

## 1.1: Introduction

Section 1 investigates key issues related to diversity and discrimination in work. Initially, we will examine the broader concept of equality, followed by the presentation of the main forms of discrimination encountered in the labour market. Then, specific issues, such as the distinction between direct and indirect discrimination, the concept of multiple discrimination, etc. will be discussed. Finally, forms of behavior related to discrimination, such as (psychological) harassment and victimization, will also be examined.

## 1.2: Quality at work

Preventing and combating discrimination at work as well as respecting diversity, are viewed as determining factors in assessing quality at work. In Europe, addressing the quality at work and employment is linked to changes at the level of European employment policy, focusing on creating more and better jobs.

In the European context, quality of work is perceived as a multidimensional concept, which takes into account the objective characteristics of employment, the individual characteristics of the workers, the connection between the individual characteristics of the workers and the requirements of the job position, and, finally, the subjective perception of these characteristics by the workers (job satisfaction).

An expanded perception of the quality at work (and employment) results in the following conclusions:

First, a criterion for measuring the quality of work is not sufficient and more indicators are needed. Ten indicators have been proposed by the European Commission concerning both the wider environment of the workplace and the specific characteristics of the job position: the inherent quality of the job position, specialization, lifelong learning and career development, gender equality, health and safety at work, flexibility and security at work, integration and access to the labour market, work organization and work-life balance, social dialogue and the participation of the workforce, polymorphism and non-discrimination, and the overall economic performance and productivity.

Second, besides some specific objective indicators, subjective evaluation by the workers themselves, in other words the workers' satisfaction or dissatisfaction with their work, plays an equally important role. This is due to the fact that job satisfaction can affect work behavior (productivity, absenteeism, etc.) (Cabrita and Perista, 2006).

### 1.3: Difference and Distinctions

The concept of otherness or diversity refers to the status or the 'quality' of the other. Otherness is also the state in which a person recognizes their uniqueness/diversity in relation to other people.

This concept implies recognition, acceptance and respect: "It means understanding that each individual is unique and recognizes our individual differences. These differences may develop around different personality dimensions that refer to race, ethnicity, gender, sexual orientation, socio-economic status, age, physical abilities, language, religious and political beliefs or other ideologies."<sup>1</sup>

Something similar happens also in the field of work and employment, where heterogeneity points to differences and similarities between individuals based on the above characteristics.

In general, we could say that discrimination involves stereotypes and prejudices, attitudes and behaviors, formal and informal practices, arrangements and so on, resulting in a less favorable treatment of individuals or groups of individuals due to some of their characteristics. Based on the different definitions in relation to discrimination in the workplace, the main reasons for discrimination are the following:<sup>2</sup>

**Racism:** *Racist discrimination* is exercised because of racist perceptions and attitudes and picks on victims based on their (perceived) racial and/or ethnic origin, migratory background, ethnic background, skin color, language, etc. It usually affects persons belonging or perceived to belong in ethnic minorities, persons of color, refugees and migrants, including "second or third generation migrants," who, although they may have the nationality of the host state, they may still face discrimination, for example on the basis of their appearance or their name. Within this category of discrimination, at least in the European area, emphasis is placed on discrimination against the Roma.

**Gender discrimination:** Gender discrimination refers to discrimination exercised because of sexist/misogynistic perceptions and attitudes. Perpetrators pick on their victims based on their (perceived) gender identity/ gender expression, including both physical characteristics and social perceptions. The first category refers for example to conditions often imposed in relation to the filling of a job, such as the minimum weight or height, which are not essential for the performance of the foreseen tasks and do not affect the performance at work. The second category may concern discrimination based on

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<sup>1</sup> <http://www.i-red.eu/?i=institute.el.glossary#Διαφορετικότητα>

<sup>2</sup> [http://www.ilo.org/empent/areas/business-helpdesk/WCMS\\_DOC\\_ENT\\_HLP\\_BDE\\_FAQ\\_EN/lang--en/index.htm](http://www.ilo.org/empent/areas/business-helpdesk/WCMS_DOC_ENT_HLP_BDE_FAQ_EN/lang--en/index.htm)

marital status or/and maternity. Moreover, gender discrimination includes and is not limited to requiring persons of a specific gender to fill a job or excluding persons of a specific gender. It is important to note also that gender discrimination often involves sexual harassment/violence. Finally, gender discrimination can affect women, trans or non-binary persons, or any person who does not identify as or is not perceived as a man.

**Religious discrimination:** Religious discrimination includes forms of mistreatment based on religious beliefs expressed by individuals or due to their participation in a religious group, as well as discrimination against persons who do not belong to or are perceived not to belong to a particular religious group or identify as/are perceived to be atheists. Religious discrimination may also target groups of individuals who (are perceived to) belong to a religious minority within a particular national context.

In some cases, there might be legitimate reasons to limit the religious freedoms and rights of individuals in the workplace. For example, a religion may declare a day of rest other than that prescribed by the law or impose a special type of clothing that might be incompatible with the specific safety standards. Yet, it must be clear that nobody should be forced to wear or not to wear a specific type of clothing for reasons other than safety standards.

**Political discrimination:** Political discrimination refers to discrimination against a person based on their (perceived) membership/affiliation to a political party/ political ideas/ socio-economic views, or based on their (perceived) activities within non-governmental organizations.

**Social discrimination:** Social discrimination is exercised on the basis of social origin, based on the victim's (perceived) social class/socio-professional circumstances and it may limit the access of some people to certain categories of work.

**Ageism:** Ageism or age discrimination may concern both younger and older workers. Younger workers may be discriminated against in terms of wages (usually lower wages), type of work they perform, or career opportunities for development. On the other hand, older workers may be discriminated against because of prejudices in relation to their abilities, due to depreciation (deliberate or not) of their experience, or due to recruiting younger workers with lower wages.

**Ableism:** Ableism is discrimination against disabled persons. In this case, discrimination may relate to recruitment specifications, the type of work assigned to a disabled worker, accessibility or facilities objectively required to carry out their work.

**Homophobia/ transphobia:** Homophobic/ transphobic discrimination is discrimination on the basis of sexual orientation or/ and gender identity and it is exercised against lesbians, gay, bisexual, trans, intersex, queer and other non-heterosexual/ non-binary persons (LGBTIQ) persons or persons who are perceived to be a member of or affiliated to the LGBTIQ community. Very often, LGBTIQ persons suffer harassing behaviors by both colleagues and superiors.

**Discrimination on the basis of family status:** Discrimination related to a person's family situation may involve the recruitment process and/ or career opportunities and/ or wages. Such discrimination usually affects women who are or may get married or/ and women who have or may have children. This is both due to stereotypes relating to women and because of real increased childcare responsibilities and maternity obligations assigned to women.

**Trade unions:** In this case, people can be discriminated against on the basis of their (perceived) membership in/affiliation to a trade union or a trade union activity.

#### 1.4: Multiple Discrimination - Direct/ Indirect Discrimination –Stages in the Workplace where Discrimination Occurs

In many cases, the combination of more than one grounds of discrimination leads to multiple discrimination. Multiple discrimination, though difficult to be measured, concerns the majority of workers who are discriminated against. For example, an older migrant woman worker may become a victim of multiple discrimination on the basis of race, gender and age.

Discrimination at work can be direct and indirect. Direct discrimination is when a person is treated less favorably than others, on the basis of their background or/ and their characteristics. Indirect discrimination is when a rule, decision, procedure, policy, criterion or practice that appears *prima facie* neutral, because it applies to all, leads to discrimination in its application, as it negatively affects persons of a particular background/with particular characteristics (Baldourd & Chrysakis, 2012).

For example, direct discrimination exists in the case of advertisements such as: "a company based in Tavros is seeking to recruit a carpenter – furniture-maker, who is Greek and up to 40 years old;" " a refreshment shop in Ampelokipi, Athens is seeking to recruit Greek girls up to 30 years old with a service ." Both advertisements exclude "non-Greeks" (discrimination based on racial/ ethnic origin) and set age limits (age discrimination).

Examples of indirect discrimination are identified by the Ombudsperson in the case of procedures for admission to military schools and security forces, where candidates are subjected to sporting trials with limits in common. Although this practice may appear at first sight to be neutral, practically the limits established are more akin to men's abilities, with the result that a much larger number of women



is excluded. Similar is the practice of introducing common minimum thresholds for women and men for the admission of candidates in these schools (e.g. 1.70 million in ELAS.). Given the physical characteristics that usually women and men have concerning their height, this practice works to the detriment of women candidates.

Discrimination (either direct or indirect) can occur at all stages of the work process, (a) starting from the process of recruiting and entering a workplace and (b) passing through the work process at a specific space and until the time of leaving a workplace.

It is often difficult to establish or prove discrimination that happened during an interview, because it is an oral procedure between the employer (or the person who represents them) and the candidate worker. Yet, during an interview, employers or their representatives often ask candidate workers questions in relation to, their racial or ethnic origin, their family status or their intentions in having children. The employers take into consideration the answers of candidates to decide whether to recruit them or not. This constitutes discrimination. Moreover, many times, such questions may not be asked directly, but the employer (or the person representing them) may draw conclusions by certain characteristics of candidates (appearance, color, clothing, body language, accent, and so on) and this may affect their decision regarding recruitment.

Discrimination can consist of offensive behaviors related to diversity of an employee in unequal practices in access to remuneration and rights obstacles (typically or informal) that are put into the evolution of an employee, and so on. In such a case, discrimination may include: payment, labour rights, working hours, maternity protection, content of work assigned to a worker, training opportunities, performance appraisal, prospects job development, job security. An indicative example is the recent complaint of a worker in product promotion, who was found to work at a branch of a supermarket chain promoting cosmetics. The employee complained that after two hours of work, the head of the branch asked him to leave “because he is a foreigner and the shop is Greek and addressess Greeks.”

An employee may also be discriminated against and disparaged at the time of their dismissal, resignation or retirement.

### **1.5: Harassment and victimization as particular forms of discrimination**

In some cases, discrimination against a worker or employee is not limited to certain stereotypes, but is concretized through acts and behaviors that may constitute harassment, including *psychological harassment*. Psychological harassment (also known as mobbing or bullying) is a form of violence and is defined as the deliberate use of power against a person or a group of individuals with the intention

to harm or leading to harming the physical, or/ and mental, or/ and intellectual, or/ and moral or/ and social development of that person or group. The main characteristic of this behavior is its duration, frequency and repetition. In other words, this is often the result of accumulating and recurring abusive behaviors and/ or incidents (gestures, words, attitudes or behaviors) that affect, often by repetition or systematization, the dignity or/ and the mental or/ and physical integrity of an individual. These are relatively insidious attacks that are hard to prove and identify. The harm caused does not primarily concern the individual's physical health, even if the moral harassment sometimes involves physical violence or even if it has a long-term effect on the individual's physical. In particular, M.-F. Hirigoyen (2002) identifies four categories of attitudes that constitute moral harassment:

**Injustice in working conditions:** systematically challenging all decisions taken by a person, excessive or unfair criticism in relation to their job, systematic assignment of tasks beyond their abilities, impossible to perform or even fail to meet their abilities, removing responsibilities, etc.

**Isolation and denial of communication:** employer/ colleagues no longer address the victim, employer/ colleagues communicate with them only in writing or through others; their presence is ignored; the victim experiences segregation/ isolation/ marginalization.

**Denial of dignity:** it may include contemptuous moves towards the victim, degrading comments, rumors spread, offensive assignments. It is also referred to as *derogatory/ degrading treatment*, which is the behavior of a person insulting and/ or humiliating somebody else. It may be verbal or non-verbal and it may include insults, shouting, gestures, sounds, etc.

**Verbal, physical or sexual violence:** it may include threats of physical violence, abusive speech, harassment and out-of-work, physical attacks.

A common form of harassment in the workplace, which affects mostly women, is *sexual harassment*.

**Sexual harassment** is any non-consensual and/ or unwelcome sexual conduct/ behavior. It could be verbal, non-verbal and/ or physical, implicit or explicit. It may include sexual advances, sexual demands, requests for sexual favors, and/or sexual looks/ gestures/ sounds, etc.

*Unwelcome conduct/ behavior* is any conduct/ behavior that the recipient considers to be unwelcome, even if they did not express their objection, or seemed to have consented to it. "**Victimization**" at the workplace refers to mistreatment, harassment or misconduct that may have been discriminated against or supported by a colleague who has denounced a discriminatory treatment. Discrimination may also be the case for an employee who has made complaints about public or public service

irregularities. In this case, we are talking about a form of psychological violence and discriminatory treatment at the expense of so-called whistleblowers (those who sound the alarm or reveal a secret). The whistleblower is the person who denounces abuses, bribes, legal violations or illegal activities taking place in the public service for which he is working and which constitutes a risk to public health and safety. As a result, these individuals become victims of reprisals.

## TOPIC NO 2: EU POLICIES AND THE EUROPEAN INSTITUTIONAL FRAMEWORK BY COMBATING DISCRIMINATION AND RESPECT FOR DIVERSITY IN EUROPEAN LABOUR MARKETS

### PURPOSE

The purpose of this section is to familiarize you with the relevant European and international institutional framework and improve your awareness of the fight against discrimination and the promotion of equal treatment.

### KEYWORDS

**Treaty on the Functioning of the European Union:** *it is also called the "Treaty of Lisbon" and it regulates the functioning of the EU and amending the previous constitutional and constitutional treaties.*

**Charter of Fundamental Rights of the European Union:** *first-voted in 2000, it includes the fundamental rights of EU Member States and citizens.*

**Directive on Racial Equality:** *Directive 2000/43 / EC of 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.*

**Equality Directive on Employment:** *Directive 2000/78 / EC of 2000 establishing a general framework for equal treatment in employment and occupation.*

### EXPECTED RESULTS

Upon completion of the study of the second section, participants will be able to:

- ✓ Become familiar with the European and international institutional framework on equal treatment and against discrimination at work.
- ✓ Information on decisions of national courts on cases of discrimination.
- ✓ Assess the contribution of the European Court of Justice and the European Court of Human Rights to the fight against discrimination.
- ✓ Reflect on the effectiveness of the institutional framework to combat discrimination at work.