

# **MIGRANTS, MINORITIES AND EMPLOYMENT IN BELGIUM**

## **EXCLUSION, DISCRIMINATION AND ANTI-DISCRIMINATION**

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# 1. EXECUTIVE SUMMARY

In the federal state of Belgium employment falls under the competence of the regions. Therefore a discussion on the position and the policies targeting immigrants in the largest sense of the word in the three regions and at the federal level is needed in order to have a comprehensive overview. In total 4 ministers are in charge of this issue, notably the minister at the federal level, in Flanders, Wallonia and the Brussels Capital Region. Having different ministers also means a diversity and divergence in legislation. At the federal level the Minister of Labour has co-operated with the Centre for Equal Opportunities and Opposition to Racism in the project 'Colourful enterprise'. In Wallonia, FOREM or the Walloon Regional Employment Office plays a key role in the fight against racism in the area of employment at the recruitment stage and on the work floor. In Flanders, the VESOC agreements and the TRIVISI projects form the backbone of the equality policy in the area of employment. In Brussels there is a similar concern towards discrimination at the recruitment level and on the work floor.

Although racism and discrimination are legally banned through the 1981 antiracism law the practices of racism in general and in the employment area in particular are not eradicated. On the contrary in assessing the number of complaints of racism in this area received by the CEOOR one cannot but conclude that racism complaints are increasing instead of decreasing.

It is hard to give a comprehensive view of the position of immigrants. Data-quantitative as well as qualitative- on the position of immigrants is generally speaking very limited.

The lack of data can be explained by different factors. First the official registration according to nationality does not take into account the naturalised Belgians. Thus, we lack one of the most basic data sets, namely the size of the different ethnic groups in the country.

Second, there is the care-focused integration policy aiming to alleviate the backward position of immigrants in general. Most of the attention went to the empowerment of most lowly skilled labour migrants in terms of language acquisition, access to health care, access to housing, etc. The promotion of equal rights and the fight against discrimination at the recruitment level and on the work floor are recent phenomena. The target group of the integration policies consists mostly of the former guest workers and their children. Third, there is a lack of consistency and coherence for the policies at the different administrative levels. Given these divergences, we need to look at each region-Flanders, Wallonia, Brussels Capital Region and last but not least the federal level-separately.

The gap in data and information in this area notwithstanding, there is at the current moment a consensus that immigrants need to be integrated in the labour market as it is the most appropriate means towards a peaceful co-existence of the different groups in the multicultural society.

The recent focus on immigrants in the labour market can be explained by at least two developments. First, the overall poor performance of immigrants in the labour market and the increasing attraction of the extreme right ideology towards an ever increasing group of the hosting society call for urgent action, effective policies and measures to mend the situation. The second development can be connected with the larger debate on how to maintain the social welfare state with a demographic deficit across the Western societies. The discussion on whether or not to loosen the restrictive immigration policy revolves among other things around a selective migration policy allowing room for temporary skilled workers.

Given these new challenges in society and thereby fuelling a debate on relaxed immigration policy will for sure generate in first instance and in the near future more reliable and expanded data on immigrants and ethnic minorities.

## 2. INTRODUCTION

There is a fierce debate on integration and integration policies throughout the EU. No EU member state seems to hold the key towards an effective integration policy. In Belgium the concept of ‘integration’ has been subject to incisive critique. Yet in the chaotic realm of discourse, there is a consensus that inclusion of immigrants and their children in the labour market and in the educational system constitute the sine qua non conditions for an effective integration policy. Therefore, it is of utmost importance that relevant and accurate data and findings on the position of the immigrants in the labour market are generated and made available to policy makers. The generation and dissemination of these and related data present a major challenge to most EU countries and thus also to Belgium. There is a lack of both quantitative and qualitative data on immigrants in general and on their position in the labour market in particular. Despite the fragmented data, policy makers are aware of the precarious position of this group and integration policies have been adopted at all governmental levels. There is a concern for this target group, all the more since this issue of vulnerable position of immigrants in the labour market has been cast by a wide range of influential public actors including the media, the academics, the NGOs in a rather dark perspective.

Therefore this report will first look into the existing policies and legislation. Then the theoretical and methodological approach will be elaborated in the analysis of the data. The existing and especially the non-existing data and sources will be explored and explained. As the existing and non-existing data and analysis might inform us on certain important issues such as practices, leading to the support of diversity and the reduction of racism, an exploratory part on how to turn (non) data into information will be presented. Then, an analysis of the findings will be given, followed by a conclusion.

### **3. BRIEF OVERVIEW OF THE MIGRATION TRENDS AND INTEGRATION POLICY AT THE FEDERAL AND REGIONAL LEVEL WITH SPECIFIC REFERENCE TO EMPLOYMENT**

#### **3.1. Main migration trends**

Between the two world wars and the 1970s there were several waves of immigration. In the two decades after the end of the WWII there were substantial, highly focused immigration flows in Belgium. This is the so-called ‘guest-workers regime’. The migration balance ranged from extremely negative to extremely positive according to the intensity of the recruitment campaigns abroad. The end of the guest-workers regime was set in with the oil crisis in 1973 when a general economic recession hit the industrial societies in the West. As a consequence, the immigration stop for unskilled workers was installed in 1974. As a result the size of immigrants has shrank considerably in this decade. While emigration remained relatively stable, the first half of the 1980s saw a factual balance between immigration and emigration. From the mid-80s onwards and notwithstanding the existing restrictive immigration policy, immigration resumed, reaching at the beginning of the 1990s an intermediate phase with about 50,000 incoming and 35,000 outgoing foreigners per year, leading to a migration balance of about 20,000 arrivals a year. In the past few years there is an increasing trend of immigrants. The number of emigrants has gone up but not significantly enough to compensate for the increasing number of immigrants.

In terms of composition of the immigrants, in general the immigration is mainly European, the two most numerous groups being the French and the Dutch. The two decades after WWII have attracted a lot of workers from Morocco and Turkey. After the immigration stop in 1973 immigration from these countries died out but resumed in the mid 80s within the legal framework of family reunification. Since 1994 Moroccan immigration continues to increase but Turkish immigration has decreased. The fall of the Iron Curtain has generated an increase of immigrants from the Eastern Europe. From the mid 1980s the number of asylum seekers has increased significantly. Most asylum seekers in Belgium originate from Africa and Eastern Europe. There are refugee communities such as the Iranians, Vietnamese, Chileans, who arrived in the 1970s, which has also produced a second generation.

#### **3.2. Integration Policies**

Following the 1980 administrative reforms, a series of national government competences with regard to immigrant policy were transferred to the three Regions or to the three cultural Communities. The three regions are Flanders, Wallonia and the Brussels Capital Region, whereas the three cultural communities refer to the Flemish-, French- and German-speaking communities. The responsibility for employment was assigned to the Regions. The main competencies of the Regions include economic policy, regional development, urban renewal, housing, employment, environment, energy, supervision of the municipalities and the Public

Centres for Social Welfare, transport, public works, communications, international relations, scientific research, foreign trade, etc.

Therefore, we need to discuss the situation, position and policies towards immigrants, ethnic-cultural minorities or people of foreign descent in the three regions separately in conjunction to the federal level and more specifically the measures taken by the Federal Minister of Labour. But first we also need to analyse the different terms, denoting our target group in the different policies.

In 1989 the Royal Commission on Migrant Policy (KCM/CRPI) was established by Royal Decree for a term of 4 years. It is a federal institution. The main functions of this organisation was to carry out research and develop policy measures related to the problems facing migrants in the area of employment, housing and integrative education. The establishment of the KCM/CRPI was the result of the 1988 coalition government, which was committed to pursue a genuine immigrant policy. In the first report of the KCM/CRPI (1989: 33) the terms of ‘foreigner, guest-worker, (im)migrants and allochtoneous people’ were discussed.

The term ‘foreigner’ is a legal term denoting a person, who does not have the Belgian nationality, or a non-national. ‘Guestworkers’ are lower educated or uneducated people, who migrate because of a series of push and pull factors situated in the socio-economic realm, with the purpose of a better employment and a higher income in the host society. The term implies that they have the firm intention to return to the home country. An ‘(im)migrant’ denotes a person, ‘who originate from a foreign country’. Yet, in a narrower sense from the migrant policy perspective, it refers more particularly to those ‘who are not of European origin’, who generally but not exclusively entered the country through the guest-workers’ regime from the country of origin to the host society and who found themselves in a disadvantaged position and are often discriminated against. In this category higher educated migrants working the higher echelons of the society such as highly skilled migrants in multinationals are not included. Allochtoneous people are persons with non-Belgian social and cultural background, originating from a specific home country, with no regard to their current nationality. The term goes as far as the third generation, at least when the persons in question still desire to be labelled as such. The concept of ‘ethnic minorities’ refer to allochtoneous people, who find themselves in a disadvantaged position, highly vulnerable to discrimination or those, who have overcome it. This is to say that there are some groups, which have transcended their weak position, whereas other groups have not yet reached that stage. The term covers groups with divergent socio-economic position. People of foreign descent (*personnes issues de l’immigration*) is used to denote people with a migration background. Yet they are not labelled allochtoneous as they are not a separate category in society but rather members of the larger host society, who happen to have a migration background. Asylum seekers are those, who have introduced an asylum application according to the Geneva Convention. Since the mid-1980s there has been a general trend of steady increase of this group. Given this trend they have become increasingly important on the political agenda concerning migration and immigration. Finally, the recently used term of ‘newcomers’ need to fulfil the following four criteria: recent arrival; adult age; they speak a language, which does not belong to one of the official languages; they are socially and economically in a disadvantaged position. Moreover, they have to belong to one of the following 4 categories:

- those who arrive to form a family or for reunification purposes
- asylum seekers, whose request has been positively assessed
- recognised refugees
- people who obtained the right to stay in the country after a regularisation procedure

In Dutch-speaking Belgium, up until recently the term ‘migrant’ was used to refer to the non-EU migrants, mostly Moroccans and Turks. Recently the term ‘migrant’ has increasingly been replaced by the term of ‘allochthonous people’, denoting generally the same group of people. Ethnic-cultural minorities are now used increasingly in official documents, in the media and the general discourse. The term ‘newcomer’ (*nieuwkomer*) has been recently added denoting a specific group of people. In French speaking Belgium, the term of ‘ethnic minorities’ is non-existing, at least when denoting second or third generation. The term does not fit within the framework of the pursued general policy towards immigrants, who constitute not a separate category as in a more specific policy towards immigrants. Instead the term ‘personnes issues de l’immigration’ (people with immigration background) is preferred. Similarly the term ‘newcomer’ (*primo-arrivant*) has emerged recently to refer to a specific group of people as explained above.

In terms of integration policies, the publication ‘Discrimination at the recruitment level. Belgian contribution to the international comparative research of the International Labour Office’ (1997) has had a great impact on the integration policies in the labour market at the federal level. This publication is important because of its international dimension but also because of the inter-university approach. The findings have proven the hypothesis that applications of native Belgians and Belgians of Moroccan descent with equal qualifications in terms of diploma and experience during the application procedure are treated differently. Through concrete situation tests, it becomes clear that there is full fledged discrimination at the recruitment level towards Moroccans on the basis of their foreign name despite similarity in diploma and work experience with their Belgian counterpart. These findings have prompted a series of sensitisation campaigns, seminars and conferences. Recently, it has also led to the instalment of a specific unit within the Ministry of Labour to combat discrimination, namely the unit Colorful Entreprising. It was established on July 1 2001 within the Ministry of Labour in collaboration with the Centre for Equal Opportunities and Opposition to Racism. The objectives include: the sensitisation and training of labour inspectors; to investigate the possibilities to conclude specific collective agreements per sector; to assess the possibilities for co-operation with the regional ministers in charge of employment and professional training, with the regional integration centres and the governmental organisations for labour mediation (ORBEM/BGDA, VDAB and FOREM) and to produce a report and to formulate recommendations, destined for the annual report of the High Council of Employment.

In Flanders, a policy of proportional Labour Participation and Diversity is pursued. The decree on proportional participation in the labour market passed the Flemish Parliament on April 24 2002 based on the EU Council directive of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and the Council directive of 27 November 2000 establishing a general framework for equal treatment in employment and occupation. The two basic principles are proportional participation and equal treatment. The decree applies to labour negotiation, professional training and career support. It applies also to the Flemish government and the services dependent on the Flemish government including schools. The policy of anti-discrimination and equal opportunities prioritises inclusion, mainstreaming and the detection and removal of a series of obstacles opposing equal opportunities and a full-fledged participation in all areas of society. In order to implement this policy employment and economic autonomy constitute the basic conditions for being able to make use of other rights and to participate fully in society. Discrimination and under-representation of the target groups in the labour market have a negative impact on the life quality of immigrants, the elderly, women, handicapped and those with low educational levels. The Flemish government prioritises the proportional labour participation within the framework of a general diversity policy.

The Walloon Region has a specific policy against social exclusion on the one hand and the reception and integration policy towards people with foreign nationality or foreign descent



on the other hand. The Walloon government aims to maintain a balance among the different action programmes and the different actors in the field. The reception and integration policy is legally based on the decree of July 4 1996 of the Walloon Parliament; stipulating the integration of people of foreign nationality and of foreign descent. This decree also forms the legal basis for the establishment of the six regional integration centres in resp. Charleroi, La Louvière, Mons, Namur, Verviers and Liège. These centres will be referred to by their acronym CRI below. Besides the CRIs there are other actors in charge of the reception and integration policy of people of foreign descent. These are among others 'Direction générale pour l'Action sociale et la Santé' of the Ministry of the Walloon Region (DGASS) and the Inter-departmental Director of Social Integration of the Ministry of the Walloon Region.

In the Brussels Capital Region, it is the Commission of the French Community, also called Cocof, which has the power to issue decrees. It is competent for the French-speaking education and French-speaking cultural and person-specific matters. Within this legal framework it also promotes through the integration policy the social integration of neighbourhoods in crisis. Since 1977 the interventions of the governments aim to improve vulnerable and decayed neighbourhoods, defined on the basis of the data provided by the National Institute of Statistics. The main objective of this integration policy is twofold. On the one end of the spectrum, it aims to fight exclusion of certain neighbourhoods. On the other end, it strives to make the municipalities responsible for these areas through a common co-financing scheme. The pursued policy does not refer specifically to the ethnic descent but is rather a general policy of integration encompassing all vulnerable groups. In other words, it does not have a specific policy for people of foreign descent and/or origin.

## **4. THEORETICAL AND METHODOLOGICAL APPROACH FOR ANALYSING THE DATA OF THE REPORT**

This report is based on existing literature from academic sources as well as reports from policy or administrative origin. The quantitative data originate from official statistics bureaus or administrations such as the NIS (National Institute for Statistics) for data concerning the entire country. The reports and findings are generally speaking reliable in terms of accuracy yet not universal. The findings do rarely concern all immigrants in French and Dutch speaking Belgium. Another characteristic is the asymmetry of the data and the findings, which are shaped by a specific integration policy.

The major challenge for writing this report is not the quest into the accuracy and scientific reliability and feasibility of the data but rather the relative paucity of data, information, findings and insights into the position of immigrants in the labour market. The paucity of data will be discussed in the analysis of the report and in the section on the non existence of data (see below)

## 5. DESCRIPTION OF EXISTING AND NON EXISTING DATA

### 5.1. Existing data

#### DEMOGRAPHIC DATA

In general data on immigrants and ethnic minorities in the labour market are limited. Statistics are based on the criterion of nationality. As there is no ethnic registration, these figures only apply to those with a foreign nationality. Thus, naturalised Belgians of non-EU descent ‘disappear’ in the pool of Belgians. The following demographic figures are based on the *Statistiques démographiques. Population étrangère au 1.1.2000*, issued by the NIS/INS (National Institut of Statistics). The total population as of January 1 2000 amounted to 10,239,085. The number of non-nationals in absolute terms is 897,110 or 8.7% of the total population. As already mentioned, this figure is based on nationality and not on ethnic background. Naturalised Belgians are not included in this figure. Thus, the real figure of the allochthonous population is higher. This is for instance evidenced by the general increasing trend of naturalisations, after which foreigners ‘disappear’ in the large pool of the dominant group of Belgians. The increase can be explained by a relatively liberal naturalisation policy in Belgium.

#### Naturalisation figures from 1997-2001

Year	Number of naturalisation
1997	32,084
1998	34,521
1999	24,651
2000	61,980
2001	62,983

On January 1 2000 the total population in the Flemish Region amounted to 5,940,251. The number of non-nationals is 293,650 or 5% of the total population. Among the non-nationals the share of EU migrants was 56% or 164,569 in absolute terms. The largest group among the EU foreigners were the Dutch, who made up 25% of the total foreign population or 74,421 in absolute figures. Among the non-EU migrants, the largest group was represented by Moroccans. The absolute figure amounted to 14% of the total foreign population or 42,266 in absolute terms. The second largest group of non-EU foreigners were the Turks, who made up 12% or 34,667 in absolute terms. On January 1 2000 there were 329,847 foreigners in Wallonia within a total population of 3,339,516. The share of foreigners comprises almost 10%. Among the total population of foreigners the share of EU non-nationals was as high as 78%. Within this group Italians were in the majority with 146,783 or 44.5% of the total foreign population. Among the non-EU foreigners, the two largest groups were constituted by Moroccans and Turks. The total number of these two groups was respectively 17,440 (or 5.2% of the total foreign population) and 16,130 (or 4.8% of the total foreign population).

On January 1 2000 the total population of the Brussels Capital Region was 959,318. The number of foreigners was 273,613 or 28,5% of the total population. The share of the EU foreigners was 51% of the total foreign population. The largest groups were the French and the Italians or respectively 12.6% (34,497 in absolute terms) and 10.5% (or 28,951 in abso-

lute terms) of the total foreign population. Among the non-EU foreigners the Moroccans and the Turks accounted respectively for almost 23% (62,278 in absolute terms) and 6.7% (18,386 in absolute terms) of the total foreign population.

## **5.2. Recent information on the situation for migrants, minorities and non nationals in the labour market**

Data on the position of immigrants in the labour market is larger limited. As said earlier statistics are based on nationality and not on ethnic descent. Yet, in Flanders there is an increasing awareness of the importance of ethnic registration. In some instances there are data available concerning naturalised Moroccans and Turks, the two largest non-EU migrants. However, this applies mostly to Flanders and sometimes also Brussels. Data on the basis of ethnic origin is non existent in Wallonia.

### **EMPLOYEES**

The share of employees of foreign and non-EU origin in the total Belgian economy is rather limited. It accounts only for 7,2% for males and females. For non-EU immigrant women it is a mere 1.4% given their low activity grade. These figures are based on nationality. Mostly likely the real figure is higher given the naturalisation of some of these immigrants.

**Table 1: Employees according to nationality and gender in Belgium**

	Male		Female		Total	
	AC	%	AC	%	AC	%
EU foreigners	103.113	5,9	51.449	4,1	154.562	5,2
Non EU foreigners	45.458	2,6	17.091	1,4	62.549	2
BELGIANS	148.571	8,5	68.540	5,5	217.111	7,2
POPULATION	1.595.023	91,5	1.184.092	94,5	2.779.115	92,8
	1.743.594	100	1.252.632	100	2.996.226	100

Source: National Institute of Statistics (NIS), Survey sample of the active population, year 1997.

In a recent research<sup>1</sup> on the employment of immigrants in the agglomerations of Antwerp, Brussels, Ghent and Hasselt, it is shown that a significant number of Belgians of foreign origin is active in the labour market. In these 4 Belgian cities, there were 75.211 foreign wage earners and 39.019 immigrant workers. If we extrapolate this figure to the total Belgian active population, then the share of employees of foreign descent increases to 11% or 330,000 persons.

Another research method is adopted by the VDAB (the Flemish Service for Labour Negotiation), notably name recognition with exclusive attention to the two largest groups of immigrants, namely Moroccans and Turks. In 1998 this service published a research analysis including new Belgians, or naturalised Belgians of foreign descent. This study looked mostly into the groups of the job seeking and unemployed immigrant population, whether or not naturalised.

The publication ‘De vreemde eend in de bijt, arbeidsmarkt en diversiteit’ van Verhoeven, H. (2000)<sup>2</sup> analysed the position of immigrants and naturalised Belgians in the labour markets of Flanders and Brussels.

In terms of activity rate in Flanders, the Belgians and the neighbouring countries have a larger share in the wage earning population than in the unemployed population. The other nationalities including Moroccans, Turks and South Europeans are more present in the unemployed population than in the wage earning position. To be more precise, Moroccans and Turks are 3times more represented in the unemployed population than in the wage earning population.

The trend can be witnessed in Brussels. The Moroccans and the Turks are 3times more represented in the unemployed pool than in the pool of the wage earners.

From the other end of the spectrum the participation rate of Moroccan and Turkish employees in Flanders is relatively low, namely 60%, whereas the share of naturalised Belgians amounts to 90%, Italians to 70%, South Europeans to 75%.

The same trend is noticeable in Brussels, with a low participation rate of Moroccan and Turkish employees.

<sup>1</sup> H. Verhoeven, *De kroon ontbloot... Een onderzoek naar de plaats van allochtonen op de loontrekkende arbeidsmarkt in Vlaanderen*, [The crown undressed. A research towards the position of immigrants in the wage earning labour market in Flanders] Leuven, KUL, Departement Sociologie, maart 1999.

<sup>2</sup> Verhoeven, H., Martens, A *Arbeidsmarkt en Diversiteit... over de vreemde eend in de bijt*, KUL, 2000 [meta.gov.be/pdf/pc/nlcee13b.pdf]

## IMMIGRANT EMPLOYEES AND SECTORS

According to the study by A. Martens *‘Zelfde zweet, ander brood. Onderzoek naar de arbeidsmarktpositie van Belgen en migranten op twee lokale arbeidsmarkten: Antwerpen en Gent*<sup>3</sup> there is a high number of foreign male wage earners in the metal industry and a low representation in the sectors of transport, communication, finances and other services. Immigrant women mostly work in the horeca (hotels, restaurants and cafés) and in the cleaning services.

According to the already mentioned study *‘Vreemde eend in de bijt...’* covering Flanders and Brussels, all categories including naturalised Belgians as well as the different immigrant groups are **over represented** in the following 4 sectors in comparison to their Belgian counterparts: agri- and horticulture (more men than women and more older than younger people), fabrication of transport means (more men than women and more elderly than youth), advice and assistance (more men than women) and the sector ‘lobbying for particular interests’(more women than men and more youth than elderly).

Belgian men of immigrant background are over represented in the sector of horeca (hotel, restaurant and café), recreation, culture and sports, the textile industry, the garage industry, fabrication of metal products and the sector of waste water and rubbish collection, street cleaning.

Belgian women of immigrant background are over represented, besides the four sectors already mentioned above, in the secondary sector of ‘fabrication of beverages, food and tobacco, fabrication of office machines, computers and fabrication of medical equipment’ and in the tertiary sector ‘other services to people, horeca, small business and transport related activities’.

Belgian youngsters of immigrant background are also over represented in the sector of ‘fabrication of machines, equipment and tools, fabrication of office machines, computers and metallurgy’.

Elderly Belgians of immigrant background are moreover in comparison with their counterparts in the global labour market relatively over represented in the sectors of ‘horeca, fabrication of metal products, fabrication of medical equipment, other services to people and recreation, culture and sports’.

In terms of under representation, all are relatively under represented in 5 sectors:

- Winning of minerals (youth more than the elderly),
- Electricity, gas, steam and water
- Financial services (women less than men)
- Quaternary sector: public service, justice, defence and public security (youth less than elderly)
- and education

Belgian men of immigrant background are under represented in the sectors of ‘small business, post and telecommunications. Generally speaking, Belgian employees of immigrant

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<sup>3</sup> Martens, A. (1993) *‘Zelfde zweet, ander brood. Onderzoek naar de arbeidsmarktpositie van Belgen en migranten op twee lokale arbeidsmarkten: Antwerpen en Gent*. [Same sweat, other bread. Research into the labour market position of Belgians and migrants in two local labour markets: Antwerp and Ghent]

background work mostly in advice and assistance for the age group 18-25 year (28.54%) and 26-40 year (14.09%). For the 41-55 year old group (8.65%) most are active in the fabrication of transport means. In terms of gender division for Belgian males of immigrant background advice and assistance and fabrication of transportation means have the highest share, notably 17.37 % and 10.31%. For Belgian females of immigrant background, the first and second sector of employment are respectively advice and assistance (19.20%) and small business (11.77%).

#### IMMIGRANT SELF-EMPLOYMENT

Although foreigners make up almost 7% of the total self-employed people in Belgium, only 1.4% of them are non EU migrants. There is a strong concentration in the sector of horeca, especially in the restaurant sector. It is important to note that the real number of non EU self employed people is likely higher given the high naturalisation rate of some immigrant groups with a high representation towards entrepreneurship such as the Chinese and the twice migrants such as the Pakistani entrepreneurs. Twice migrants refer to migrants, who have migrated several times and hold nationalities, different from the 'own' country. For instance, some Pakistani's have British instead of Pakistani passports.

**Table 2: Wage differentials according to gender and nationality**

	Male	Female
Belgium	100	60 - 85
Neighbouring countries	92 - 115	76
Italy	83 - 102	-
Spain, Greece, Portugal	83 - 102	65
Morocco	78 - 105	37 - 59
Turkey	74 - 95	40 - 56

Source: Computed data by the CEOOR on the basis of the study by A. Martens.

In a more general way there is a gender gap rather than a nationality/ethnicity gap in wage differentials. This is to say that women tend to earn significantly less than their male counterparts, Belgians and migrants likewise. Yet within this general trend Moroccan women earn prominently less than their male Moroccan counterparts, followed by Turkish women.

**Table 3: Unemployment in absolute terms**

	Flemish Region	Wallonia	Brussels Capital Region	TOTAL
Neighbouring countries	4.300	7.155	2.924	14.379
Italy	2.508	22.941	3.299	28.748
Spain	838	1.712	2.150	4.700
Greece	323	636	835	1.794
Portugal	272	367	1.124	1.763
Other EU countries	546	195	290	1.031
<b>EU foreigners</b>	<b>8.787</b>	<b>33.006</b>	<b>10.622</b>	<b>52.415</b>
Turkey	3.372	2.023	3.095	8.490
Morocco	4.625	1.923	8.270	14.818
Other EU countries	1.862	1.598	2.307	5.767
<b>Non EU</b>	<b>9.859</b>	<b>5.544</b>	<b>13.672</b>	<b>29.075</b>
<b>Foreigners</b>	<b>18.646</b>	<b>38.550</b>	<b>24.293</b>	<b>81.489</b>
<b>Belgians</b>	<b>316.655</b>	<b>235.984</b>	<b>54.934</b>	<b>607.573</b>
<b>Population</b>	<b>335.300</b>	<b>274.534</b>	<b>79.227</b>	<b>689.061</b>

Source: Computed on the basis of RVA/ONEM (2001)

In 2001 the Federal Service of Labour reported 689.061 unemployed people, entitled to an allowance. The number of the unemployed people in Belgium is de facto higher than this figure since there are other categories of unemployed persons including those older than 55, people working in one of the programmes fighting unemployment such as interns, youth carrying out specific jobs, etc. These categories are not included in the above cited figure.

In terms of spatial distribution of the unemployed in the three regions, the Brussels Capital Region has the largest share of unemployed people both for EU and non-EU migrants. Concerning nationality the share of the employed for the EU migrants amounts to 13.4% in the Brussels Capital Region, while the share for the entire country is 7.6%. However, the rate of the unemployed EU migrants in Wallonia is equally high, too or 12%. This can be explained by the fact that there is a large group of EU foreigners, and especially Italians living in this region. The share of 2.6% for the category of EU migrants in Flanders is significantly lower.

For the category of non-EU foreigners, here the share of Brussels Capital Region is once more prominently higher than in the two other regions or respectively 17.3 % in the Brussels Capital Region vis-à-vis 2.9% in the Flemish Region and 2% in Wallonia.

**Table 4: Unemployment in percentage**

	<b>Flemish Region</b>	<b>Wallonia</b>	<b>Brussels Capital Region</b>	<b>TOTAL</b>
Neighbouring countries	1,3	2,6	3,7	2,1
Italy	0,7	8,4	4,2	4,2
Spain	0,2	0,6	2,7	0,7
Greece	0,1	0,2	1,1	0,3
Portugal	0,1	0,1	1,4	0,3
Other EU countries	0,2	0,1	0,4	0,1
<b>EU foreigners</b>	<b>2,6</b>	<b>12,0</b>	<b>13,4</b>	<b>7,6</b>
Turkey	1,0	0,7	3,9	1,2
Morocco	1,4	0,7	10,4	2,2
Other EU countries	0,6	0,6	2,9	0,8
<b>Non EU</b>	<b>2,9</b>	<b>2,0</b>	<b>17,3</b>	<b>4,2</b>
<b>FOREIGNERS</b>	<b>5,6</b>	<b>14,0</b>	<b>30,7</b>	<b>11,8</b>
<b>BELGIANS</b>	<b>94,4</b>	<b>86,0</b>	<b>69,3</b>	<b>88,2</b>
<b>POPULATION</b>	<b>100,0</b>	<b>100,0</b>	<b>100,0</b>	<b>100,0</b>

*Source: Computed on the basis of RVA/ONEM (2001)*

In the area of employment a significant increase of racism complaints have been registered at the CEOOR over the period of the last 5 years. Racism complaints in the area of employment have been ranking number 2 of all the received complaints for the past 5 years. The percentage of racism complaints with regard to racism evolved around 13 to 14% of the total complaints. To be precise, in 1997, 1998 and 1999 it accounted for 13% of the total complaints. In 2000 the share has slightly decreased to 11% and in 2001 it has surged to 14% (Annual Report 2001 CEOOR). There is in other words an increasing trend of racism complaints in the area of employment over the past 5 years. See web site: [www.antiracisme.be](http://www.antiracisme.be)



### Number of racism complaints in the area of employment

Year	Racism complaints in employment
1997	149
1998	123
1999	116
2000	104
2001	141

Source: *Annual Report, CEOOR 2002*

#### 2.5.1. Civil proceedings

For the year 2001 the CEOOR instituted civil proceedings in one particular case. In a cleaning company of a department store in Brussels a black floor manager informed a Portuguese worker and started to launch verbal attacks and threats towards the black floor manager and another black worker. One person made the following statement through the company's microphone: *sale nègre, c'est l'autre nègre, qui partira, nous allons l'enculer*. The magistrate's Court of Brussels decided that the last person violated the 1981 law as the statement 'sale nègre' incites racism, whereas the verbal attacks of the three other perpetrators, including the Portuguese worker, were not found to be violating this law due to lack of evidence proving their guilt.

#### 2.5.2. Major trends and tendencies regarding direct and indirect discrimination

According to the ILO study of 1997, it is proven that discrimination on the basis of Moroccan descent does effectively exist in the three regions of the country. In applying for semi skilled jobs candidates of Moroccan descent have significantly more difficulties than their Belgian counterparts. Effective discrimination could be established in the following areas:

- in the sector of the horeca in the three regions
- in the non-profit sector in the Brussels Capital Region
- in the service industry in Flanders
- for the functions of representatives, waiters and workers in the Brussels Region and in applications to job ads in the Flemish Region
- for oral, written and face-to-face applications in the Brussels Capital Region
- in municipalities of the Brussels Capital Region, of which the share of foreign population exceeds 25%

The degree of discrimination on the basis of ethnic descent is higher when the applicant of Moroccan descent is applying in:

- the Flemish Region for a position, which requires a face-to-face contact with the customer
- the Brussels Capital and Flemish Region for certain labour sectors
- in the Brussels Capital Region and Flanders for specific functions

On the other hand in the discrimination process, no connection was found

- between the functions, whether or not it required a face-to-face contact with the customer in the Brussels Capital Region
- the labour sectors in Wallonia
- the type of application (spontaneous or responding to a job ad) in the Flemish and Walloon Region
- the type of contract (wage earner, self-employed) in the Walloon Region
- the settlement of a firm in a municipality with a high concentration of foreigners in the Brussels Capital Region
- the kind of application (verbal, written, visual) in the Brussels Capital Region

Indirect discrimination is clearly in the case of Brussels and the Walloon Region. In the Brussels Capital Region, it is known that specific behaviour results into falsification of the procedure towards Moroccan candidates such as dual language requirement and the establishment of a recruitment reservoir.

### 5.3. Non existing data

It is not easy to be exhaustive in the description of non existing data, as it encompasses a vast area. As indicated earlier, basic statistical data are not available such as the registration on the basis of ethnic background. The lack of this data is the result of the structure and the ideological underpinning of the nation state, ideally the geographically area with clear boundaries and home to one nation (one people), one language and one culture. Within this framework, it is quite ‘logical’ to use nationality as criterion to register the inhabitants. This is quite in contrast to settler societies, who are pursuing a immigration policies and thus acknowledge the existence of ethnic and cultural diversity. When looking at the official statistics of Belgium it should not come as a surprise that there is no such entry as ethnic and cultural background of all those, who found themselves on the Belgian territory. Furthermore there are historical reasons for the resistance towards ethnic registration. It reminds some actors too much of the not so distant practice of registering the Jews during the Holocaust. As the beginning of the 1990s this argument was ardently invoked by a wide range of key actors in Flemish as well as in French speaking Belgium. However, in recent years the resistance has diminished, especially in Flanders among policymakers and other key players in the area of integration policy. In order to pursue an effective integration policy in employment and other areas, one needs to have basic statistics on the main characteristics of the immigrant group (in the largest sense of the word) such as ethnic background, migration history, educational attainment, professional experience, language skills, etc. In Flanders, there seems to be consensus, favouring the benefits and the advantages of having an extensive set of data on specific characteristics of the immigrant. Yet major challenges such as the operationalisation of such a registration system and resistance among some actors of the immigrant communities are now being studied and explored. Once a general ethnic registration system is in place, integration and diversity policies can be pursued in more effective ways.

In French speaking Belgium ethnic registration is not accepted as it is a direct infringement of the notion of the citizenship. By labelling and categorising these people, one does injustice to the principle of equality of all citizens. Therefore, in the near future there will be even more divergence in data between French and Dutch speaking Belgium.

Besides the lack of data on immigrants, who are legally entitled to sojourn and work in the country, needless to say even less is known about the undocumented migrants, working at

the lowest echelons of the labour market in sectors such as construction, in the textile industry, the restaurant sector and last but not least in the sex industry.

In conjunction to the lack of quantitative data there is an equal lack of qualitative data on both legal and illegal immigrants in the labour market. The cited publications in this report pertain to the labour position of certain immigrants in Flanders. Moreover, these publications are not done in a systematic and recurrent way within an general monitoring exercise but rather on a one shot basis.

Besides the data detailing the position of the immigrants in the labour market there is also a lack on in-depth information on the discrimination of immigrant at the entry level or on the work floor. The main source of data originates from the CEOOR, which has the official competence to process and examine racism complaints in all areas and thus also in the labour and employment areas. A systematic and longitudinal study is not available at the moment.

## 6. TURNING DATA INTO INFORMATION

### 6.1. AT THE FEDERAL LEVEL THE FOLLOWING OPERATIONAL ACTIONS WITHIN THE UNIT OF ‘COLOURFUL ENTREPRISING’ THE FOLLOWING MEASURES WERE PUT FORWARD.

#### INFORMATION MEETINGS ON ‘ETHNIC DISCRIMINATION AT THE RECRUITMENT AND ON THE WORK FLOOR’

The Unit ‘Colourful Entreprising’ is in charge of organising and co-ordinating the sensitisation of the units in the 18 districts. In all these localities of the Labour Inspection an information and sensitisation campaign was organised concerning discrimination at the recruitment and on the work floor. Other issues were also discussed including health, security, etc. The action targets the 18 districts.

#### SECTORAL COLLECTIVE AGREEMENTS TO COMBAT UNEQUAL TREATMENT ON THE BASIS OF ETHNIC ORIGIN

The social partners are implicated in the support and in the sensitisation of the efforts to combat discriminatory practices at the recruitment and on the work floor.

A sensitisation and information meeting was set up with the chairpersons of the joint industrial committees and subcommittees. The meeting focuses on the scientific studies concerning ethnic discrimination at the recruitment and at the work floor; the judicial framework; looking for ways of including the issue of ethnic discrimination in the negotiations between employers organisations and the labour unions.

#### SPECIFIC SUPPORT

Specific instruments are developed for specific target groups including employers, employees, the Inspection of social laws, etc.

Depending on the target group the materials such as flyers, brochures, etc. need to provide adequate information to fight ethnic discrimination, possible judicial instruments, sanctions, good practices, which a company can apply.

#### INTEGRATION OF THE ISSUE WITHIN THE COMMUNICATION OF THE MINISTRY OF LABOUR

One of the objectives of the Unit ‘Colourful Entreprising’ is to integrate the issue of ethnic discrimination in the general communication of the Ministry of Labour towards internal and external target groups.

The personnel of the Ministry of Labour is sensitised through the internal weekly ‘Meta-flash’ and other articles in the magazines. The flyer ‘Orientation in the recruitment without discrimination’ is also disseminated.

The unit has a page in the web sites of both the Ministry of Labour and CEOOR. This page contains information on ethnic discrimination: the phenomenon in practice, the unemployment rate of the immigrant population, the study of the International Labour Office and judicial instruments and concrete positive suggestions to companies. In a second phase informa-

tion and sensitisation instruments can be consulted and requested via the site. The address of this web site is: <http://www.metafgov.be>

## 6.2. Flanders

In Flanders, the *TRIVISI* process was launched in June 2000 in order to support companies in looking for innovative concepts on how to do business in a responsible and ethical way. Since June 2000 three pioneering groups have been working in the area of management of diversity, management of learning and training and stakeholder management. More than 200 Flemish business people, academics, representatives of the NGOs and social partners have developed new instruments, compared good practices and applied the new concepts in their company.

### FROM THE VESOC ACTION PLAN FOR IMMIGRANTS TOWARDS ACTION PLANS FOR PROPORTIONAL LABOUR PARTICIPATION AND DIVERSITY

On June 8 1998 the VESOC (Flemish Economic and Social Consultative Committee) pact was signed by the Flemish government and the social partners in order to promote a more concerted and consistent policy, the so-called ‘emancipation policy towards immigrants and refugees, travellers and Roma and to the mobile professional population’ (Yearbook ICEM 2001). The emancipation policy towards the group of ‘immigrants and refugees’ covers the following sectors: education; employment; welfare; preventive health care; Child and Family, which is an organisation; youth policy; social and cultural work; sports policy; media policy; policy of the VGC (Flemish Community Commission), Brussels.

It is obvious that the objective of a concerted action between the government and the social partners is to organise and co-ordinate the existing structures, initiatives and projects at the local and regional level in a more coherent and consistent way as a means to improve the efficacy of the policy and to promote good practices. In 2001 the focus was on the proportional labour participation of different target groups, including immigrants and refugees among others. The measures and actions taken in the 2001 towards this group in order to reach this goal need to be put in the larger framework of a policy towards proportional labour participation and diversity.

A good action plan is defined as follows:

- the systematic removal of direct and indirect discriminatory thresholds
- and/or the creation of provisions, which improve the vertical and horizontal mobility of immigrants and other target groups in the company and in the labour market
- and the decrease of premature outflows
- in order to attain equitable and full fledged participation in all sections and functions

In 2001 149 positive action plans and 10 best practices were subsidised. In most action plans specific attention was devoted to the recruitment and selection phase. In addition reception of a new immigrant colleague in the company was another concern, which could be retraced in many action plans. Furthermore the majority of companies has included training in their action plan. Themes of these training sessions are: intercultural communication and how to be a leader in a multicultural team.

### GOOD PRACTICES PUT FORWARD BY THE GOVERNMENT

The Service Emancipation of the Ministry of the Flemish Community has as principal mission the promotion and fostering of equal opportunities for men and women, working for the Flemish government. Since 1999 they are assigned the additional task to produce a positive action plan. The positive action plan of 2001 prioritised the following action points:

- introduction of a registration system: this project aspires to register civil servants working for the Flemish Community as immigrant with the consent of the individual civil servant. The findings on the number of allochtoneous civil servants (or the lack thereof) will facilitate the diversity policy of the Flemish government
- increase the number of recruitment of immigrants and ethnic/cultural minorities
- follow-up of the project 'First job' (*Startbaan*)
- development of the network of immigrant organisations
- a suggestion for a discrimination hotline

### 6.3. Wallonia

In Wallonia, the Walloon Minister of Social Affairs and Public Health initiated in 2001 a series of Round Table meetings concerning the needs of the people, who meet the conditions of the regularisation law. In total 6 meetings were organised. The following issues were discussed:

- the socio-professional insertion in the labour market
- training
- programme against illiteracy
- teaching French as a second language
- social assistance
- physical and psychological health care
- compulsory education

These meetings were organised by FECRI (Fédération des Centres régionaux or the Federation of Regional Centres).

FOREM is a public institution at the regional level for training and placement. In recent years it has initiated a series of actions to promote the socio-professional insertion of people with a migration background and the fight against discriminations. It was involved in the following projects:

- the project 'Interculturalité et Exportation': this project targets the training of commercial liaison officers of foreign descent in the export of products to non-EU countries. FOREM co-operates with AWEX, a Walloon organisation promoting the export of Walloon products and the organisation of SMEs. The foreign background and potential knowledge of a foreign language are seen as positive tools in the export business. In 2001 two training sessions were set up. As a result of this project some tens of people of foreign nationality/descent were recruited.
- Furthermore, FOREM is involved in a project, which develops methods and tools to encourage and foster the socio-economic insertion of people of foreign nationality and/or origin. The guide 'Sur la piste de l'emploi' was issued by FOREM in collaboration with the CRIs. In addition, a manual containing arguments against discrimina-

tory employers ‘Conseil aux entreprises et aux particuliers. Références déontologiques, légales et professionnelles’ was published, too.

- Finally, FOREM has launched the campaign ‘Donnez les Chances à l’égalité’. The objective is a reflection on the phenomenon of ‘discrimination’ not solely on the basis of belonging to a particular ethnic group but also on the basis of handicap, sexual preference, age, health and sex.

## 6.4. Brussels Capital Region

In the Brussels Capital Region a partnership in the area of training and socio-professional insertion is formed between on the one hand two Brussels labour mediation organisations, namely ORBEM-BGDA and *Bruxelles-Formation* and on the other hand local organisations and NGOs.

Different initiatives have been set up: sensibilisation of labour mediators concerning the issue of discrimination at the recruitment level, setting up a specific unit to support job-seekers of foreign nationality/descent and the application of the administrative procedure for the treatment of discriminatory job ads.

Within the framework of the Territorial Pact for Employment a working group is meeting on a regular basis in order to devise strategies to combat discrimination in the labour market. A document with the provisional title ‘Guide pour une embauche objective et de qualité- La non-discrimination à l’embauche’ is also published. This document is destined for labour mediators of ORBEM and all other players, active in the employment sector in the Brussels Capital Region. This guide attempts to analyse the discrimination process, to suggest a legal framework to combat discrimination and to support labour mediators in their interaction with discriminatory companies.

After one year the Commission of Economic Affairs of the Regional Council on June 1 2001 a proposal with recommendations pertaining to the discrimination at the recruitment level was approved.

The Council advised to continue and reinforce all sensitisation actions of the regional government and to involve the social partners in the fight against discrimination. The Council issued the recommendation that ORBEM/BGDA strengthens the actions, which were implemented within the framework of the Territorial Pact for Employment in co-operation with CEOOR. These actions include sensitisation campaigns, seminars, etc. It also seems to suggest the establishment of a specialised structure within ORBEM for the reception, assistance and support of people, who are victims of discrimination in the recruitment phase.

The Council advised to the municipalities and regional administrations to remove all discriminations-both direct and indirect-from the internal rules and regulations and to develop actions, fostering equal opportunities for people of foreign nationality/origin.

The Council assigns the Social and Economic Inspection of the Ministry of the Brussels Capital Region a number of tasks to detect discriminatory practices and how to deal with them. The Council also advises to strengthen the policy of positive discrimination and to carry out quantitative and qualitative studies.

It was also deemed relevant to provide a co-operation agreement between the Brussels Capital Region, the Commission of the French Community, the Commission of the Flemish Community and finally the French-speaking and the Dutch speaking communities so that everyone, who wishes to participate in one of the many programmes such as job orientation,

professional training, socio-professional insertion, reorientation in career, training, etc. could effectively do so.



## 7. ANALYSIS

As become clear from the above, it is difficult to give a comprehensive overview of the position of immigrants in the labour market both in the areas of quantitative and qualitative data, findings and insights. This can be explained in different ways. First in terms of policies towards immigrants, they are determined by the presence of a large group of immigrants, who entered the country under the guest workers regime. From the outset, they were regarded as labour forces with the one-dimensional emphasis on the economic aspect of these migrants. Both the government, the industrial sector and the labour unions as well as the immigrants themselves could not have imagined the process of community formation in the host society, the emergence of the second generation, confronted with specific challenges, besides the ones shared by their peer group of Belgian youngsters. The policy towards immigrants evolves from an immigration policy towards an integration policy with a major emphasis on social policies. Until recently most attention was directed towards fighting and reducing their backward position from a rather protective perspective. Equal opportunities and access in the area of employment and labour market at the recruitment level and on the work floor have only recently appeared on the political agenda and the public forum. When bearing this general framework in the background it is easy to understand why so few data have been collected on the position of immigrants in the labour market. The complexities concerning ethnic registration have been elucidated earlier. When we do not dispose of accurate quantitative data, then it is hard to collect and generate qualitative assessments and analyses of their position in the labour market. When analysing the existing data they tend to focus on specific groups, and thereby neglecting or silencing other groups. To illustrate, the few in depth qualitative studies, cited above mostly concern Moroccans, Turks and South Europeans, while not paying focused attention on refugees and their children, the second generation. In the late 1970s and in the decade of the 1980s several groups including the Iranians, the Chileans, the Vietnamese entered Belgium as Convention refugees. We have no systematic knowledge about these groups in general and their position in the labour market in specific.

A second striking point we learn from the above collected data is the lack of consistency and coherence in all aspects-collection of data, policies, the labelling of immigrants in the largest sense of the word, etc.- for the different regions, communities and the Federal state. Given this diversity it is necessary to view each of the regions separately within its proper rationale and contexts. In order for data to match and to be comparable one needs a comprehensive overview of the different labour policy towards immigrants, similar initiatives, projects and good practices. When general data are lacking, more detailed data such as the performance of immigrant women in the labour market are for sure even more difficult to collect.

Another consequence of the care focused integration policies is that relatively ‘strong’ immigrants such as those, who have formal training and professional experiences, are not reached by the different policies and initiatives and more specifically by those instances, which serve as labour agencies, facilitating the entrance of immigrants in the labour market. Indeed when looking at the socio economic background of the immigrants and especially the two larger non-EU communities, notably the Moroccans and the Turks, the majority lack in education, skills and professional experiences. Among the group of newcomers, there is a high diversity in terms of social class, professional background and experience.

Yet despite the quasi non existence of interesting and compelling information on the performance of immigrants in the labour market there is at the moment a consensus that labour means more than gaining money through salaried work or through self-employment. It is also an effective means towards integration in the local context and also in the larger society.

The recent attention towards immigrants and their performance in the labour market is triggered by at least two developments. First, the persistently weak position of immigrants and ethnic minorities and the increasing success of extreme right parties throughout Europe have made some to believe that the integration policies, which have been pursued have failed and need to be redressed. The immigrants themselves insist on explicit and implicit exclusion mechanisms such as discrimination in the labour market, at the recruitment level as well as on the work floor. They also insist that discrimination in education towards immigrants has a negative effect on a successful entry in the labour market.

The second development for focusing the lens on immigrants and the labour market is perhaps linked with the current issue of the demographic deficit of most EU countries. The debate on whether or not to relax immigration policy is concerned on a selective migration policy allowing room for temporary skilled migrants.

Given these new developments in the public discourse on immigrants and the multi-ethnic/multicultural society and in the larger debate on the sustenance of the welfare state and the challenge of the demographic deficit in the near future, more data of all kinds may be expected soon.

## 8. CONCLUSION AND SUMMARY

Generally speaking there is a lack of data on the position of immigrants in the labour market. When analysing the existing data, one can safely assume that the position of immigrants and ethnic minorities is relatively weak in Belgium. The unemployment rate of this group is significantly higher than their Belgian counterparts and EU nationals. The share of employees of this group in the total Belgian economy is rather limited. They are over represented in certain sectors, mostly semi-skilled and labour intensive sectors. They are under represented in the quaternary sector, which is an expanding sector. This jeopardises even more their already weak position. Moreover, discrimination in the labour market both at the recruitment level as well at the work floor is increasing, as clearly shown in the increase of racism complaints received at the CEOOR in this area over the past 5 years.

Integration policies at the different administrative levels attempt to mend the relatively weak position of immigrants, ethnic minorities or *personnes issues de l'immigration*.

Besides integration policies to improve their position in the labour market through good practices and the fight against discrimination, there is also need for improvement of the educational attainment of immigrant youngsters.

Besides the settled migrants, there is also the group of newcomers, often with diplomas and skills obtained in the country of origin. They have different needs than the immigrants and their children, who arrived in Belgium within the guest-work regime in the decades following WWII.