularly fertile territory in Denmark and has been expressed through a resurgence of Danish nationalism and the construction of Denmark as a homogenous cultural entity" (Wren 2001: 158). Wren sees that cultural racism in Denmark has been cloaked in an "unconsciously racist logic" buttressed by traditionally liberal values such as free speech which allows racist opinions to be expressed and public discourse to breach boundaries "that effectively infringe the rights of Denmark's ethnic minority population".

What has made cultural racism in Denmark so damaging is its subtle and almost invisible character. It is easily absorbed into the predominant ideologies of a country which imagines a homogenous past and present, a country which has historically promoted humanitarian causes elsewhere and social equality at home, and where no overt right wing violence, and no explicitly biological forms of racism exist ... Cultural racism can be easily framed within predominant discourses of a highly progressive welfare state, and in a country where relative sexual equality allows the demonization of other "backward" cultures in their midst which are perceived to oppress their women (Wren 2001: 146-7).

Cultural racism has become a normal part of Danish political and media discourse (Schierup 1993). "Public racist slurs have become commonplace (and legally tolerated), and political parties across the spectrum have adopted cultural racism as an integral part of their platforms" (Wren 2001: 146). Right wing politicians in Denmark play on public fears that foreigners will flood into the country and take advantage of the Danish social welfare system. Mainstream political discourse on the subject of immigrants and refugees has shifted markedly to the right in recent years, and the views of right wing politicians which were once considered extreme or racist are now uttered by "respectable" people in mainstream organisations.

The 2001 general election was fought in a climate of anti-immigration rhetoric. In November a new government was formed, a minority coalition of the parties *Venstre* and *Det Konservativ Folkeparti*. Both of the parties which now form the Danish government campaigned on a platform of strengthening the legislation pertaining to immigration and integration. After the election a new ministry responsible for immigration and integration was formed, and the new minister announced new legislation, more restrictive on the granting of asylum and permission for family reunification. With regard to the labour market, the new government brought in new measures to improve the rate of employment of immigrants and ethnic minorities. Many of these were seen as much needed, even by those who were not the government's friends, such as strengthening education and training and improving the actions taken to evaluate and recognise educational and other qualifications which immigrants have attained in their countries of origin. However, at the same time as doing this, measures to combat discrimination in employment were undermined.

During 2002 the government closed down the Board for Ethnic Equality. This was the body which provided advice on discrimination and ethnic equality to the Danish Parliament, the government, local authorities and firms, and although it was without powers of investigation it was the only such body in Denmark, and its closure sent out important signals on government priorities. As mentioned earlier, in the absence of an official complaints assistance body in Denmark which could take on the kind of role provided by the CRE in Britain, the DRC in Copenhagen stands as the main organisation for victims of discrimination to turn to. It is this body which provided many of the examples of cases referred to earlier in this report. At the same time that the government closed the Board for Ethnic Equality it also withdrew the annual grant it had been providing to the DRC to enable it to operate this advisory role on discrimination cases, a grant which had formed 80 per cent of the DRC's income. Thus, by the time this research was completed, the DRC's service of support for victims of discrimination had been reduced to a part-time evening service by volunteer lawyers. The Danish Prime Minister justified these actions by labeling the bodies and those in them as "judges of taste" and "so-called experts" who were "attempting to repress the public debate with their expert tyranny".

As a minority coalition, the government bases its parliamentary support on the highly nationalistic *Dansk Folkeparti*, which gained 12 per cent of the vote, is highly nationalistic and wants to put an end to immigration. The leader of the *Dansk Folkeparti* advocates policies such as deporting the parents of immigrant offenders if they fail to control them (*Copenhagen Post* 25 – 31 May 2001), and advocates that the majority of foreigners in the country should be sent "home" immediately, and that those that remain should behave like Danes and not act provocatively by wearing headscarves (*Copenhagen Post* 1 – 7 June 2001). In the party's weekly newsletter she referred to Muslims as "people who lie, cheat and deceive" (*Copenhagen Post* 19 – 25 January 2001) and in a newspaper interview she stated "Denmark is a paradise for fanatics who, with human rights in hand, will turn Denmark into a multi-ethnic society" (*Jyllandsposten* 20. January 2002). In 2001 the youth wing of this party placed an advertisement in a student magazine showing three masked Muslims and proclaiming "Gang rapes, brutal violence, fear for your safety, suppression of women – this is what you expect from a multi-ethnic society" (*Copenhagen Post* 25 – 31 May 2001). At their 2001 congress a Dansk Folkeparti MEP made a speech declaring that the majority of Muslims in Denmark had come to "conquer a new country", adding that "All Western countries are infiltrated by Muslims. Some speak well enough of us. But they're just waiting long enough to get us out of the way" (*Copenhagen Post* 4 – 10 April 2003).

The Danish trade union interviewees talked of the impact that this kind of political and media discourse had on attitudes at a local level, and they described the character of the racist public discourse they regularly encountered. One stated "I

meet Danes everywhere who repeat “The Muslims are not our friends, they are only here to take Denmark over and make it Muslim, they are just pretending to be our friends”. The first time I heard this I thought the person was bonkers but now its everywhere.” This sort of thing made it very difficult for NIF activists to go out and debate these issues with ordinary union members.

There is a lot, a lot of misunderstanding. The biggest dilemma for us is when we go out, people always say “Ethnic minorities are just here to suck on the system, they just want social welfare, they eat our bread.” And at the same time they don’t want to employ them because “they want to pray five times a day, they wear their scarves”. And we have to be very strong because it is a no-win situation. No matter what you do, it is wrong. And even if you speak the same language people are not listening to what you say, when you have a different background. And nobody accepts the fact that immigrants come and they work and they do a good job.

Yet there was still evidence of a resistance to people accepting that there might be a problem of racism in Denmark.

No-one can imagine a Dane being racist – it’s out of reach of our mind that a Dane would not like someone just because of their skin colour. They can only imagine xenophobia, a lack of knowledge or fear of the unknown. I know white people in Denmark who, when I say I am going to a Tina Turner concert will say “Why do you want to listen to that nigger music?” To me that’s racist, its pure racism, it’s not a lack of knowledge about Tina Turner.

Several respondents recognised the taboo on the word “multiculturalism”. One Danish union activist said “I myself don’t use the word “multicultural” – there’s a big resistance to it.” Another saw the problem with the word was that it suggested that people didn’t accept the Danish culture and Danish way of living. “it’s very important for Danes. They think the Danes’ way of living is the best in the world!” The spokesman for the organisation *Foreningen Nydanske* lamented that Denmark was so different to other Scandinavian countries on this dimension.

the big difference is that in Denmark you don’t actually see yourself as a multicultural society. In Norway they say “We are a multicultural society”, in Sweden the same, but in Denmark they say “We are not”. On the surface it’s just a word. But I can see it in all kinds of relations, all kinds of settings. It does make a difference. In reality that means that “I am not going to meet anybody on their side of the field. They have to come to me.” That makes a huge difference.

The denial of multiculturalism in Danish official discourse was seen to have a negative effect on the adoption of policies which some respondents saw as important to the future of Denmark, particular with regard to the practice of diversity management, a management philosophy now spreading across Europe (Wrench 2002). Diversity management stresses the necessity of recognising cultural differences between groups of employees, and making practical allowances for such

differences in organisational policies, so as to enhance business efficiency. The spokesman for *Foreningen Nydansker* reported that he was “swimming against the tide” when trying to promote more broadly a diversity management consciousness. He stated that when he meets with employers to discuss with them the possibility of adopting diversity management policies the employers reply that the government has pronounced that Denmark is not a multicultural society, and that “government integration policies will make Danish people out of the immigrants”. Therefore, say the employers, “why do we need to introduce policies which make allowances for cultural differences when in five years there won’t be any?”

This is not to say that there is no negative depiction of minorities in the British political and media discourse, or to suggest that British politicians are innocent of the charge of playing up such a negative discourse in order to appeal to a certain section of voters. The difference in the British context, however, is that the dominant negative discourse focuses on refugees and asylum seekers and does not call into question the existence of a multicultural society. The Council of Europe’s expert body on combating racism, ECRI,¹⁷ releases regular country-by-country reports examining racism, xenophobia, anti-Semitism and intolerance. The 2000 report on the UK, whilst praising the positive legal and administrative steps recently taken to counter racism and discrimination, nevertheless severely criticises Britain for the “xenophobic and intolerant” coverage of asylum seekers and refugees in the media, and also for “the tone of the discourse resorted to by politicians in support of the adoption and enforcement of increasingly restrictive asylum and immigration laws” (ECRI 2000). However, in the UK there is not the combined anti-Muslim and anti-multi-cultural discourse that we find in Denmark, and nor does the British discourse on asylum seekers have such a direct relevance for and impact on issues of employment. It is significant that British government documents on issues relating to ethnic minorities are routinely prefaced with statements such as “The Government is committed to making Britain a successful multicultural society”.

The three categorisations by Castles on national responses to immigration and ethnic diversity represent the approaches which tend to be reflected in “official” or government policies and discourse. However, there is no reason to assume that the labour movements in each country automatically accept these approaches or agree with the discourse. For example, the trade union movement in Germany abandoned the “*gastarbeiter*” view of immigration long before the German government did, and similarly did not embrace the fiction that “Germany is not a country of immigration” (Kuhne 2000). In Denmark, the labour movement activists’ opposition to the government’s assimilationist discourse has been expressed in a general support for the ideas of multiculturalism, and this is also consistent with a generally positive

¹⁷ European Commission against Racism and Intolerance

view towards the introduction of diversity management by union leaders. Paradoxically, British trade unionists appear to be far less sympathetic to the new practice of diversity management. An exploration of this paradox will be made in the following section.

Chapter 5 Trade unions and diversity management

One noticeable difference between Denmark and the UK is the reaction of the labour movement to the relatively new organisational strategy of diversity management. Diversity management is a philosophy and practice which is increasingly spreading from the US and Canada to Europe. It emphasises the benefits to the organisation of an ethnically and culturally mixed workforce and stresses the importance of recognising cultural differences between groups of employees, and making practical allowances for such differences in organisational policies, so as to produce a more creative and productive working environment and thereby enhance business efficiency (Thomas 1990, Kossek and Lobel 1996). Diversity management is different from previous employment equity approaches directed at under-represented minority ethnic groups, such as equal opportunity and affirmative action approaches. Its rationale is primarily one of business purpose and market advantage and is thus a more positive approach to ethnic equality, rather than simply avoiding transgressions of anti-discrimination laws. Advocates of diversity management draw on different metaphors from those of previous organisational approaches. For example, the earlier idea of the “melting pot”, with its overtones of assimilation and “sameness”, is replaced with that of the “mosaic”, where “Differences come together to create a whole organisation in much the same way that single pieces of a mosaic come together to create a pattern. Each piece is acknowledged, accepted and has a place in the whole structure” (Kandola and Fullerton 1998: 8). Kandola and Fullerton’s definition of diversity management is as follows:

The basic concept of managing diversity accepts that the workforce consists of a diverse population of people. The diversity consists of visible and non-visible differences which will include factors such as sex, age, background, race, disability, personality and workstyle. It is founded on the premise that harnessing these differences will create a productive environment in which everybody feels valued, where their talents are being fully utilised and in which organisational goals are met (Kandola and Fullerton 1998: 8).

Now, at least for the bigger corporations in the US, it seems that a diversity management policy is a relatively normal and uncontroversial business practice. Among the various “Fortune Lists” of company performance there is now one called “Best for Minorities” which rank companies on 15 different quantitative and qualitative

measures, such as how well minorities are paid, and how many are in management positions. Of the top 50 companies on this list, Fortune states “Each of these companies takes extraordinary care to recruit and retain a diverse workforce – even, in some cases, at the cost of throwing over the old culture and constructing a new, more inclusive one in its place.”¹⁸ More than 75 per cent of the Fortune 1000 companies in the US in 2001 had some sort of diversity initiative.¹⁹

In 1999 a survey was carried out of the top 200 British companies, selected from the Financial Times 500. One third of those who responded were actively involved in the management of diversity,²⁰ with a further 12 per cent of the remainder reporting that they were planning to do something in this area over the next 12 months (Collet and Cook 2000). In Denmark in 1998 a number of human resource managers from several large businesses established an organisation called “Foreningen Nydanske”, one of whose aims was to disseminate diversity management practices. The general aim was to improve the employment integration of “new Danes” and highlight the potential and qualifications of immigrants and ethnic minorities in Denmark. The organisation has organised conferences and workshops focusing on new Danes and the labour market and established cooperative working links with unions, employers associations, public authorities, and others. The director and a team of volunteer human resource managers are available to disseminate the message of diversity management and give advice to companies on the recruitment and employment of new Danes.

Danish and British union responses to diversity management

There appear to be differences in the way the trade union movements in Britain and Denmark regard diversity management. Whereas in Denmark the development tends to be looked upon favourably, in Britain it seems to be regarded with more suspicion. For example, the British trade union confederation – the TUC – holds each year a national Black Workers’ Conference. This is a conference where issues relating to black/ethnic minority members are aired, with all unions affiliated to the TUC allowed to send representatives. At the 1997 conference a motion opposing diversity management was passed. The wording included “Conference notes with

¹⁸ Fortune.com, 10 July 2000

¹⁹ Fortune.com, 9 July 2001

²⁰ Sixty-five completed questionnaires were returned, a response rate of just under one third

concern the increasing trend amongst personnel and human resource management practitioners to seek to replace existing equal opportunities policies and procedures with those titled managing diversity or mainstreaming. ... Both of these stress the perspective of the individual within the employing organisation, rather than focussing on the promotion of equal opportunities strategies, or on challenging discriminatory practices and outcomes.” Accordingly, the Conference called on the TUC Race Relations Committee to support initiatives that expose the inadequacies of “managing diversity” and “mainstreaming”, and to work with all unions and other organisations who are actively encouraging effective policies and proposals to improve racial equality.

Consistent with this, the interviews with the British trade union activists consistently revealed attitudes of scepticism or even outright hostility to diversity management. For example, one respondent was suspicious of the human resource management language of diversity management, arguing that racism and discrimination are things which should be combated, not “managed”. Another respondent from a financial sector union was rather cynical about it. She noted that banks were now adopting “managing diversity” policies rather than equal opportunity policies but stressed that the union didn’t accept that this was going to change anything in terms of the union’s existing equality priorities. Strong hostility came from a national officer with a major Civil Service union. He was very critical of the wording of an agreement between the Cabinet Office and the Civil Service unions, which states that the parties will “work jointly for a Civil Service that supports and values diversity”. He interpreted a diversity management policy as allowing the employer to avoid what the union saw as important, in that “whilst the trade union calls for racial equality, the employer is primarily calling for a recognition of diversity”. The emphasis on the recognition of diversity is simply to improve service outcomes, whilst it “does nothing to challenge the basis of race discrimination.” For this activist, diversity management rarely acknowledges the existence of racism. Another respondent was suspicious of the human resource management language of diversity management, arguing that racism and discrimination are things which should be combated, not “managed”.

The scepticism of the British trade union interviewees in this research was confirmed by another research project, coincidentally carried out in the UK at the same time as this one. Greene and Kirton (2003) interviewed nine trade union officials holding responsibility for equalities issues in seven British trade unions, plus the TUC, between October 2001 and June 2002. They too discovered a great deal of suspicion about the managing diversity rhetoric. One officer from the TUC put it: “Talking to unions There is a great deal of scepticism about changes in terminology. We’ve been aware that in the human resource world there’s been a lot of talk about managing diversity, and we’ve very deliberately kept out of those

kinds of discussions” (Greene and Kirton 2003: 7). The officials from various unions perceived “diversity” to be purely a managerialist intervention whereas “equality” issues were more in the hands of the trade unions. One saw it as “a cover-up or not really doing anything” and another described it as a “softer term” which detracted from the equality agenda. A third felt that “diversity is very easy as a window dressing and it’s very convenient for management if you don’t really want to do anything”. The TUC official emphasised that “the concept that we still cling to ... is overcoming disadvantage and getting rid of discrimination [which] is not something that employers feel very comfortable with” (Greene and Kirton 2003: 9 - 10). “Managing diversity” was seen to be something that was only relevant once basic levels of equal opportunity had been achieved. As one union officer put it, “we’re still at the level of talking about equality overcoming barriers, as opposed to that kind of diversity view of managing people to fulfil their potential”.

In the 20 Danish interviews there was no evidence of any such suspicion. All of those who were aware of diversity management were strongly in favour of it, and saw it as the way forward in Denmark. One of the respondents, an official with HK, the white collar union with the strongest ethnic equality policy in Denmark, stated that the union is planning in the near future to convert its ethnic equality programme into a broader diversity policy, to embrace gender and other dimensions. In 2001, research commissioned by HK from independent consultants²¹ was used by the union to argue forcefully in favour of diversity management as a way of improving the competitiveness of companies by making it easier to recruit scarce labour. Another of the respondents was employed at one of the main institutes in Denmark responsible for providing training courses for trade unions, involved in both designing and running the courses. The language of diversity seems to have become central to these courses – for example, he was planning training on topics such as “intercultural communication”, “diversity management” and “the diverse working place”. He saw a main aim of these courses as “to get moving towards diversity in the workplace”, adding “I want to establish the foundation of diversity in everything we do here”. When asked if he was aware of any objections to diversity management within the Danish labour movement he replied “No I’ve never heard that. It’s not my experience”. Not all of the other Danish respondents had heard about diversity management, but even those who had never heard about it, when it was explained to them, thought that it sounded like a “good idea”.

²¹ IntegrationsStatus 1st quarter 2001, Catinét

Accounting for the differences

Why should ethnic equality activists in the British trade union movement have such different attitudes to diversity management than their Danish counterparts? There may be several reasons why British equal opportunities activists are suspicious of diversity management. For one thing, in Britain, unlike in Denmark, there has been a long history of ethnic equality and anti-discrimination measures in UK unions, with some bitter struggles having been necessary before getting to a stage where reasonably strong equal opportunities, anti-racist and anti-discrimination policies have started to become accepted, both in the workplace and within the unions themselves (Wrench 1987). In the light of this experience, British equal opportunities activists' might be suspicious that diversity management might be used to selectively prioritise "soft" rather than "hard" equal opportunities practices. We can conceive of a range of different levels of anti-discrimination and equal opportunities measures in organisations, with at the "softer" end measures such as the recognition of cultural differences at work, and at the "harder" end the setting of targets, the use of positive action, or even the adoption of some forms of preferential treatment. It is possible that diversity management can be used to give the impression that an organisation is doing something for excluded groups whilst avoiding many of those aspects of anti-discrimination and equal opportunities activities which are likely to be less popular with employers. For example, employers might be more receptive to the provision of "cultural awareness training" and less receptive to positive action measures such as targets to produce a workforce which reflects the ethnic make-up of the locality, anti-discrimination training to modify the behaviour of white managers and employees, or strong internal anti-harassment initiatives. An example of positive action could be providing extra training just for members of minority groups who are under-represented in management level positions. Yet some diversity management advocates are adamant that there is no place for such policies in a diversity management approach. For example, the authors of what is probably the best known textbook on diversity management in the UK, Kandola and Fullerton, write that they see no place for group-targeted positive action or affirmative action in a diversity management approach. "Our view is that an approach whose underpinning philosophy is the needs of the individual will automatically be compromised when any actions are based purely on someone's supposed group membership" (Kandola and Fullerton 1998: 125). In this context British equal opportunities activists who have fought hard for positive action do not always see diversity management as welcome.

To confirm the fears of the UK trade unionists, it seems that in the US there was a back-tracking towards softer measures amongst American employers at a time when affirmative action was first under attack in the US, and when diversity

management was taking off. Kelly and Dobbin note that during the late 1980s, although employers were maintaining their procedural safeguards against discrimination and their EEO/AA staff, they curtailed their most proactive affirmative action measures, with fewer special recruitment programmes for women and minorities than there had been ten years earlier and fewer special training programmes. There were also fewer employers with affirmative action plans (Kelly and Dobbin 1998: 971). The suspicions of some British activists might be heightened by experience in other countries, such as New Zealand, where the embracing of a diversity management approach by employers' interests was interpreted as a conscious strategy to avoid the imposition of tougher anti-discrimination measures. In the early 1990s a new equal employment opportunities trust was set up in New Zealand with the aim of educating the private sector into "making the most of a diverse workforce". In the eyes of many equal employment opportunity practitioners the trust was established in order to enable a back-down from the introduction of potentially tough equal opportunities legislation at a national level. Thus the concept of managing diversity was seen as the acceptable "soft option" (Jones et al. 2000).

Another reason why trade unionists do not like diversity management is that it removes the moral imperative from equal opportunities actions. Arguments for the introduction of equal opportunities and affirmative action policies relate to equality, fairness and social justice. Critics argue that diversity management has moved equal opportunities away from a moral and ethical issue and turned it into a business strategy. Miller (1994) sees this in the context of the push by management consultants to reconstitute equal opportunities in the management language of the 1990's. For Miller, the shift from an equality to a diversity perspective is symptomatic of a de-politicisation of social relations in much of the management consultancy literature on equal opportunities. "This remoulding of equal rights to capture and contain it within a market model has all but expunged the political meaning of positive action" (Miller 1994). Whilst the growth of diversity management is seen as an advantage by many people, in that it increases the likelihood of the adoption of the policies by employers, others see it as a long-term weakness. The danger is that fighting racism and discrimination will now only be seen to be important if there is seen to be a business reason for doing it. With a diversity management approach, racism is indeed argued to be unacceptable, but only when it is recognised that the outcome of such racism leads to inefficiency in the utilisation of human resources. If a change in market conditions means that racism and discrimination do not lead to inefficiency, then there will be no longer any imperative to combat it. For some critics, serious questions must be raised about whether individuals within organisations pursuing private preferences constrained by the market can be left to be the custodians of employment equity practice.

A third reason for British trade union activists' opposition to diversity management may well be precisely because the emphasis on culture could be seen to divert policies away from an "anti-racism" or "anti-discrimination" approach, which in Britain has been associated with a straightforward "black-white" dichotomy, until recently the dominant paradigm in British race relations. This is at a time when the paradigm is increasingly being questioned: "Blackness defined as the common experience of oppression by non-whites has given way to a myriad of externally imposed or self-asserted ethnicities" (Ranger 1996: 1). Some commentators deplore this development. Aziz Al-Azmeh sees that "the recent transition, most specifically in Britain, from structural considerations of immigration to a culturalist notion of ethnic diversity" has had the double effect of "breaking up the solidarities of oppression and of mystifying a "social reality of stunning diversity". False constructs of community, defined in terms of religion/culture have emerged from this interaction of involution and ideology" (Al-Azmeh 1993: 1-3, cited in Ranger et al. 1996: 1). This debate was going on between black trade union activists at the time of the interviews. One British interviewee from a transport union who wanted to maintain the political meaning of "black" stated:

I think ethnic categories create further division. It is instigated by people who are thinking of resource allocation to different black communities – Bangladeshis, Afro-Caribbeans etc. But the term "black" was made to bring people together.

Thus there are several reasons why many trade union activists in the UK will see diversity management as a retrograde step in the UK context. On the other hand, the Danish trade unions have had no comparable experience of long-established equal opportunities or anti-discrimination policies. However, they have, in recent years, become increasingly conscious of the problem of ethnic discrimination in the labour market (for example, see Hjarnø and Jensen 1997; Møller and Tøgeby 1999) and the need to respond in some way. Not having had the same experience as British unions, they do not see diversity management as an alternative to, or something that will undermine, their previous efforts. In contrast, the organised ethnic minority sections of the trade union movement in Denmark see diversity management as a timely and positive development get equal opportunity practices on to the agenda and help to break down the barriers to equal employment that exist within the Danish labour market. Furthermore, diversity management fits into the "consensus" way of doing things characteristic of Danish industrial relations, with an emphasis on consultation and collective agreements. Unlike in the UK, Danish unions are used to co-operating with employers far more, and many large Danish employers themselves also welcome the development of diversity management. It is not insignificant that in Denmark, the main trade union confederation, the LO²², plus

²² In 2003 the LO withdrew its membership from *Foreningen Nydanskere* after a disagreement over integration policy.

some of the larger Danish trade unions, joined as members of *Foreningen Nydansk-er*, the earlier-mentioned organisation set up in 1998 with the aim of setting a “positive agenda” in the business community regarding diversity practices in employment. Unions who are members of this include HK Copenhagen, FOA and SiD.

As we saw earlier, the context of political discourse on multiculturalism is much more negative in Denmark than in the UK. The Danish national trade union leadership, and the LO in particular, are highly critical of the rhetoric and policies of the Dansk Folkeparti. Thus in the context of the negative Danish political climate the promotion of diversity management is seen to be a positive development by ethnic minority and trade union activists, whereas in the very different UK context, reaction to it is more complex. In Denmark, the embracing of a multicultural philosophy by unions is progressive in the context of a national debate where politicians generate an “anti-multiculturalism” assimilationist discourse. Furthermore, multiculturalism sits very well with diversity management. In Britain however, a multicultural diversity management approach is contrasted not with “anti-multiculturalism”, but with an alternative ethnic equality approach, namely equal opportunities with elements of positive action. Many people who have been active in equality struggles within the British trade union movement see a move to diversity management as a retrograde, not a progressive, step, in a context where there are already a great number of anti-racist, anti-discrimination and equal opportunities initiatives underway.

Chapter 6 Discrimination, diversity and the consensus model

This final chapter begins with a brief reminder of the main findings regarding the differences apparent within the Danish and British trade unions' approaches. It then suggests, based on this evidence, that activists within each union movement have certain "blind spots". In the Danish case the blind spot appears to be the lack of awareness of, or resistance to, stronger types of anti-discrimination activities, whereas in the UK many activists are blind to the potential advantages in certain "diversity" approaches. Finally, the chapter raises the question as to whether there might be some weaknesses intrinsic to, or associated with, the Nordic "consensus" model when it comes to active anti-racism and anti-discrimination measures.

The focus of this report has been trade union reactions to immigrant workers and ethnic minorities in contrasting national contexts within Europe. Through an analysis of interviews with trade union officials and activists within Denmark and the UK, the study has compared approaches to issues such as tackling racism, facilitating participation in union structures of power, and embracing organisational equality strategies. It has attempted to demonstrate how differences of structural context have implications for national trade union activities, including the "consensus" and "conflict" dimensions that characterise the Danish and British approaches to industrial relations respectively.

The overview of British and Danish union policies regarding immigrants and ethnic minorities since the 1970s (Chapter 2) revealed some significant differences in emphasis. By the 1990s there was in the UK a far greater and more established range of policies and structures than in Denmark, with self-organisation structures for black and ethnic minority members within unions and positive action measures such as special training for minorities who are under-represented in union positions, and reserved seats on executive bodies, as well as active policies against racial harassment. The British policies reflected a stronger underlying assumption of the relevance of racism and discrimination as processes of exclusion and a stronger emphasis on changing structures and policing discriminatory behaviour. In particular, over the last 10 years or so, there have been several initiatives to encourage unions to give more support to victims of discrimination and take cases to tribunals.

In Denmark, the unions held on much longer to an "equal treatment" view. The emphasis of policies has been more on improving the participation of ethnic minorities in unions without significant changes to union structures. The focus of

Danish union policies have been more on language and education courses for immigrants, work related training, and counselling and advice for them, including a desire to “activate” those groups that are disproportionately economically inactive. When barriers have been identified in the attitudes and practices of employers and union members, the dominant assumption has been that changes in both unions’ and employers’ practices will come about through education, awareness-raising and persuasion. The specific “anti-discrimination” focus seems to be reflected less in the Danish approach. As shown in Chapter 3, these differences in the approaches of Danish and British unions were correspondingly reflected in the discourse and assumptions of union ethnic equality activists who were interviewed during the research.

In Chapter 4 we looked at four sets of factors suggested by Penninx and Roosblad which might be drawn on in an attempt to understand national differences in union activities in this field. With regard to the first two - the power of the trade union movement in a society, and the state of the economy and labour market – we observed, contrary to what might be expected, that it was when the British labour movement was getting weaker and unemployment rising significantly that the British unions’ ethnic equality and anti-discrimination policies were getting stronger. Furthermore, I have argued that to better understand the differences we must not look primarily at the immigrants themselves (Penninx and Roosblad’s fourth category) but at factors which fall into Penninx and Roosblad’s third category, namely the institutions of society, the industrial relations models, national ideologies and the character of political, media and public discourse. This is consistent with the theoretical position of Soysal (1994) that we should not attribute priority in causality to characteristics within the immigrants and ethnic minority communities themselves, but should lay a greater weight on the institutions of the host society.

The overall approaches of unions within the two countries are consistent with the conflict and consensus dimensions. In Denmark, getting immigrants “integrated” into the labour market is seen as an important stage on the way to “social integration”, and in recent years there have developed a range of national policies, generally supported by the unions, emphasising the labour market activation and integration of immigrants. The language of “integration” in Denmark contrasts with the language of “combating inequality” in the UK. It is not insignificant that many of the UK interviewees held positions in their respective unions with titles such as “Equalities Officer” whereas a similar post, recently created within a major union in Denmark, goes under the title of “Integration Consultant”.

The different approaches are reflected in the contrasting ways that unions respond to common problems. For example, in Denmark, if immigrants are seen not to participate adequately in union activities and positions, it is diagnosed as a problem of “awareness”, both on the part of the immigrants and of the local union officials

themselves. The response is to educate the immigrants on the importance of involvement, and persuade the union officials to make extra efforts to encourage them to come to meetings and participate. According to NIF, many unions were not aware that they had a problem if their immigrant members are not active²³. Respondents saw it as a major priority to get ethnic minorities to participate in union meetings “so that the first few can then help to motivate the others”, as one respondent put it. Members of NIF felt that it could not be left to the normal local union officials to do this, as they did not realise that special encouragement was often needed to break down the barriers that kept ethnic minorities from participating. One respondent, who stated that no immigrants ever went to his local branch meetings, added “There isn’t much encouragement to go to a meeting. Just a notice put up by the union in the rest-room”. Thus NIF activists were in effect combating the old, minimalist “equal treatment” stance, still found at the local level within unions. In the opinion of another respondent the attitude amongst the many officials and members remains that “everything must be OK because immigrants have exactly the same rights as we do”.

In the UK, if black members are not becoming active in union work and positions, it is more likely to be assumed that this is a structural problem rather than simply a problem of awareness. Therefore, the response is that structures within the union must change, and structures of discrimination must be addressed. Thus, in the UK, activists were doing more than simply encouraging immigrants to participate in the union, but were making changes in the structures of unions in order to facilitate this increased participation. In the 1970s and 1980s, with regard to a perceived problem of the relatively low participation of black members in union positions, research in the UK had shown that one reason there were so few black shop stewards was that a black worker who felt that racism was a feature of the work environment would be less likely to take on a position which entailed making “personal sacrifices for the collective good” (Phizacklea and Miles 1980: 125). Also, black workers reported that at union meetings they felt that their issues were being excluded because of the apathy of the white majority. This was seen as the fundamental problem of being a minority in an organisation run by majority interest (Lee 1984: 12). Thus in the British context the solutions seen as necessary for improving minority participation in unions were firstly, to tackle workplace racism and secondly, to develop special structures within unions which would enable minority black voices to be heard.

²³ NIF publicity leaflet

Racism and responses

One interpretation of the lesser emphasis on practical anti-discrimination measures by Danish unions might be that it simply reflects the fact that racism and discrimination are a lesser problem in Denmark than in the UK. It is very difficult generalise with any accuracy about the relative levels of racism and discrimination in different countries. Having said that, it could well be true that the practical manifestations of racism are more extreme in British society than in Denmark. In Britain nobody would pretend that there are not enormous problems of racism and discrimination in the employment sphere, and have been for decades. Whilst the overview in Chapter 3 shows clearly that there are problems of racist exclusion and discrimination in the labour markets and workplaces of both the UK and Denmark, it is also true to say that within this overview, the examples of racism and discrimination in employment in the UK are generally more serious or “dramatic” than those quoted in Denmark.

Nevertheless, the point of relating these incidents is not to demonstrate that there might exist a more extreme problem of racism and discrimination in one country rather than another, but to highlight the contrasting union responses to such phenomena in the two countries. For example, one of the British cases quoted in Chapter 3 was that of the extreme victimisation and violent harassment of an Asian worker at the Ford plant in Dagenham. The important aspect of this case was that the trade union, the TGWU, was at the forefront of action in support of its member. The leader of the union, himself the only black union leader in Britain, called for an external enquiry, and asked for Ford’s world president to get involved and address the “institutional racism” at Dagenham (*Guardian* 24 September 1999). Similarly, in a case a few years earlier, practices of discrimination had been revealed at the same plant: Ford truck drivers had controlled the recruitment to their section with the result that, in a factory where ethnic minority workers constituted a large proportion of the workforce, they were virtually absent from this highly-paid section. In this case the TGWU took up the grievance of seven of its ethnic minority members and backed them against their truck-driver members in a tribunal case in 1996, even though the 300 truck drivers had threatened to leave the union, and eventually did go. Despite the loss of these members, the union took the position that “there can be no compromise on racial discrimination”²⁴. This incident indicated a progressive change from earlier times when British unions were more restrained in tackling racism in cases when the perpetrators were union members themselves. One Danish respondent contrasted this Ford case with an incident in Denmark one year earlier, when a shop steward had verbally abused and then beat up a Turkish em-

²⁴ Bob Purkiss, (then TGWU Equal Opportunities Officer), *Connections* CRE, London 1997/1.

ployee. When the company announced that they intended to fire the shop steward the Danish union took up his case, so that he was reinstated. (In Denmark, shop stewards enjoy special protection against dismissal – Knudsen and Lind 1998).

Therefore, the aim here is not to contrast the UK and Denmark as to which has the worst problem of racial discrimination. It could well be that the consensus - based Danish model, in the context of a society with a relatively strong welfare state and far less extremes of poverty and inequality than the UK, could generate less extremes of racist phenomena. However, the important point is that, even if in the UK manifestations of racism and discrimination are more regular or more extreme than in Denmark, the unions are at least aware of the issue and are adopting and improving actions and structures to address it. Even if in Denmark the problem is less extreme than in the UK, it is nevertheless quite clear that racism and discrimination are still major problems and routinely blight the lives of enormous numbers of people, and yet unions do not have mechanisms and policies to monitor and address these incidents, or implement anti-discrimination policies.

Multiculturalism, diversity and blind spots

The Danish trade union activists' opposition to the media and politicians' assimilationist and anti-multiculturalism discourse tends naturally to point them towards a positive view of multicultural policies. Hence many of the unions' new initiatives put the emphasis on educational campaigns, and the provision of information on culture-related issues. New union training courses emphasise diversity, respect for cultural difference, and the breaking down of barriers to communication problems. However, an over-emphasis on this type of measure leads to a neglect of more structural forms of anti-racism and anti-discrimination activities, such as seen in the UK, for example: self-organisation structures for black and ethnic minority members within unions, positive action measures such as special training for minorities who are under-represented in union positions and reserved seats on executive bodies, as well as the policing of discrimination, with active policies against racial harassment and practical assistance for members who have been victims of discrimination.

However, if the Danish unions' "blind spot" is anti-racism and anti-discrimination measures, then it might be argued that the British unions, with their "race relations" tradition, miss the positive potential of diversity management. Part of this appears to be due to a restricted view of what diversity management is. As we saw in Chapter 5, British trade union activists have worked hard for a range of equal opportunities measures which include positive action, and they perceive that these stronger forms of ethnic equality practices are undermined by diversity management.

This suspicion is bolstered by the fact that some diversity management gurus deny a place within diversity management for positive action as a way of tackling still existent group-based inequalities (Kandola and Fullerton 1998). However, it seems that this stance is not necessarily shared by all diversity management practitioners and advocates. For a further insight into a basic division within diversity management approaches we can turn to the work of Liff (1997) who shows that there are two main approaches to managing diversity. The first is where social group equality is not accorded any specific significance as an object of organisational policies. This is called the *dissolving differences* approach, the individualising form of diversity management so distrusted by unions. However, there is another approach to diversity management – the *valuing differences* approach – which acknowledges socially-based differences and their significance for the perpetuation of inequality, and allows policies which recognise gender or ethnicity (Liff 1997: 14). This type could therefore very easily embrace some of the initiatives which British trade unions have already achieved, such as extra training for under-represented groups, and positive action measures or even targets for the recruitment of under-represented minorities. Practitioners of this type argue that the problem with the individual approach is that “It allows for social difference but as yet has no well developed strategy for dealing with ways in which job structures and personnel practices have been shown to disadvantage women, ethnic minorities and others and to advantage white males systematically” (Liff 1997: 23).

Many of the British trade union critics are criticising a diversity management approach which they assumed to be the individualistic *dissolving differences* approach. Jones et al. (2000) provide examples of this kind of criticism, when they write: “The problem is that there is no room for group claims with “managing diversity”, ... Nor is there room for a collective, rather than an individualised concept of identity” (Jones et al. 2000: 369). Yet it is clear that for some versions of diversity management this is not so. In practice diversity management may attempt to embrace both the individual and group dimensions. For example, in a recent debate on diversity management a British director of human resources stated:

There are a number of definitions to describe diversity in the work environment. Primarily they fall into two categories: one focussing on the “individual” and providing equality and fairness to every person, and a second focusing on “group”, for example, “women” or “ethnic minority”, where the provision of equality and fairness is recognised in terms of meeting the needs of groups. The challenge in the work environment is for diversity to mean valuing difference (all people are valued in their difference) while at the same time addressing “group” characteristics and stereotyping, since many of the procedures, practices and employee

behaviours that directly or indirectly discriminate are around stereotyping groups.²⁵

Clearly this shows that in practice, some forms of diversity management can be more flexible than many of its British trade union critics imply, and can embrace more traditional equal opportunity and anti-discrimination components.

As stated earlier, another reason for British trade union activists' opposition to diversity management may well be because the emphasis on culture could be seen to divert policies away from an "anti-racism" or "anti-discrimination" approach, which in Britain has been associated with a straightforward "black-white" dichotomy, until recently the dominant paradigm in British race relations. Some British interviewees felt strongly that the labour movement should maintain the all-encompassing political usage of the term "black". However, other British respondents wanted to move away from the simple political black/white dichotomy and encourage the TUC and unions to use categories more finely by ethnic group. For them, the polemical black/white division was logical if people are focussing on anti-racism, as racism tends to fall along this divide too, but was less helpful if unions want to target services to members where ethnicity is a relevant factor in terms of different needs. They felt that the political ideology of the dichotomous race relations approach no longer reflected a more complex social reality.

If there were some British respondents who were ready to move away from traditional British union approaches to racial inequality, there were also a minority of Danish respondents who looked sympathetically at stronger British style anti-discrimination approaches, and who expressed frustration at the lack of progress in developing similar measures in Denmark. One question to ask in this context is whether there are factors within the "Danish model" which make their job harder. Might it be that the consensus and cooperative way of working provides a less sympathetic context for the adoption of certain kinds of anti-discrimination measures?

Nordic consensus and Anglo-Saxon conflict

This leads us to the question of the broader implications of the "consensus" and "conflict" approaches which underlie activities in Denmark and the UK respectively. As we have seen, there have been great shifts in positions and development of policies in the unions in Britain since the 1970s. At the same time, over the same period, they have been increasingly marginalised from influence, have suffered many

²⁵ PM Online debate, www.peoplemanagement.co.uk

legal attacks, and seen their membership decline severely. Over the same period the Danish unions increased their membership and remained highly influential within the “Danish model”, yet remained comparatively inactive with regard to anti-discrimination. We have called this a paradox, that the weakest labour movement should develop the strongest anti-discrimination activities.

Part of the explanation may lie in the differences between consensus and conflict approaches. More specifically, I would like to speculate that the Nordic social model of consensus, cooperation and incorporation, although very successful in providing basic gains for workers compared to the more conflictual Anglo-Saxon model, may nevertheless have some intrinsic weaknesses when it comes to anti-discrimination and anti-racist activities. If we look at the model in the Danish context we can see how this might have happened in several ways:

1. The slow development of national legislation

Because of the consensus tradition in the “Danish model”, with the social partners resolving problems through discussion, it was long felt in Denmark that the problem of discrimination at work could be resolved in the same way, rather than through the introduction of anti-discrimination legislation. Therefore both the employers’ organisations and trade unions in Denmark for a long time resisted the introduction of such legislation (Hjarnø 1995), which was not introduced until 1996, twenty years later than in the UK. The same phenomenon has been also been described by Graham and Soininen (1998) with regard to Sweden, another country within the Nordic model. They argue that it was precisely because of the cooperative and corporate nature of the Swedish industrial relations system that anti-discrimination measures came late in Sweden (in 1994). For twenty years beforehand it had been argued that because, in the corporate model, issues are best dealt with by the main labour market organisations, therefore ethnic discrimination is also a problem which should have a organisational solution rather than a legislative one. It has been argued that the existence of anti-discrimination legislation has an educational function in setting out limits of what is socially tolerable and what is not. Thus the “educative” function of legislation on discrimination did not begin to operate in Denmark until 20 years later than in the UK.

Furthermore, at the end of 2003, there was another indication of how the consensus/partnership model might have been used to weaken anti-discrimination legislation. Under the 2003 EU Race Directive, Member States have had to create or identify a body for the promotion of equal treatment, and give legal standing for an organisation to support complainants. At the end of the year 2003, by which time the EU Member States were supposed to have completed their implementation of the Directives, the Danish government's original plan had been to exclude

employment complaints from the remit of the new body, to be called the “Equal Treatment Committee” at the Institute for Human Rights. They had planned not give this complaints commission the mandate to take employment cases, and instead, consistent with the “Danish model”, preferred to leave such cases to the social partners and the existing arrangements of the tribunal system. (Similarly, regarding the new Employment Directive²⁶, it was announced that the criteria of “age” and “disability” were not going to be covered by the new Danish law, and were to be given to the social partners to integrate as part of their collective bargaining agreements.) Critics at the time argued that these arrangements would weaken the effectiveness of the anti-discrimination Directives. Furthermore, leaving the policing of discrimination in the employment sphere to trade unions would have been questionable when, as this research has shown, there is no indication that the Danish trade union movement has the experience to do this, with shop stewards and local officials having had no training in identifying and handling such cases. In the event, the government withdrew their original plan, and allowed the Institute for Human Rights to have the mandate to assist victims of racial discrimination in the labour market.

2. The “consensus brake” at local level

If the consensus way of working can be a source of delay with regard to actions against discrimination at a national level, it might also slow things down at a local level. In Denmark, the tradition of cooperation and consensus in industrial relations, the high density of union membership, and the emphasis on collective agreements (in the context of the fact that Denmark is a country characterised by small and medium sized firms) places a great deal of importance on the quality of the relationship between employers, trade union leaders, and the rank and file, in ways that may operate as a brake on the removal of barriers of discrimination at a local level. This might operate in several ways. For example, shop stewards often find themselves in regular and cooperative working relationships with management. As one Danish respondent, a public sector shop steward, stated when describing her work “in a certain way the steward becomes part of the management, instead of being an enemy to the leadership like in other countries. It’s kind of part of the leadership – and we try to collaborate”. In these circumstances shop stewards may be reluctant to push a case of discrimination which is directed against the management with whom he or she is trying to maintain a good working relationship.

Correspondingly, the consensus way of working implies a need for Danish employers to be more sensitive to the views of their workforce than is the case in many

²⁶ Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

other European countries, and this may result in a reluctance to recruit ethnic minorities if employers feel the majority would not be sympathetic to this. A Danish respondent from Funen observed "I don't think that employers' attitudes are the big problem – but they are afraid of the reactions of Danish workers". Similarly, a woman of immigrant origin who worked for the employment service (AF) in the north of the country observed that local employers were scared "because in this region it's not so normal to have an ethnic employee, ... some of them are open minded for ethnic minorities but they're afraid of what the other employees will say". The greater need of Danish employers to be sensitive to the attitudes of ordinary workers and union members, in the context of the consensus way of working, has particular implications in Denmark because of the way that "ordinary workers and union members" are exposed to a relentless racist discourse from politicians and the popular media, which legitimises grass-roots racism and perpetuates simplistic stereotypes about "others", particularly if the "others" are Muslims.

3. The effects of the consensus model on trade union leadership

As with employers, trade union leaders may feel reluctant to push anti-discrimination measures if they are sensitive to any resistance on the part of ordinary rank and file members. It is harder for union leaders to adopt strong anti-racist policies in the face of racist populism in a union movement with a strong tradition of rank and file involvement. Indeed the higher unionisation rate in Denmark – around 85 per cent – may itself constitute a barrier to a more radical approach by Danish trade union leadership to the integration of ethnic minorities. When the majority of the population are union members, the union itself may be pressured towards the centre of the political debate. Furthermore, one aspect of the "incorporation society" is an often close relationship of trade unions with political parties. The largest trade union confederation in Denmark, the LO, for a long time had formal links to the Danish Social Democratic Party, and some respondents argued that in the past the union leadership went "softly" on anti-racism issues because of fears on the part of their allies in the Social Democratic Party that they might lose votes to the populist Right.

4. The lack of consciousness-raising conflict

It might be argued that the more open conflicts on racism within the UK labour movement have ultimately led to progress. Because of the extreme and overt racist exclusion in the UK in the 1960s and 1970s, black workers turned to self-organisation and became a militant and effective lobbying force, which, in cooperation with sympathetic white activists, and after a great deal of political conflict, eventu-

ally produced a significant shifts in trade union consciousness. In Denmark, overt racist exclusion and conflict were not so extreme, and immigrants were quietly absorbed into the unions, with the assumption that equality in wages and conditions meant there was no further problem. There was no equivalent “consciousness-raising” conflict.

5 Success breeds complacency

The effectiveness of the consensus “Danish model” in providing gains for Danish workers (more so than in the UK, for example) in the context of a relatively egalitarian society and a functioning welfare state, has led to broader complacency on the part of some in Denmark that they have little to learn from others, and a feeling that practices in other countries are irrelevant or would not fit in Denmark because of the unique “Danish model”. British anti-discrimination practices - e.g. identifying ethnic origin to monitor exclusionary practices or as a basis for positive action, self-organisation structures or reserved seats, policies against racist physical or verbal harassment – could be seen as incompatible with the Danish tradition of solving problems through discussion. During the interviews many of the answers from Danish respondents were in the nature of “Things are different here – that is not the Danish way”.

6. The incorporation of NGOs

One aspect of the corporatist “consensual” model is that NGOs and immigrant organisations regularly receive subsidies from the state. This could be seen as a source of strength for anti-discrimination activist groups in countries like Denmark when compared with countries like the UK, where NGOs have to devote much more of their energy to fund-raising. However, a weakness within this is that organisations can lose their independence and become more vulnerable to the whims of government and the potential withdrawal of such money. We have already seen that in 2002 the main anti-discrimination NGO in Denmark had its grant to carry out anti-discrimination advice completely withdrawn by the newly elected anti-immigration government. This syndrome also affected the trade union network NIF. Although NIF receives the core of its money from the trade unions, this covers only the costs of the national secretariat, and it has to raise other grants to carry out its initiatives. Before the new government was elected, NIF used to regularly apply for project grants, and received money from the Ministries of Education and Social Services. Since the new anti-immigration government was elected, no grants at all have been forthcoming. One NIF coordinator noted that they had applied for the same funds for exactly the same things as previous years, and this time had received no money,

which she thought was unusual. “We send out a lot of applications – everything comes back empty. The only thing I can think of is that it must be the political change”.

Soysal (1994) contrasts different “membership models” in the incorporation of immigrants in Europe, including the “corporatist” and the “liberal”. Denmark is an example of the “corporatist” model, with centrally organised top down policies for the incorporation of immigrants, where the emphasis of official incorporation is on social and welfare rights. Britain is an example of the contrasting “liberal” model, where the cornerstone of state policy is anti-discrimination legislation to enhance migrant opportunities. The official goal is to enhance “equality of opportunity” and promote “good race relations”, and the main instruments are acts against discrimination. In the liberal model “the main policy aim becomes that of providing opportunities for and removing barriers to individual migrant’s integration into existing institutions of society” (Soysal 1994: 55). As part of the UK’s anti-discrimination structures the government set up the CRE, an organisation which provides advice on the Race Relations Acts and is empowered to give legal assistance to victims of discrimination. Since its creation in the 1970s this organisation has operated regardless of changes in government, and unlike the DRC, its existence has not been threatened by the whims of politicians and short-term political shifts. Anti-racist NGOs in Britain do not routinely expect government grants, and some regard it as better that they don’t. Soysal (1994: 99) found that the immigrant organisation leaders whom she interviewed in the UK were suspicious of state subsidies, viewing it as a sort of “co-option”.

Conclusion

It is important realise that trade union responses to immigration and ethnic inequality may not be uniform across European national boundaries, and that an understanding of national variation is aided by a sensitivity to the relevant historical, institutional, cultural and political differences of national context. In this particular comparison, it has been suggested that one important variable of national context which has helped to set the tone of ethnic equality approaches in the two countries is the dimension of conflict versus consensus. These different traditions are apparent in the historical approaches of the union movements, and are also reflected in the assumptions and opinions of many of the trade union ethnic equality activists, as indicated in the programme of interviews.

I have argued that union activists in Denmark and the UK, coming from their different traditions, have correspondingly different blind spots. The British activists, many of whom are rooted in a politicised “race relations” tradition, resist the breaking down of the black/white dichotomy into smaller ethnic classifications and

are suspicious of the consensual diversity management approach. In this, they miss the positive potential of diversity management as a way of getting ethnic equality mainstreamed into business life, and of facilitating ethnically sensitive services. The Danish union activists, with their tradition of consensus and cooperation, and their embracing of multiculturalism, miss the strength of anti-discrimination policies which could more effectively tackle the exclusion experienced by immigrants and ethnic minorities in Danish working life.

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Breakthroughs and blind spots

European trade unions are facing new policy dilemmas regarding the growing proportion of immigrants and ethnic minorities in their membership. However, the character of union activities on racism and discrimination varies tremendously between different European countries. This report contrasts trade union activities in Denmark and the UK, in the context of the “consensus” and “conflict” dimensions that have characterised their approaches to industrial relations respectively, and the very different national discourses on multiculturalism. Interviews with trade union officials and activists within each country reveal marked differences in union approaches to tackling racism and discrimination. Since the 1970s, British trade unions have developed increasingly stronger anti-racist and anti-discrimination policies, whilst at the same time seeing their membership decline severely. In contrast, the Danish unions have increased their membership and remained highly influential, whilst remaining comparatively inactive with regard to anti-discrimination. The paradox is that the weakest labour movement has developed the strongest anti-discrimination activities. The author raises the question as to whether the Nordic social model of consensus and cooperation may have some intrinsic weaknesses when it comes to anti-discrimination and anti-racist activities.

John Wrench is an Associate Professor at the University of Southern Denmark, Esbjerg, and is also Head of Research and Analysis at the European Monitoring Centre on Racism and Xenophobia, Vienna.



P.O.Box 2947 Tøyen
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