

MIGRANTS, MINORITIES AND EMPLOYMENT IN DENMARK

EXCLUSION, DISCRIMINATION AND ANTI-DISCRIMINATION

**RAXEN 3 Report
to the ▲ European Monitoring Centre on
Racism and Xenophobia (EUMC)**

by the ▲ RAXEN Focal Point for Denmark
Naevet for Etnisk Ligestilling
(The Danish Board for Ethnic Equality)

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Table of contents

Table of contents	2
1. Executive summary	4
2. Definition of the groups in focus	8
3. Introduction	10
4. Brief overview of the political/cultural situation related to the theme of the report	11
5. Theoretical and methodological approach	12
Definition of discrimination:	12
6. The New Government's Policy	13
6.1. Introduction	13
6.2. Government initiatives	13
6.3. Think Tank on Immigration	15
6.4. Integration Policy in the Public Sector	16
6.5. Anti-discrimination legislation in Denmark and the status on the transposition of the EU race directives and other international legislation)	17
6.5.1. New anti-discrimination legislation in 2002	18
6.5.2. Monitoring body (ombudsmand)	18
7. Data on ethnic minorities' position in the employment sector	21
7.1. Population figures	21
7.2. Employment rates	22
7.3. Employment types	23
7.4. Education levels and employment types	25
7.5. Danish language skills	26
8. Data on the nature and extent of discrimination	27
8.1. Data on recorded complaints on racial/ethnic/religious/cultural discrimination in the employment sector	27
8.2. Data on court cases	27
8.3. Reports on racism, discrimination, segregation and exclusion	28
8.3.1. Public authorities	28
8.3.2. Research institutes	28
8.3.3. Social Partners	29
8.3.4. Non-Governmental (non-profit) Organisations	29
9. Analysis	30
9.1. Groups vulnerable to racism or direct and indirect discrimination in the employment sector	36
10. Conclusion/Summary	39
11. References	41

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1. Executive Summary

As a consequence of the government's policy the political and cultural situation regarding employment of third country immigrants¹ is currently undergoing great changes. The government has made it a priority to enhance the integration process of immigrants by various means. The overall goal is efficiency of measures, and a more direct process of integration, starting with providing the immigrants with a job as soon as possible after their arrival – contemporaneous with the necessary training enabling them to cope with the job. On-the-job training could be the headline of the new government's integration policy.

The government paper: ■ “Towards a New Integration Policy” (March 2002) announced the integration policy with the following headlines: “Short cut to labour market”, “Effective Danish courses”, “Better utilization of qualifications” and “Integration – a common concern”.

The government proposes “a simple and non-bureaucratic model of on-the-job-training, which is not burdensome for employers. The training period cannot exceed 52 weeks. The maintenance during the trainee period corresponds to the benefits for which the trainee already is eligible. Lower starting wages/salaries for new citizens are proposed, and the government encourages the social partners to come forward with their viewpoints on existing possibilities of employing people on a minimum wage/salary, according to the applicable collective agreements. The individual immigrant's efforts to be integrated should be rewarded, and asylum seekers should also be encouraged to work, and the success of integration should make it possible to give such a person a permit earlier than would normally be the case”.

The government also states that persons who have been reunited with their family must work. Consequently, the government proposes to oblige these persons to sign contracts with the municipality. Such contracts are intended to ensure a high quality introduction programme and to be targeted at education or training and work. The government also intends to strengthen the immigrant's proficiency in the Danish language by making Danish language teaching part of the job situation, thus enabling them to start work immediately after arrival. The government is currently discussing this and related subjects with the social partners.

The Government's "Think Tank on Immigration" has made the seven conclusions on the subject of integration (The Ministry of the Interior, ■ 2001 and ■ 2002):

Danish skills and education: *Immigrants* should possess Danish skills of a degree enabling them to cope in the labour market and in society. Furthermore, their level of education should enable them to function in the labour market. *Descendants* should have the same level of Danish skills and education as Danes. Research shows that third country immigrants and descendants have a rather poor proficiency in the Danish language, and capability in the Danish language is a prerequisite for getting a foothold in the Danish labour market and for integration; it is therefore important to raise this level.²

Employment: Immigrants should be employed at the same rate as Danes. *Descendants* should, on equal terms with Danes, maintain employment that equals their qualifications.

¹ As regards definitions of terms and concepts (immigrants, descendants and Danes) please consult the paragraph on “Definition of the groups in focus” at the end of this chapter.

² Viby Mogensen, Gunnarand Matthiessen, Poul (2000): ■ Mislykket integration? Indvandrenes møde med arbejdsmarkedet og velfærdssamfundet Rockwool Fondens Forskningsenhed p.77.

For immigrants this can first be expected to be attained after having abided in the country for some years.

Economic independence: Immigrants should maintain the same degree of economic independence as Danes, without financial aid from the state or municipalities.

Lack of discrimination: Immigrants should not be discriminated against in the labour market or in society in general, because of their race, skin colour, descent, sex, age, nationality or ethnic origin.

Contact between foreigners and Danes: Contact should be established between Danes and immigrants be it through marriage, as colleagues or as ordinary interaction between people in everyday life

Participation in the political life: Immigrants should to the same extent as Danes participate in political life as voters, representatives of the people, and members of associations and boards of users. However, only Danish citizens can run for election and vote at parliamentary elections and for the European Parliament³.

Fundamental values and norms: Immigrants should share some fundamental values and norms in Denmark. Among these values and norms are respect for democracy and people's freedom rights, obeying the laws of the country, participatory democracy, observing equal rights as well as tolerance towards differing values and norms.

In the "Think Tank's" evaluation the conclusion on these seven main areas is: "we are far from the goal". The evaluation is based on the fact that immigrants from third countries are considerably below the level of the rest of the society with respect to education, employment and economic independence. The conclusion is: "the compiled status on integration of immigrants is negative". Therefore, it has set up as a target for 2003 that employees of third country origin should constitute 3.5 % of the workforce within the State⁴.

Labour market statistics show much lower labour market participation in the work force among immigrants from third countries – the activity rate being almost half of that of the Danes.⁵ In particular, women from third world countries have a comparatively lower activity rate than Danish women. The dependence on social benefits of persons of third world origin is very high, and the unemployment rate among this population is also high. Analyses show that the level of participation in the labour market among third world immigrants in Denmark has even gone down considerably since 1985. In 1985 more than 70 % of the immigrants from third world countries in the age group 16-66 years were active in the labour market. 70 pct. of the immigrants were active and 77 % of the descendants aged 16-66. In 2000, however, the participation rate was down to 52 % for immigrants and descendants from third countries. Immigrants have consistently exhibited higher unemployment rates than that of Danes. Between 14 % and 41 % of the active immigrant labour force has been unemployed during the last 17 years. However, factors such as length of stay, country of origin and reason for emigration influence these rates.

³ All EU citizens legally resident in Denmark may vote in the EU parliamentary elections.

⁴ AP 2003 – The Government: Denmark's national action plan for employment 2003" page 36-37 at the homepage of the Ministry of Employment <http://www.bm.dk> .

⁵ Nielsen, H.J. (2000) ■ *Integration i samfundet – Integration på arbejdsmarkedet*. In: Viby Mogensen, G. & Matthiessen, P.C. ■ *Integration i Danmark omkring årtusindskiftet. Indvandrernes møde med arbejdsmarkedet og velfærdssamfundet*. Rockwool Fondens Forskningsenhed. Copenhagen. (p.125).

Immigrants have had, in general, less qualified jobs than Danes. Well-educated immigrants are to a much larger degree than Danes occupied as wage earners at the lowest level. Moreover, immigrants with a formal education or vocational training have been less able to use their skills in the job than Danes do. This is often due to being old or not prepared for the Danish job market situation and its specific features including the difficulties of getting a formal education from abroad accepted.

Data on the extent and nature of discrimination in Denmark is, however, not so readily available. This report has primarily drawn on two categories of sources, which describe the extent and nature of discrimination in the employment sector;

- reports published by governmental bodies, research institutes, trade unions and other interest organizations, and
- court cases.

There are a limited amount of reports, which have directly attempted to investigate the extent and nature of discrimination in the employment sector, though there are a prevalence of reports which attempt to describe the barriers and reasons that contribute to ethnic minorities' marginalized position in the employment sector. As regards discrimination many of these reports conclude that it is hard to prove that discrimination occurs, although it cannot be dismissed that it does occur. There are, however, a few reports that have explicitly focused on revealing discriminatory practices and attitudes amongst employers and the population in general and have concluded that discrimination clearly does occur and that it appears that in some cases employers' attitudes towards recruiting ethnic minorities have actually become more negative since 2001. One report, based on telephone interviews with people with ethnic minority background, concluded that more of those interviewed expressed the sentiment that they feel discriminated against in the employment sector today than did the year before⁶.

Surveys of the immigrant population from third world countries exhibit a significant level of perceived job discrimination. Recently, on the basis of the results of an economically based evaluation of statistics and surveys a prominent Danish researcher conclude; "Different methodological methods lead to the concurrent conclusion that immigrants and descendants from less developed countries are discriminated against on the labour market".⁷

It is difficult to obtain data on court cases concerning discrimination in the employment sector, as there is no centralized system of registration. Therefore, the cases referred to are those that were known to the author at the time of writing, having been supplied by ▲ DACoRD.

This report analyses the extent and nature of discrimination in Denmark and concludes that data on successful court cases proves that a number of individuals have been discriminated against in the employment sector⁸. However, evidence from the investigatory reports that do exist suggests that these cases represent only the tip of the iceberg, though it is impossible to say how big the iceberg is.

⁶ Catinét (2002), ■ Status on integration April 2002

⁷ Peder J. Pedersen, Prof. ■ "Labour Market Integration, Labour Market Policy and Transfer Income – research findings on Immigration from Less Developed Countries since 1980" AMID Working Paper Series 7/2002

⁸ DACoRD (2003), ■ Diskrimination på arbejdsmarkedet – sager siden 1996, Copenhagen, DRC

By using ● Feagin and ● Eckberg's typology of discrimination types⁹ it is possible to conclude that discrimination manifests itself in many different ways from incidents of direct racist actions, to the occurrence of indirect structural discrimination caused by neutral criteria that have the affect of excluding certain groups. "Ethnic markers" such as an accent, religious clothing, "non-Danish" names can result in the individual experiencing some form of discrimination. Likewise, a non-Danish background or citizenship can result in being excluded from certain jobs, or in "bullying", "teasing" or "harassment" at work, or the occurrence of "ethnic categorizing".

The report ends with a summary of the series of conclusions reached throughout the report and then offers a set of recommendations aimed primarily at the governing party as regards strategies for combating discrimination and racism in the employment sector.

⁹ see <http://www.drcenter.dk/html/diskrimination/omdiskrimination.html>

2. Definition of the groups in focus

Who are the groups in focus? The people who have emigrated, voluntarily or forced, to Denmark over the last 30-35 years from “Third countries” (i.e. non Nordic, EU or North America) and their direct descendants are the focus for research and the official integration policies in Denmark¹⁰. The (present) Ministry of Refugee Immigration and Integration Affairs generally divides the population of Denmark into three categories: Immigrants (Indvandrere), descendants (efterkommere) and Danes (Danskere)¹¹.

- Immigrants: An immigrant is a person born abroad, whose parents (or just one, if there is no information concerning the other) are foreign citizens or born abroad. If there is no information on either parent, and the person was born abroad, the person is also regarded as an immigrant. (Translation from text).
- Descendant: A descendant is a person born in Denmark to parents where neither is a Danish citizen born in Denmark. If there is no information about the parents, and the person is a foreign citizen, then the person is regarded as a descendant. (Translation from text).
- Dane: Everyone else living in Denmark is defined as a Dane. That is to be defined as a Dane a person has to be born to a parent who is a Danish citizen born in Denmark. (see footnote 8).

This is a change in terminology from previous years, the difference being the introduction of the classification “Danes”. Previously, this category was labelled as “the additional/rest of the population”¹².

In the Ministry’s report, as the name of the report suggests, the two groups - immigrants and descendants - constitute the number of “foreigners” living in Denmark. The report uses this figure to answer questions such as “how many foreigners live in Denmark? Where do they come from? How old are they? How many foreigners will there be in Denmark in 20 years?”¹³ The above definitions result in the following figures¹⁴. On 1.1.02 there were 321,794 immigrants and 93,537 descendants in Denmark. Added together this equals 415,331 or 7.7% of the population in Denmark. On 1.1.02 there were 259,301 foreign citizens living in Denmark or 4.8% of the population. The Ministry, therefore, statistically classifies 156,030 Danish citizens as “foreigners” or, at best, as not being “Danes”.

¹⁰ Third world countries include all countries except EU member states, members of the Nordic Council, Canada and the USA. In 1955 the State of Denmark officially recognized the German minority in Denmark as a national minority. Being officially recognized as national minority gives certain rights, for example cultural rights (funding of language tuition, library, cultural institutions, etc.). However, when analysts describe the Danish employment market from integration and discrimination perspectives, the German minority is not in focus. The group of Danish citizens from Greenland and the Faeroe Islands living in Denmark are other groups that due to their Danish nationality are easy to overlook. Whether they live in Denmark or Greenland or the Faeroe Islands they are Danish citizens, and therefore not the objects of any separate registration. Consequently, we have a surprisingly scant knowledge about these minorities.

¹¹ Denmark, Ministry of Refugee Immigration and Integration Affairs (2002), ■ Årbog om Udlændinge I Danmark

¹² In Danish: “den øvrige befolkning”.

¹³ *ibid.*, p9. 20-21

¹⁴ *ibid.*

The Ministry further divides the categories "immigrants" and "descendants" according to whether they/their parents come from a Nordic, EU or North American country or a "third country". This gives the following result; of the 415,331 immigrants and descendants living in Denmark, approx. 75% or 311,369 were persons from "Third countries", which equals 5.8% of the population. The terminology immigrants from Western and non-Western countries is also used in this report to refer to these two groups. Generally, the term "immigrants" is used by the present government to refer to all categories of first generation arrivals, including refugees, who have been granted asylum.

3. Introduction¹⁵

The aim of this study is to give a broad outline of the employment situation of immigrants from third world countries in Denmark as of the year 2001. The study includes both socio-economic and political issues. The information and data for the study are the figures in the National Focal Point Denmark paper concerning ■ "Statistics about the Employment Sector for the EUMC Annual Report" and whatever statistics and reports were available in June 2002. The extra material included is mostly drawn from studies and analyses available at ▲ The Danish National Institute of Social Research, ▲ The Academy of Migration Studies in Denmark and ▲ The Danish Centre for Migration and Ethnic Studies, DAMES, who also has been helpful with suggestions and comments to drafts, etc. This report should to some extent be considered as an extension of the contribution to the ■ EUMC Annual Report 2001, delivered by NFP-Denmark in May 2002.

The report was originally written by ▲ The Danish National Institute for Social Research (SFI) and later updated by ▲ The Documentation and Advisory Centre on Racial Discrimination (DACoRD). SFI is author to the sections on government policy and the presentation of the statistical data on ethnic minorities' position in the labour market, whereas DACoRD has provided the data and analysis of the nature and extent of discrimination in the employment sector. The respective institutions have concluded and made recommendations accordingly.

The report gives a brief overview of the political/cultural situation including the new policy of the liberal government lead by Minister of State, ● Anders Fogh Rasmussen, who came to power in November 2001. The theoretical and methodological approaches for data analyses are mentioned, and existing and non-existing data and sources are described. The interpretations of the currently available findings are explained as to their causes and consequences. Finally, the conclusion/summary is given as well as recommendations.

¹⁵ The EUMC would like to emphasise that a number of the views expressed in the report are not be endorsed by the Government.

4. Brief overview of the political/cultural situation related to the theme of the report

The situation relating to the employment of third country immigrants has developed considerably since the new liberal coalition government of the Liberal Party (Venstre) and the Conservative Party (Konservativ Folkeparti) came into power. The result of the election on November 20, 2001, was a movement to the right. Immigration was the main issue of the election campaign, which took place in the wake of the terrorist attack on the United States of America on September 11, 2001. The political agenda of the election was very much focused on the growing immigration to Denmark of third world citizens and, especially, Muslims. The parties to the right of the former coalition government led by the Social Democratic Party (lead by the social democrat, Poul Nyrup Rasmussen) were inclined to promote legislation to stop or reduce further immigration from third countries by tightening up the rights to family reunification. It was also suggested that the rules for accepting refugees should be stricter. The demands for reductions on immigration from third countries were consequently put forward by the Danish People's Party (Dansk Folkeparti), which has the reduction of third country population in Denmark at the top of their agenda. The shift to the right of the parliamentary basis of the Danish government was a consequence of the growth of both the Liberal Party (Venstre) and the Danish People's Party, thus the outcome of the election was a commitment by the new government to reduce immigration from third countries. A new Ministry of Refugee, Immigration and Integration Affairs was formed, and the government issued a guarantee that the measures to reduce immigration from third countries would be in accordance with the international conventions ratified by Denmark. On March 5, 2002 the government issued the paper: ■ "Towards a New Integration Policy" in which the government stated: " All citizens in Denmark should have access to work and a social life – also new citizens who have come to Denmark as refugees and immigrants". The government intends to integrate new citizens enabling them to take part in working and social life on an equal footing with the rest of the population. Today, the proportion of new citizens who are not in the labour market is too large. If the new citizens' ties with the labour market were the same as the rest of the population, 60,000 more people would have a job. It is a waste of resources, if these people do not get a job. Refugees and immigrants are citizens bringing qualities and competencies needed by the Danish enterprises and society. In the government's opinion it is beyond all doubt that work is the key to successful integration".¹⁶

¹⁶ The Danish Government ■ 2002a:1

5. Theoretical and methodological approach

The description of the government's policy is taken from the governmental policy paper ■ "A new policy on foreigners" and ■ "Towards a new integration policy".

The data on employment and educational levels is based on interpretation of the figures in the National Focal Point Denmark: ■ "Concerning statistics about the Employment Sector for the EUMC Annual Report" of 6th June 2002 and current statistics and information available in ▲ The National Institute of Social Research or other sources of information.

Definition of discrimination:

Section 1 of § The Act on prohibition of differential treatment in the labour market prohibits;

" all direct and indirect differential treatment according to race, skin colour, religion, (belief), political conviction, sexual orientation or national, social or ethnic origin. "

Direct discrimination should be understood as measures that specifically aim to exclude certain groups from both employment, equal pay, working conditions, training, promotional opportunities. Whereas **indirect discrimination** are seemingly neutral requirements or demands that have the actual effect of excluding certain groups from these sectors.

The data on the nature and occurrence of discrimination in the labour market is taken from relevant reports as listed in section 8 and data provided by ▲ The Documentation and Advisory Centre on Racial Discrimination (DACoRD). The analysis of this data is based on Feagin and Eckberg's discrimination typology. Feagin and Eckberg¹⁷ have identified a five-category typology of discrimination which can be helpful in categorizing and describing the nature of discriminatory practices. These are:

1. direct isolated discrimination,
- 2a. small group discrimination,
- 2b. politically organized discrimination,
3. indirect isolated discrimination,
4. structural direct discrimination, and
5. structural indirect discrimination.

When analysing the effects of discrimination we will also include other mechanisms such as an "unpleasant atmosphere" that might create a feeling amongst certain groups or individuals that they are not wanted in society, as this could effect a person's decision to seek employment.

The above categories were devised in order to analyse discrimination in society as a whole and not just the employment sector, which is the concern of this report. However, they can also be used specifically in relation to the employment sector and from a scientific perspective these categories can be a good tool for describing and analysing discriminatory practices found in this societal sphere. It should be noted that some instances of discrimination can fall into two or more of the described categories.

¹⁷ Feagin, J.R., Eckberg, D.L (1980), ■ Discrimination: Motivation, action, effects and context

6. The New Government's Policy

6.1. Introduction

In the government's paper: ■ "Towards a New Integration Policy" the government presents its proposal on how to activate refugees and immigrants, who have lived in Denmark for some time to become equal partners in society. There are four themes under the headline: Towards a new integration policy:

- Short cut to labour market
- Effective Danish courses
- Better utilization of qualifications
- Integration – a common concern

The paper mentions that the majority of the immigrants and refugees have the desire to make an effort to start a new life in Denmark, and their qualifications are urgently needed by Danish society in the present situation of low unemployment and the prospect of a coming shortage of labour. It is therefore, essential that all immigrants quickly get employment, which will enable them to maintain themselves and their families. Add to this the relatively large number of persons of foreign origin, who have lived in Denmark for some time, but who have been inactive on the labour market and it is obvious that the new residents' opportunities of getting access to and a foothold on the labour market must be improved. The paper mentions the complicated existing set of rules and subsidy schemes intended to help people receiving cash assistance, unemployment benefits, and introduction allowances to get jobs. Various surveys have revealed that many employers find it is too difficult to handle and manage the schemes. Therefore, the government will bring an end to the subsidy mentality and the jumble of special schemes, and will focus more on the specific scheme that is relevant for a particular person and this person's qualifications.

6.2. Government initiatives

The government proposes: "a simple and non-bureaucratic model of on-the-job-training, which is not meant to be a burden to employers". The training period cannot exceed 52 weeks. During the training period the trainee will receive benefits, which correspond to those, which he/she is already eligible for. Persons, who in particular need to improve their language skills and other training, will be upgraded through their ties with or presence at the workplace. The employer and the allocating authority will agree on the upgrading process in detail.

Lower starting wages for new citizens are proposed. This is seen by some as a repetition of an act of discrimination, for which the former government was also criticised (the lower introduction social benefit for immigrants). Lower wages (and the lower social benefits for immigrants) have been accused of bordering on or being a human rights violation. The government encourages the social partners (the employers' associations and the unions) to give their viewpoint on the existing possibilities of employing people on starting or minimum wages/salary according to the applicable collective agreements.

The government also proposes: "a shorter way" to a permanent resident permit for well-integrated immigrants. Efforts to integrate immigrants enabling them to start a new life in

Denmark should be rewarded. Additionally, the government intends to open up the issue of permanent resident permits earlier than the current practise allows if a foreigner has been successful in integrating into Danish society - one of the conditions being that they can maintain themselves. The government also wants to make it possible for asylum-seekers with special qualifications to get an ordinary job. This option should be available to IT engineers with a university degree and others who can enter the labour market directly and who are urgently needed today. The government proposes to make asylum seekers obligated to work either at the asylum centre or with local employers outside the centre, and it will be a condition for receiving pocket money that the asylum-seeker observes this duty (obligation) to work. The government also proposes that benefits will not be paid until registration of the application for asylum in Denmark.

In the new rules suggested in the proposal: “A new policy for immigrants”, a person reunited with a spouse living in Denmark must be maintained by the spouse and details of the obligations of the contract should be agreed on by the person who wants the spouse to come to Denmark and by the municipality.¹⁸

The government also proposes special support for new citizens who want to be self-employed. The proportion of immigrants in State jobs should be reported by each State institution individually to ensure that the State fulfils the requirement that a certain proportion of its employees are immigrants and descendants. Furthermore, the government proposes that the public sector should employ more persons of non-Danish origin. The government also proposes to strengthen its effort against discrimination and proposes to involve the social partners in a dialogue on diversity management.

The effectiveness of Danish courses has a high government priority, and the government wants to disprove the assumption that new residents need to learn Danish before they can get a job. A requirement to speak Danish should not be a barrier to fast employment.

One of the consequences of the Government Paper, ■ “Towards a new integration policy” was the government’s discussion with the social partners and the organisation of the municipalities on how the labour market integration of immigrants and refugees could be strengthened. The result of these discussions was an agreement published on 24 May 2002.¹⁹ Refugees and immigrants who have been in the country for a long time without being employed must as soon as possible have their competencies clarified and start a Danish language course. The individual and the municipality or the Employment Office (AF) agrees on a plan for the person to become employed. The social partners have committed themselves to prepare a framework describing the possibilities for integration. The individual and the employer can work out a scheme that meets the employer’s needs as well as the need of the individual to learn Danish and to achieve other qualifications. An integration measure can begin with the individual being a trainee for some weeks. During the trainee period the trainee receives the social benefits that he or she received before. The employer has thus no wage expenses during the trainee period but must instead invest time and resources in introducing the person to the workplace. When the employer sees that it makes sense to hire and to further qualify the person, he or she is hired on agreed terms, e.g. for 22 hours per week and the remaining 15 hours of the working week can be used for a Danish language course. If other training is needed it is arranged by the municipality or the Employment Office (AF). The purpose of these measures of integration into the labour market is to direct efforts more precisely and to make the contact with the labour market earlier and faster. The qualifications of the individual will to a much larger degree than before be improved at the

¹⁸ The Danish Government ■ 2002b

¹⁹ The agreement was released under the title ■ “På vej mod en ny integrationspolitik”. The full text of the paper is found at <http://www.da.dk> (Presse/pressemeddelelser).

specific workplace. This means that the individual can see the purpose of activation and training much better, which will motivate him/her to make an effort. At the same time the employer will get the manpower that is needed.

The above-mentioned show that the new liberal government has two major aims with regard to immigration from third countries: 1) to reduce immigration and, 2) to increase the employment rate among residents of foreign origin.

The public discourse on integration has increasingly emphasised the need for immigrants to adopt Danish norms and values. This national sentiment has grown among the Danish population during the last few decades but has not been voiced significantly by the major Danish parties, which to some extent have been suppressing this unwanted popular opinion. Until recently the Danish People's Party has been the single party voicing this. The election campaign in the aftermath of September 11th changed this picture, and more parties and politicians voiced their requirement to reduce the number of immigrants from third countries. The other view of the new government was the necessity of making more use of immigrants in the labour market as a means of counteracting the consequences of the aging Danish population, a demographic fact that has to be faced. The ▲ employers' association (DA) and the association of ▲ industry employers (DI) have for several years voiced the foreseeable lack of labour supply in the future – a situation more and more employers find themselves in today. Recently, the ▲ union of wage earners (LO) also joined this group of concerned labour market organisations.

6.3. Think Tank on Immigration

A statement from the chairman of the ▲ “Think Tank on Immigration” in the new Ministry of Refugee, Immigration and Integration Affairs characterises the recent debate among leaders of the labour market associations and researchers on immigrant labour market relations. In a comment to the statements of the leaders from both the employers' associations and the labour unions on the need for more immigration to Denmark to make it possible to keep up the current level of welfare in Denmark, Managing Director, ● Erik Bonnerup, head of the “Think Tank on Immigration” in the new Ministry of Refugee, Immigration and Integration Affairs, commented that it was a disgrace to hear these claims for more immigration of labour knowing that the “unused potential” among the immigrant population in Denmark from third countries was more than 50.000 persons. This number corresponds to the number of immigrants and descendants from third countries that would have a job if the employment rate of immigrants from third countries were at the same level as the rest of the population.²⁰

The Think Tank on Integration in Denmark makes these conclusions on the subject of integration (The Ministry of the Interior, ■ 2001): “Seven criteria for successful integration”. Two main views on the concept of integration persist in the debate as well as in research pertaining to the subject. One view evaluates the integration process from a cultural angle, which is a convergence of groups with differing values and norms. The other view considers primarily the difference between social circumstances, i.e. employment, education and participation in political life.

Both views should be included in the scope of integration. Therefore, social as well as cultural elements are figured among the seven criteria for a successful integration of foreigners in the Danish society. (Note: Immigrants who have been in Denmark for a short

²⁰ Interview in the Danish radio (DR1) on Thursday 20th of June 2002.

period cannot be expected to be in employment or to be economically independent to the same extent as Danes or to possess Danish skills to cope in the labour market and in society.)

Danish skills and education: *Immigrants* should possess Danish skills of a degree enabling them to cope in the labour market and in society. Furthermore, their level of education should enable them to function in the labour market. *Descendants* should have the same level of Danish skills and education as Danes.

Employment: Immigrants should be employed at the same rate as Danes. *Descendants* should on equal terms with Danes maintain employment that equals their qualifications. For immigrants this can first be expected to be attained after having abided in the country for some years.

Economic independence: Immigrants should maintain the same degree of economic independence as Danes, without financial aid from the state or municipalities.

Lack of discrimination: Immigrants should not be discriminated against in the labour market or in society in general, because of their race, skin colour, descent, sex, age, nationality or ethnic origin.

Contacts between foreigners and Danes: Contacts should be established between Danes and immigrants be it through marriage, as colleagues or as ordinary interaction between people in everyday life

Participation in political life: Immigrants should to the same extent as Danes participate in political life as voters, representatives of the people and members of associations and boards of users. However, only Danish citizens can run for election and vote at parliamentary elections and for the European Parliament.

Fundamental values and norms: Immigrants should share some fundamental values and norms in Denmark. Among these values and norms are respect for democracy and the people's freedom rights, obeying the laws of the country, participatory democracy, observing equal rights as well as tolerance towards differing values and norms.

The report then evaluates how far the integration within these seven main areas has proceeded. The conclusion is "we are far from the goal". This evaluation is based on the fact that immigrants from third countries are considerably below the level of the rest of the society as to education, employment and economic independence. There are many examples of successful integration of immigrants within these and other areas. The conclusion is "but the compiled status on integration of immigrants is negative".

6.4. Integration Policy in the Public Sector

The Ministry of Finance has in collaboration with the main labour organisations in the public sector set a plan for changing the attitudes and to promote the integration of ethnic minorities into the labour force of the public sector. In 2000 and 2001 a campaign headed by an ethnic campaign leader was directed at public institutions. Finance Act funds for job related language training were allocated to this.

The number of immigrants and descendants from third world countries employed in the public sector has increased during the last couple of years. In 1998 1.5 per cent were of this origin, and in 2000 this had increased to 2 per cent. The target is that in 2003 the employees of third country origin in the public sector should be 3.5 per cent.

The ▲ Employment Offices (AF) have also employed ethnic equality consultants, and special groups for promoting employment of ethnic minority groups have been set up in five of these offices. Similar arrangements are targeted at the introduction of the first immigrant employee (“Icebreaker”) at workplaces. Also “bridge builders” have been financed, i.e. a person in the workplace to take on the task of introducing employees of ethnic minority background to the workplace and see to it that the person gets on as well as possible in the job.

6.5. Anti-discrimination legislation in Denmark and the status on the transposition of the EU race directives and other international legislation)

Danish legislation - like the Constitution - does not know of any general principle of equality or a general prohibition against racial or religious discrimination covering all fields of law. Nor is there a general provision of equal opportunities in Danish legislation. So far no comprehensive anti-discrimination legislation has been initiated.

Section 266(b) of the § Danish Penal Code prohibits the dissemination of expressions of racial prejudice. Section 266(b), subsection 1 contains a definition of racial and religious discrimination:

“Any person who publicly or with the intention of dissemination to a wide circle of people makes a statement or imparts other information threatening, insulting or degrading a group of persons on account of their race, colour, national or ethnic origin, belief or sexual orientation, shall be liable to a fine, or imprisonment for a term not exceeding two years.”²¹

The § Act on the Prohibition of Differential Treatment on Grounds of Race²² warrants penalties for discrimination in public services, establishments and at events open to the public. It is thus an offence to refuse, in connection with commercial or non-profit business, to serve a person on the same terms as others because of his or her race, colour, national or ethnic origin, religion or sexual orientation. It is also an offence to refuse a person admittance on the same terms as others to a place, performance, exhibition, meeting or the like that is open to the public. The Act has a penal law character.

The § Act on the Prohibition of Differential Treatment in the Labour Market²³ came into effect on July 1st 1996. The Act contains a general prohibition against direct and indirect discrimination in the labour market due to race, colour, religion, political conviction, sexual orientation or national, social or ethnic origin. The Act has a civil law character and thus depends on private action for its enforcement. When it comes to discriminatory advertisements, however, section 5 of the Act is a criminal provision. Violation of this section is thus a criminal offence, and the sanction is a fine.

²¹ Lovbekendtgørelse nr. 886 af 30. oktober 1992, som ændret ved Lov nr. 309 af 17. maj 1995. § Act No. 886 (1992) was amended in 1995 by a subsection 2 (§ Act No. 309 (1995)), providing that it be considered an aggravating circumstance when handing down the punishment “that the statement is in the nature of propaganda”.

²² Lovbekendtgørelse nr. 626 af 29. september 1987 om forbud mod forskelsbehandling på grund af race m.v. The Act was originally enacted as § Act No. 289 (1971) but was amended by § Act No. 626 (1987) to include discrimination on account of sexual orientation.

²³ § Lov nr. 459 af 12. juni 1996 om forbud mod forskelsbehandling på arbejdsmarkedet m.v. Act No. 459 (1996).

The only other laws that exist concerning the issue of protection against racial discrimination is the legislation on record-keeping. In this area Danish legislation prohibits recording of a person's race, religion, colour or sexual orientation.

The § Act on Public Administration section 28 states that an administrative service may only transmit data on race, religion and skin colour to another administrative service with the consent of the person concerned. Within the public sector a general principle of equality exists. The entire body of Danish administrative law is based on an unwritten general principle of equality before the law. On an abstract level the principle means that equal cases must be treated equally before the law. Naturally, the exact content of this principle is difficult to access in abstract terms. According to a generally accepted formula, the importance of the principle depends on whether the criterion on which differential treatment is based is legally sound and relevant in the light of the decision that is made. Although this formula does not say much, it is quite clear that differential treatment on grounds of race or religion runs counter to the very core of this administrative law principle.

6.5.1. New anti-discrimination legislation in 2002

In order to comply with the § EU Race Directive 2000/43 and the § Framework Directive 2000/78 The Commission of Experts has recommended an amendment to the § Act on the Prohibition of Differential Treatment in the Labour Market²⁴. The proposal contains an inclusion of “belief” in the group of discrimination criteria²⁵. Further more the Bill contains a definition of the term for discrimination, i.e. direct and indirect discrimination, harassment and instructions about discrimination. Moreover, the principle of proportionality is suggested to be fixed by law in the decision about access to exceptions from the prohibition against discrimination on the bases of the directive’s formulations. Lastly it is suggested that a decision about shared burden of proof in cases of offence against the prohibition against discrimination and a decision about protection against unfavourable treatment or unfavourable consequences as a result of a complaint with the purpose of ensuring that the principle of equal treatment is observed.²⁶

6.5.2. Monitoring body (ombudsmand)

Up until the end of 2002 ▲ The Board for Ethnic Equality, an independent body established by law in 1997, is functioning as a specialised body monitoring and analysing ethnic equality in all societal spheres in Denmark, however, it does not have the power to deal with individual complaints of racial discrimination. In practice it can receive individual complaints but it cannot commence investigations and make conclusions. However, The Board has a statutory right to make general statements and can thus issue recommendations, publish reports and give opinions on general issues of racial discrimination.

Between 1995 and 2001 a non-profit organisation, ▲ The Documentation and Advisory Centre on Racial Discrimination²⁷ (DACoRD) received a ministerial grant of approximately

²⁴ A Committee on the implementation into Danish law of the EU Racial Equality was established in June 2001 and that this Committee submitted it’s report in September 2002 with proposals for the implementation of the Directive on Racial Equality.

²⁵ At present the criteria are, “race, colour, religion, political conviction, sexual orientation or national, social or ethnic origin.”

²⁶ Betænkning nr.1422/2002

²⁷ The Board for Ethnic Equality and The Documentation and Advisory Centre on Racial

DKK 1.5 million a year in connection with its provision of free legal services for victims of discrimination. During this period DACoRD has dealt with many labour market cases. The Board for Ethnic Equality will be closed 1.1.03, and funding to DACoRD was removed 1.3.02.

During the election campaign which was held at the end of 2001 the now governing party The Liberal Party explained that they would dismantle a whole row of so-called unnecessary advisory committees and governmental funds in order to save money, which would then be spent on the health sector and later to cut taxes. On 31st December 2001 The Danish People's Party made the ultimate condition for voting for the Government's national budget that a whole row of organisations working with issues such as integration, anti-discrimination and human rights be systematically dismantled. The Danish People's Party named specifically ▲ The Board for Ethnic Equality, ▲ The Danish Centre for Human Rights, ▲ The Documentation and Advisory Centre on Racial Discrimination, ▲ DAMES (Danish Centre for Migration and Ethnic studies) and ▲ The Council of Ethnic Minorities as those organisations to be closed²⁸.

In his New Year's Day speech to the nation 1.1.02, the newly elected Prime Minister, Anders Fogh Rasmussen (The Liberal Party), confirmed that a whole row of advisory boards, committees, and centres would indeed be closed and/or have their funding removed. He justified his decision by labelling these bodies and organisations, plus the people working for them as the "judges of taste" (dk: smagsdommere), accusing them of being so-called experts (meant negatively), of being "politically correct", of having the "correct opinions" and of attempting to "repress the public debate with their expert tyranny". On the 11th January 2002 the Government issued a "list" containing the names of the advisory bodies and ministerial funds that would be affected by these cutbacks in the coming budget. The list contained a whole range of organisations from different specialist areas. Especially boards and organisations from the environmental, consumer and anti-discrimination/ethnic minority areas have been affected. Included on this 'list' were the organisations named by The Danish People's Party on 31st December, plus a series of other organisations working with immigration and ethnic minority issues.

In the spring of 2002, however, the Government and the Peoples Party reached an agreement leading to the § Act No. 411, on the establishment of ▲ The Danish Centre for International Studies and Human Rights. This Act states that the Race Directive Article 13 activities are to be placed under the new ▲ Institute for Human Rights. The Institute for Human Rights has thus been provided with the mandate to promote the equal treatment of all persons without discrimination on the grounds of racial or ethnic origin, by providing independent assistance to victims of discrimination in pursuing their complaints about discrimination without prejudice to the right of victims and of associations, organizations or other legal entities, by conducting independent surveys concerning discrimination, by publishing independent reports and by making recommendations on any issue relating to such discrimination. A budget of DKK 6 million has been proposed, which is less than the combined amount of DKK 7.8 million previously allocated to ▲ The Board for Ethnic Equality and ▲ DACoRD.

When the 1996 Act was passed in the Danish Parliament, it was with a very narrow majority. The Liberal and Conservative party voted against and it is thus because of the Race and Framework Directives from 2000 that these two parties have changed their views. It can also be mentioned, that the Government has been reluctant to accept any other new international obligations, even though a Committee of experts (the Incorporation Committee) have

Discrimination were identified in the EU commissioned report as the two specialist bodies in Denmark dealing with discrimination issues, PLS Rambøll (2002), ■ Specialised bodies to promote equality and/or combat discrimination

²⁸ Jyllandsposten (31.12.01), p.1

recommended the incorporation of 3 Human Rights Conventions into Danish law in a report dated 2001.²⁹ It was concluded by the Committee, that incorporation of these instruments creates a statutory basis for the application of the incorporated conventions by the courts and the law-applying authorities. So far, however, no legislative initiative has been taken by the Ministry of Justice in order to implement the Committees recommendation. Next to the lack of incorporation of the UN Conventions, Denmark has never ratified a number of ILO Conventions including § ILO Migration for Employment (Revised), 1949 (No. 97), the § ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and the § European convention on the Legal Status of migrant Workers and Members of their Families, 1990. These instruments have the protection of the rights of migrant workers as their common goal, but there are no signs that the Government will take steps to ratify any of these instruments.

²⁹ Report n0 1407/2001 ■ On the Incorporation of Human rights Conventions in Danish law. Ministry of Justice, Copenhagen 2001.

7. Data on ethnic minorities' position in the employment sector

7.1. Population figures

On April 1st 2002 the total population of immigrants and descendants in Denmark was 419,308 or 7.8% of the total Danish population. This is an increase of 3,997 persons since January 1st, 2002.³⁰ 82 per cent of all immigrants and descendants are from third countries. On April 1st, 2002 the number of immigrants and descendants from third countries were 344,742 persons, equalling 6.4% of the total Danish population. A slightly growing share of the Danish population is, therefore, of third country origin.

Table 2 shows the number of immigrants in Denmark and their allocation by country of origin.

Table 2: Immigrants and their descendants allocated by country of origin per January 1st 2001

	Immigrants	Descendants	Total no. of immigrants and descendants
Number of people			
Nordic countries	34,707	4,701	39,408
EU (exempting Nordic countries)	50,515	5,326	55,841
North America	7,008	1,004	8,012
Third countries	216,444	76,242	292,686
Total	308,674	87,273	395,947
The total proportion of immigrants and descendants			
The Nordic countries	9%	1%	10%
EU (excluding Nordic countries)	12%	2%	14%
North America	2%	0%	2%
Third countries	55%	19%	74%
Total	78%	22%	100%

Reference: The foreigners' database of the Ministry of the Interior in Statistics Denmark.

Source: ■ The Integration of Foreigners in the Danish Society. Published by: The Think Tank on Integration In Denmark. The Ministry of Refugee, Immigration and Integration Affairs. 2001 (and 2002 The Annotated version).

The most recent information on age groups (January 1, 2000) states that the age group 16-66 in Denmark totals 3,593,741 persons of which 184,697 (5.1 %) are immigrants or descendants of immigrants from third countries, and 80,779 (2.3 %) are from other EU countries, other Nordic countries and North America.

³⁰ ■ Nyt fra Danmarks Statistik nr.206. May 21st 2002.

7.2. Employment rates

The rate of economic activity (i.e. individuals who are employed or registered for employment at the Labour Exchange) was 52 % for immigrants from third countries³¹ and their descendants, 67 % for foreigners from other EU-countries, other Nordic countries and North America, and 79 % for the rest of the population. The rate of employment was 45 %, 63 %, and 76 %, and the rate of unemployment was 14 %, 6 % and 4 %, respectively.

The rate of activity among immigrants and descendants of immigrants of third countries is considerably lower compared to the rest of the population. This is especially true in the case of females - most married females are housewives who do not work outside their home. The figures for the rate of employment also include individuals in various types of job training supported by public funds. About 4 % of immigrants and their descendants are in job training compared to only 2 % of the rest of the population. This is one reason why the figures for their rate of employment in ordinary employment are lower.

The rate of economic activity varies according to country of origin. The Somalis, with only 13 %, as well as persons from Iraq, Afghanistan and Lebanon (mainly Palestinians) have extremely low rates of activity. Apart from the Palestinians, these groups have been in Denmark only a short time and are not ready to take on employment because they have to complete their compulsory training in the Danish language. The low rate of activity of the Palestinians is due to special factors, most of which are related to the poor social and educational conditions they have fled from in the refugee camps in Lebanon.

The figures show a considerably lower participation in the labour market among immigrants from third world countries (non-western European and non-North American immigrants). The Employers Associations, the government and the Labour Unions have united in their effort to raise the participation rate, which is especially low among women from third world countries.

As seen in table 3 there has been a marked development in the economic activity of immigrants from third countries since 1985. The rate of economic activity has gone down considerably. In 1985 the rate of participation in the labour market was relatively high: seven out of ten immigrants from third countries were available for the labour market. Among them one out of four was unemployed. The frequency of participation went down in the following years, and in 1988 it was 10 points lower. The rate of unemployment was the same. In 1991 the rate of participation fell to a level of little more than half among the ethnic minorities (meaning immigrants from third countries) and the unemployment is nearly one out of three.

The level of participation remained unchanged in 1994, but unemployment rose to a record 41 %. In 1998 one out of two immigrants from third countries in the age group 16-66 years was available for the labour market, and the unemployment fell again to about one out of four. In 2000 the participation rate of immigrants and descendants was 50 %, and the unemployment rate of was 14 %. It can be seen that immigrants from third countries had the highest level of participation in the work force in 1985 and the highest rate of unemployment in 1994. Factors such as length of residency, country of origin and reason for emigration seem to have a direct influence upon these rates.

³¹ The term 'third countries' covers all countries except EU member states, members of the Nordic Council, Canada and the USA.

Table 3. Rates of participation in the labour force and unemployment among immigrants from third countries, descendants and Danes. Age group 16-66 years of age. 1985- 1998. Pct.

	1985		1988		1991		1994		1998		2000*	
	Part.	UE	Part.	UE	Part.	UE	Part.	UE	Part.	UE	Part.	UE
Part = Part Rate UE = Unemployment												
1.Immigrants	70	26	60	27	57	34	56	41	50	24	(1+2)	(1+2)
2.Descendants	77	14	73	10	55	14	54	19	62	10	52	14
3.Danes	80	9	82	8	80	10	80	11	79	6	79	4

Source: Schultz-Nielsen (■ 2000:125) * Except from ■ Yearbook of Foreigners in Denmark, Ministry of Interior (2001)

The figures for participation in the work force among descendants from third countries are influenced by the fact that relatively fewer persons are in this group and they are younger. Taking into account the relatively large share of young persons among descendants, the changes are not significant for this group, which is influenced by the fact that many of the young descendants are in an education/training programme (Schultz-Nielsen, ■ 2000). The rate of unemployment among descendants is clearly lower than among immigrants from third countries.

It is noteworthy, that the rate of economic activity among immigrants from third countries has fallen by about a quarter in the period 1985-2000 and unemployment was high - between one third and a quarter of the persons available for the labour market were unemployed. In 2000 the unemployment situation of third country immigrants and descendants has improved, and only one in seven are unemployed. The non-immigrant (Danish) population had a considerably higher level of labour market participation during the whole period observed. Schultz-Nielsen (■ 2000) remarks "Part of the explanation of the fall in labour market participation among non-western immigrants is, that many new have arrived in the period and that it takes some time before these persons are integrated into the labour force". An analysis shows however that integration was slower in the 1980's and the beginning of the 1990's than it was in the 1970's. After ten years' stay the immigrants, who came to Denmark between 1988 and 1990, were still not at the level of labour market participation, that those who came between 1978 and 1980 had reached the level after five years. The rate of participation in the labour force seems to be even lower for immigrants who arrived between 1993 and 1995." This is probably explained by looking at the reason for migration and the difference between labour migrants and refugees.

7.3. Employment types

A study of the distribution of immigrants from third countries on the level of job categories showed a considerable imbalance towards the bottom level and, therefore, too less skilled jobs (table 4).

Most immigrants from third countries in 1985 were employed as unskilled labour. The share fell in the period 1985-1996. In the same period the share of unskilled labour also went down among the Danish population, especially among women. The share of higher office workers was in 1985 considerably lower among immigrants and descendants than among Danes, and this difference seemed to increase during the period until 1996. Immigrants and descendants from third countries were both in 1985 and in 1996 significantly less represented both among higher and lower office workers and among skilled labourers (Schultz-Nielsen, ■ 2000).

Table 4. Wage earners age 16-66 years. Immigrants and descendants from third countries and Danes 1985 and 1996. % Men.

	Immigrants and descendants from third countries		Danes	
	1985	1996	1985	1996
Higher office Workers	15	14	28	27
Lower office Workers	10	11	17	16
Skilled workers	12	13	24	22
Unskilled Workers	54	41	24	22
No specified Job category	10	22	8	13
Total (includes rounding errors)	101	101	101	100

Source: Schultz-Nielsen (■ 2000:104)

Among male immigrants and descendants only half as many were higher office workers compared to Danes, two thirds were lower office workers two thirds were skilled workers and almost twice as many were unskilled workers. The group of wage earners with no specification in the table was almost twice as many among immigrants and descendants than among Danes. Even though there was a considerable share of "unknown" job category in the statistics, it cannot influence the total picture significantly.

Table 5. Wage earners age 16-66 years. Immigrants and descendants from third countries and Danes 1985 and 1996. % Women.

	Immigrants and descendants from third countries		Danes	
	1985	1996	1985	1996
Higher office Workers	13	13	18	24
Lower office Workers	21	18	41	38
Skilled workers	1	5	2	3
Unskilled workers	53	42	27	22
No specified Job category	12	23	11	14
Total	100	100	100	100

Source: Schultz-Nielsen (■ 2000:104)

Among female immigrants and descendants, only half as many compared to Danes were higher office workers and the same goes for lower office workers. Few women were skilled workers, but interestingly there were more among immigrant women. Twice as many immigrants and descendants were unskilled workers than seen among Danish women. Again the group of female wage earners with no specification was almost twice as many among immigrants and descendants than among Danes. Also here, even though there was a considerable share of "unknown" job category in the statistics it cannot significantly influence the total picture.

Immigrants' and descendants' employment as wage earners is on average at a much lower level than Danes'. The main reason for this is the lower level of education both school education, and vocational training. Another part of the explanation is that immigrants, who have an education or vocational training, have not been able to use it in their job as seen in table 6. Here only immigrants who have been in Denmark for more than three years have been analysed. "The introduction phase" should be over by then.

7.4. Education levels and employment types

Table 6. Immigrants from third countries, 25-66 years of age, duration of stay in Denmark more than 3 years, compared to Danes in the same age group. Distribution on the highest completed education* and job level. January 1st 1999. %

	Primary school		Upper secondary School leaving examination		Vocational training		More advanced studies Primary level		More advanced studies Higher level.		No information	
	Imm.	DK	Imm.	DK	Imm.	DK	Imm.	DK	Imm.	DK	Imm.	DK
Self empl.	16	9	15	6	12	9	13	6	11	5	17	11
Self empl. /spouse	1	1	1	0	1	1	0	0	0	0	1	1
Top manager	0	1	0	3	1	3	0	3	3	1	6	0
Wage earner at highest level	2	2	5	15	4	4	8	8	33	50	3	8
Wage earner at medium level	2	6	5	19	6	13	20	45	18	32	2	10
Wage earner at lowest level	41	51	36	38	47	60	32	31	19	5	36	41
No specified Job category	38	28	38	18	29	10	26	6	18	3	42	26
Total	100	100	100	100	100	100	100	100	100	100	100	100
Total number of employed persons	10.704/ 536.994 4.837/ 119.391 14.178/ 896.284 3.147/ 109.235 8.831/ 456.512 8.770/ 20.442											

Ministry of the Interior (■ 2001a)

*Both foreign and Danish education

Top managers are for example minister, head of municipality and managing director. Wage earners at the highest level are for example architect, doctor and lawyer. Wage earners at medium level are for example nurses, catering officer, social worker; and at the lowest level postman, electrician and gardener. Wage earners with no specified job category are those without any information about job category.

The relatively high rate of self-employment does not reveal the variations, which exist when looking at the groups of immigrants and descendants by national origin. Some groups (such as Pakistanis and Turks) have a high rate of self-employment³² and employ a relatively large number of persons of immigrant origin as well as Danes. These self-employed play a crucial role in the development of the modern urban economy, which need to be subject to a thorough research.

Again, the precision of the analysis is hampered by the relatively large group in the statistics with no job category. However, it is evident that among immigrants with upper secondary school education, vocational training and more advanced studies on primary level, the greater part is occupied as wage earners at the lowest level. Among those with a more

³²Hjarnø, J (2000) ■ *Indvandrere som selverhvervende - en sammenlignende analyse af udbredelsen af selverhverv hos danske pakistanere, tyrkere og eksjugoslavere*. Danish Sociology, p. 96-112. Copenhagen.

advanced education at the higher level, more than three out of five are occupied at a level above the lowest level.

Among immigrants who have completed more advanced studies at the highest level, 1 % are top managers, and 33 % are wage earners at the highest level. The corresponding figures for Danes with more advanced studies at the highest level are 6 % top managers and 50 % wage earners, at the highest level. The table also shows that 19 % of the immigrants who have completed advanced studies at a higher level are occupied as wage earners at the lowest level. The corresponding figure for Danes is only 5 %. The conclusion is that immigrants have not been able to make use of their qualifications on the job market to the same degree as Danes. Too few highly educated persons among the immigrant population are top managers and wage earners at the highest level. The share of the same groups among wage earners at the lowest level is much higher than for Danes with higher education.

7.5. Danish language skills

The Danish language is normally considered the main barrier for immigrants to enter the labour market. As can be seen from table 1 below, immigrants and descendants from third countries have different opinions on their personal knowledge and fluency in the Danish language. The survey results are from personal interviews among a representative sample of immigrants.

Table 7. Do you think your capabilities in the Danish language are...? Immigrants and descendants from selected countries. 1999. Pct..

	Fra Tyrkiet	Fra Pakistan	Fra Jugoslavien	Fra Somalia
Very good (fluent)	20	31	22	11
Good	31	21	23	27
Average	34	29	35	32
Poor	11	16	14	20
Very poor	4	5	6	11
Total	100	100	100	100
Sample/number of interviews	548	424	476	401

Source: *Viby, Mogensen & Matthiessen, ■ 2000:77*

Immigrants from Pakistan most often find their capabilities in the Danish language good or very good. 29 % of the immigrants from Pakistan find their Danish average, while 21 %, think they have a poor or very poor knowledge of the Danish language. Almost as many of the immigrants from Turkey (51 %) think their capabilities of the Danish language is good or very good. 34 % of those from Turkey think they are average in the Danish language, while 15 % think their Danish is poor or very poor. 38 % of those from Somalia think their Danish is good or very good, 32 % think it is average, while 31 % think they are poor or very poor in the Danish language. 45 % of those from Yugoslavia think that their capabilities in the Danish language are good or very good, 35 % think they are average, while 20 % think that their capabilities in the Danish language are poor or very poor.

8. Data on the nature and extent of discrimination

8.1. Data on recorded complaints on racial/ethnic/religious/cultural discrimination in the employment sector

Data on the amount of recorded complaints or cases with regards the Act on the prohibition against racial discrimination in the labour market is not centrally collected in Denmark. At the time of writing there is no centralised specialist complaints body dealing with complaints of this kind.

Since the adoption of the Act in 1996 on the prohibition of differential treatment in the employment sector, the non-profit organisation, ▲ DACoRD, has offered free legal advice to victims of discrimination. From 1997 these complaints were registered in a database, and accordingly 127 incidents of “experienced” discrimination in the labour market have been registered up until the end of 2002³³. 70 in the private sector, 29 in the public sector, 9 regarding job centres, 5 private recruitment services, 6 in relation to trade unions, 1 relating to a colleague and 2 relating to a customer/client.

8.2. Data on court cases

In the previous ■ Danish Employment Reports (RAXEN 1-2), no case law was described according to the Act on the prohibition against racial discrimination in the labour market. The reason why, seems to be amongst other, the fact that it is very difficult to gather information on this as no official registration takes place.

In the official ■ periodic reports to the ICERD the Danish authorities try to provide as much information on this issue as possible in order to inform the UN about the present situation in Denmark in relation to the fight against racial discrimination in all areas of life, including the labour market field. It was reported in 2001 that: “*Since Denmark’s fourteenth report, the Danish courts of law have dealt with four cases of ethnic discrimination in the labour market.*” Four cases in the period between the 14th and 15th periodic reports of Denmark, however, seem to be a small number.

According to the ▲ DACoRDs database, the rise in discrimination suits has followed the passage of the nation's job discrimination law in 1996. As a consequence of the number of successful cases the tendency in 2002 is that also out-of-court settlements on ethnic discrimination in the workplace are on the rise and these settlements are increasingly falling in the plaintiffs' favour. To the author's knowledge, in 2002, out-of-court settlements have been reached in four cases, all found in favour of the plaintiff.

³³ Information from DACoRD

8.3. Reports on racism, discrimination, segregation and exclusion

carried out by Governments, Specialised bodies, Researchers/research institutes, NGOs, Social partners (Giving details of studies, sample size, methods etc)

The following reports are mainly published in the period under review (2002), however, as some reports from 2001 that were not included in the RAXEN 2 labour market report, these publications (from 2001) are also included.

8.3.1. Public authorities

The Danish Government has published a report on its activities during 2002.³⁴ This report also includes announcements for governmental activities in 2003, including announcement of the creation of an ☀ Action plan for “Diversity and tolerance”. This is the Action plan that all the participating states in the ☀ World Conference against Racism in 2001 committed themselves to make as a follow up on the World Summit

8.3.2. Research institutes

In 2002 in connection with an analysis of “bottlenecks” in the Danish Labour Market, COWI 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, 58% of public institutions said that yes 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 yes they would hire “refugees/immigrants” to solve recruitment problems; this is a small decrease from 45% in 2000³⁵. The figures also show how employers answered in relation to other marginalized groups in the labour market.

A report from Catinét “Integrationstatus April 2002”³⁶ shows that over the last two years the level of experienced discrimination in the employment sector has increased.

“Integration through education”³⁷ identifies discriminatory processes that marginalize students with ethnic minority background taking a kindergarten teacher education.

Prof. Poul Jørgensen, AMID, has summarised the existing surveys on the “Danish attitudes towards immigrants and refugees”³⁸.

³⁴ Denmark, Ministry of Refugee Immigration and Integration Affairs (2002), ■ Årbog om Udlændinge i Danmark

³⁵ COWI (2002), ■ Flaskehals analyse, <http://www.ams.dk>

³⁶ Catinét (2002), ■ Integrationsstatus April 2002, <http://www.catinet.dk>

³⁷ Nielsen, S, Mors, N (2001), ■ At bygge bro. Integration gennem uddannelse, Forlaget Kim og Jydsk Pædagog-Seminarium

³⁸ AMID, Jørgensen, P (2002) ■ Danskerenes holdninger, <http://www.amid.dk>

8.3.3. Social Partners

The hotel and restaurant trade union in Denmark, ▲ HORESTA, has analysed³⁹ some of the issues in their branch surrounding what they refer to as “New Danes⁴⁰”. Of the hotels and restaurants that have never employed “New Danes” about 50% say that they will not employ them (despite that such a practice is illegal⁴¹). This is a massive increase from only 4% in the spring of 2001. The respondents justified their negativity by explaining that their customers do not want to be served by “New Danes”. Alternatively approx 42% (52% in 2001) of those that until now had never employed “New Danes” answered that they would employ “New Danes”, but have never received an application. Other interesting results show that employers believed they experienced significantly more problems/barriers in connection with employing “New Danes” in 2002 compared to when they were asked in the spring of 2001. HORESTA suggests that this increase is maybe caused by the general increased focus on the position of “New Danes” in Denmark.

The trade union HK published two reports in 2002 analysing problems facing i) their employed “new Danish” members, and ii) young “new Danish” members aiming at work placements⁴².

8.3.4. Non-Governmental (non-profit) Organisations

The non-profit organisation, DACoRD, published in 2002 a report on the working situation facing kindergarten teachers with an ethnic minority background. The report was commissioned by the trade union for kindergarten teachers, BUPL⁴³.

³⁹ HORESTA (2002), ■ Branch i tal/analyser/tema/nydanskere i branchen, <http://www.horesta.dk>

⁴⁰ “New Danes” is a term often used to refer to people included in the categories Third country “immigrants” and “descendants” as defined in section 3

⁴¹ “Loven om forbud mod forskelsbehandling på arbejdsmarkedet pga. race mv.” makes this practice illegal.

⁴² HK and Catinét Research (■ 2002), i) Beskæftigede nydanskere i HK – Problemer, behov og forventninger; ii) De unge nydansk HK medlemmer på første eller anden skoleperiode og før praktikpladsforløbet – Problemer, behov og forventninger

⁴³ DACoRD, commissioned by BUPL (2002), ■ Etnisk ligestilling eller etnisk kompetence?, Copenhagen, Regnbue tryk

9. Analysis

As it can be seen from section 7, people who have immigrated to Denmark over the last 30-35 years from Third countries have on average a much weaker connection to the employment sector compared to the rest of the population, although, this connection varies according to variables such as national background, gender, age and education. When comparing ethnic groups it is important to remember that factors such as length of residency and motivation for migration will affect the results. Generally it can be concluded that the longer the residency the stronger the connection to the labour market, however, immigrants from Turkey, Ex. Yugoslavia and Pakistan who originally immigrated as "guest workers" in the early 1970's achieved relatively high rates already in the first years of residency. Immigrants' direct descendants have a much stronger connection to the labour market than their parents, though their rates are slightly lower than for their peers of Danish origin.

When analysing ethnic minorities' marginalized position in the labour market, both in terms of the higher unemployment rates, the nature of employment, the position of those in employment and wage levels, various arguments are normally presented by governmental bodies, many of the social partners and in some cases research centres which generally point towards ethnic minorities' lower education levels, poor Danish skills, lack of network, it not paying to take employment owing to excessive social benefit payments and cultural factors such as a tradition for self-employment and home-going wives. Some even claim that ethnic minorities lack an appropriate work ethic. Discrimination is seldom amongst the main arguments, but is often presented as a possible factor which is difficult to measure and prove and, therefore, its effects are difficult to determine

However, reports such as ▲ AMID's ■ "Research on Integration 1980-2002" (2002) concluded that the fact that discrimination does occur cannot be dismissed, and that more research is needed in this highly under researched area.

9.1 Analysis of discrimination as a contributing factor to ethnic minorities marginalized position in the employment sector

The following analysis presents and assesses the nature and extent of discrimination in the employment sector in Denmark today using recent examples.

To a certain extent there has been a debate in Denmark discussing whether discrimination occurs at all. However, the report "Research on Integration in Denmark 1980-2002" AMID (2002)⁴⁴ concludes that different methodological approaches all point towards the fact that immigrants and their descendants from non-Western countries are in certain contexts discriminated against within the employment sector. For example Hjørnøe (1997)⁴⁵ proved, using an ILO approved methodology based on equally qualified applicants with different ethnic backgrounds, that many ethnic minority applicants were exposed to a degree of discrimination when applying for jobs. There is a need for updated research of this kind. The ■ HORESTA and ■ Bottleneck reports referred to above also prove the existence of some form of discrimination.

⁴⁴ Academy for Migration Studies in Denmark, AMID, (2002), ■ Integrationsforskning i Danmark 1980-2002,

⁴⁵ Danish Centre for Migration and Ethnic Studies, DAMES, (1997), ■ Diskrimineringen af unge med indvandrerbaggrund ved jobsøgning

▲ AMID also concludes that all the available data shows a strong correlation between education levels, employment levels and earned income, but that evidence suggests that “immigrants” get less out of taking an education compared with “Danes”, as they do not secure a job that corresponds to their educational level, see section 7. AMID emphasizes that there is a continual need for initiatives aiming to remove discrimination from the labour market and need for research into this under researched area.

The § Act on the Prohibition of Differential Treatment in the Labour market (1996) has led to a greater awareness of discrimination issues in the employment sector, however, NFP-Denmark agrees with the conclusion presented by AMID that there is a need in Denmark for more initiatives aimed at revealing the nature and extent of discrimination in the labour market.

However, based on the data we do have it is possible to say something of how discrimination manifests itself in Denmark 2002, and also which groups are especially vulnerable to racism or discrimination in the employment sector. Feagin and Eckberg⁴⁶ have identified a five category typology of discrimination which can be helpful in categorizing and describing the nature of discriminatory practices. These are; i) direct isolated discrimination, iia) small group discrimination, iib) politically organized discrimination, iii) indirect isolated discrimination, iv) structural direct discrimination, and v) structural indirect discrimination.

The above categories were devised in order to analyse discrimination in society as a whole and not just the employment sector, which is the concern of this report. However, they can also be used specifically in relation to the employment sector and from a scientific perspective these categories can be a good tool for describing and analysing discriminatory practices found in this societal sphere. It should be noted that some instances of discrimination can fall into two or more of the described categories. For example, an employer who unconsciously sets a criterion for employment that has a discriminatory effect will fall under category 5. However, if the same employer later is made aware of this and still chooses to enforce the criterion, then category 4 becomes applicable.

The above categories will be used to analyse the incidents, which will, however, be presented according to subject matter, e.g. discrimination according to direct racism, according to non-Danish background, according religious clothing, according to non-Danish citizenship, accents, qualifications, and according to the nature of the public debate. The Documentation and advisory centre on racial discrimination (▲ DACoRD) is the source of all incidents referred to.

Category 1 and 3 refer to the actions of individuals which are either respectively directly or indirectly discriminatory. Evidence exists to suggest that individuals can experience being for example “bullied”, “teased”, “not respected”, “harassed”, “ethnically categorized”, in the workplace. An example of this category, involving “harassment” at work, concerns an employer who shouted explicitly racist remarks at an employee in connection with an argument⁴⁷. Another example is from 2002, when the City Council of Copenhagen reported that they had been contacted by a series of teachers with ethnic minority background reporting incidents of harassment at work. DACoRD has been contacted by a “home assistant” whose colleagues referred to her as a “neger” (negro) and again insisted on doing so even after the woman had asked them not to. A hospital porter approached DACoRD because he was constantly harassed at work in connection with his east European background⁴⁸. DACoRD has also been contacted by a psycho-therapist who felt he was not

⁴⁶ Feagin, J.R., Eckberg, D.L (1980), ■ Discrimination: Motivation, action, effects and context

⁴⁷ DACoRD reg.nr. sa0599

⁴⁸ DACoRD reg.nr. sa1041

respected by a colleague because of his Middle Eastern background⁴⁹. In Sultan 2000, kindergarten teachers expressed that they on occasions experience being categorized because of their ethnicity, examples being that if a colleague disagrees with a pedagogic suggestion then they explain that “we don’t do it like that in Denmark”, or if there is a misunderstanding or disagreement then it is explained using “culture clash” or “language problem” arguments. In a recent survey⁵⁰ of students at The Copenhagen Business School some respondents explained that they feel as if they are inflicted by an “explanation burden” in connection with their ethnic background, which is reminiscent of the sentiments expressed by the kindergarten teachers. These examples of discrimination fall within categories 1 and 3, depending if there is an actual racist motivation behind the person’s behaviour. Mostly, they fall into category 3 as this treatment is normally based on prejudice and cultural categorizing as opposed to maliciousness, though examples of the latter seem to exist.

As some surveys have shown some employers explicitly say that they will not hire “New Danes”, as in the ■ Horesta survey, “refugees/immigrants” as in the ■ “bottleneck” surveys, though it was expressed in a different way in the latter, i.e. only relatively few personnel managers said they would hire “refugees/immigrants” even though they were short-staffed (approx. 60% for the public sector and approx. 45% for the private). Generally, this kind of discrimination falls within category 4, structural direct discrimination, especially when the employer grounds his/her refusal in the customers’ unwillingness to be served by, or workers similar unwillingness to work with, people with ethnic minority background. By accommodating these direct discriminatory demands the employer also acts directly discriminatory, although, his/her actions are not grounded in his/her own personal beliefs.

An employer’s basing a refusal to hire people on a “non-native accent” or on the fact that the person wears religious clothing, most commonly the Islamic “Hijab”, sometimes occurs. As this argument is not based on an assessment of whether an accent or a Hijab will have a negative affect on the individual’s work capacity, but on the argument that customers simply do not like it, places this type of discriminatory practice/reasoning into category 4⁵¹.

This is reminiscent of the “jobcentre” case⁵² from 1995, where some jobcentres would not send individuals with ethnic minority background to companies that explicitly stated that they did not want any “foreigners”. This case was actually the motivating factor that led to the passing of the law prohibiting discrimination in the employment sector. This example could be placed in either category 1 or 4 depending on the reason to why the employer did not want a “foreigner”.

The above exemplifies discrimination based on a person’s ethnic and/or religious background. However, one can also be discriminated against based on citizenship. CERD recognizes that a citizenship criteria can be applied to certain job functions concerning for example national security i.e. judges. However, in 1998 a taxicab owner V, a Pakistani citizen, was denied a license for another taxicab, for the sole reason, that he is not a Danish (or EU-) citizenship. In 2002⁵³ The Supreme Court stated that V had no legal claim on being allotted a taxi licence. The possibility of him achieving a public permission for commercial activity was not protected by article 1 in The Additional Protocol; further, the decision was not violating article 14 of ECHR by employing the demand of citizenship. This decision has now been appealed to the European Court on Human Rights.

⁴⁹ DACoRD reg.nr. sa1115

⁵⁰ Sulama (2002), ■ Diversitet og kvaliteten i academia

⁵¹ DACoRD ■ Newsletter No.1 1997

⁵² Ombudsman (1995), ■ Årsberetning, p.46ff

⁵³ The Weekly Law Gazette, 2002, p. 1789ff. (U.2002.1789 H)

Discrimination on ground of nationality/citizenship is prohibited under EU-legislation in relation to EU-citizens, but not in relation to nationals of so-called "third countries" (outside the Union). This Supreme Court decisions, thus, takes the view, that the Danish State can introduce legislation, that restrict the right to self-employment or work in certain areas to Danish and EU-citizens, even though the third country nationals have work permits in Denmark. This requirement might be essential in areas like the judiciary (Judges, police etc), but it seems less relevant in the area of transportation, delivery of services and goods etc. While the States can restrict migration from third countries by (immigration) law, the upcoming decision from the European Court of Human Rights will, thus, have a great impact on, whether European member states can by law demand (EU-) citizenship in relation to access to the labour market. In connection to the examination of the 15th periodic report from Denmark to the UN Committee on the Elimination of all forms of racial discrimination in 2002, the Committee expressed concern about the disproportionately high level of unemployment of migrants in Denmark and stated that: "The State party is reminded that although it is not obliged to provide work permits to foreign residents, it should guarantee that foreigners who are entitled to a work permit are not discriminated against in their access to employment."⁵⁴ Thus, this case is regarded by the authors as a form of discrimination falling into category 4 classifying examples of direct structural discrimination. Another example of citizenship discrimination is the case of shopping centre in Copenhagen that was fined DKK 3,000 for having stated in a job advertisement that a person of Danish nationality was wanted for employment as a service assistant⁵⁵.

A refusal to employ an "accent" or a "Hijab" is sometimes grounded in an argument based on professional reasoning referring to the individual's work capacity. One employer in a telesales company argued that he had previously had salesmen with accents and that they simply did not sell as much, therefore, he would not hire the individual in question because of his accent⁵⁶. The employer also stated that he was doing the individual a favour by not wasting his time. The employer's argument attempts to move away from a prejudiced based argument to a professional argument concerning the individuals work capacity. The argument being "you're simply can't do the job satisfactorily – it's not discrimination – because if you could I would hire you". Although the argument originally falls into category 5, the arguments gradually moves towards category 4 as the employer is judging the individual on the basis of others who have similar characteristics, plus grounding it in the customers' unwillingness to buy off people with accents. As regards the wearing of the "Hijab", arguments other than those based on the customers' preferences have also been heard. For example, in one case the company originally argued that the Hijab conflicted with the rules for safety and hygiene⁵⁷. Whereas, another company argued that the Hijab gave a non-business like appearance⁵⁸. These arguments and others relating to the Hijab conflicting with the company's uniform are not uncommon and relate more to category 5.

As could be read in section 7 a commonly accepted reason for ethnic minorities marginalized position in the labour market is a poor or unsatisfactory command of Danish and poor or not relevant educational qualifications, and that this prevents the individual from being able to do the job. There is no doubt that these are relevant factors and it is not our intention to dismiss them. However, these arguments are often put forward without explaining exactly what the satisfactory level actually is. There is some indication that some employers simply demand an unrealistic standard in relation to the job function. There are examples of employers demanding "perfect Danish" or "good written Danish" in relation to, for example,

⁵⁴ See annex 1, § CERD/C/60/Misc.33/Rev.4, para. 15.

⁵⁵ DACoRD reg.nr. sa0157

⁵⁶ DACoRD reg.nr. sa1040

⁵⁷ DACoRD reg.nr. sa0238

⁵⁸ DACoRD reg.nr. sa0264

a cleaning job⁵⁹ or private coach driver⁶⁰. A language standard that applies to all applicants is naturally neutral in its application; however, it will undoubtedly hit non-native speakers more frequently than native speakers. Whether this is discrimination can be discussed, but if the standard is disproportional to the nature of the job it can be classified as discriminatory, falling into category 5, in some cases moving towards a more direct discrimination as defined in category 4, if the standard has been set deliberately too high.

A similar analysis applies to the effects of qualification standards. Many reports have consistently highlighted the difficulty for individuals to gain employment based on educational qualifications not obtained in Denmark⁶¹. The figures clearly show a disparity in employment rates between immigrants with foreign qualifications compared to those that have taken an education in Denmark. This dismissing of foreign qualifications is an expression of institutional chauvinism, which in some cases can also affect people with Danish qualifications, who for example cannot get their qualifications from one university transferred to another. This kind of discrimination is best described by category 5 as it represents the indirect discriminatory affects of what was intentioned to be neutral demands. The previous Government recognized this issue and established an evaluation centre, CVUU, in order that individuals could receive an official recognition of their qualifications to help them when approaching prospective employers. The present Government supports the work of the CVUU. Recent results⁶² from CVUU show that increasing numbers are using this option.

As individuals with accents, non-Danish backgrounds, non-Danish qualifications may have difficulties obtaining job positions reflective of their qualifications, there is a danger that a certain amount of over-qualified labour is being used by employers to fill lesser positions. This statement, however, is based on isolated reports and statements from individuals as opposed to a systematic analysis of the phenomena. For example, at a seminar organised by Foreningen Nydansker in 2001 a DSB personnel manager described ☀ DSB's recent success story in recruiting around 27 ticket inspectors with ethnic minority background. The personnel manager pointed out that approximately 6 of the new recruits were first generation immigrants and were far better qualified compared to the other inspectors, the others were all descendants of immigrants, and even this group were slightly better qualified than the average for all inspectors.

Surveys analysing the self-employed with ethnic minority background⁶³, for example shop owners, show that the average income for a self-employed with ethnic minority background, for all ethnic groups except Danish, is less than the average income for wage earners in the same ethnic group. Many respondents reply that they have for example opened a shop after having negative experiences either trying to find employment or in employment. A danger of not regarding people with a different ethnic background as “not as qualified” because they have for example an accent (or not “perfect” Danish skills), foreign qualifications, non-Danish background, can be the existence of an ethnically divided labour market, where these groups of people are maintained in certain job functions not being allowed to progress through institutional structures. There is a need for research in this area.

This general lack of qualitative research is prevalent throughout the field. In connection to the above phenomenon of the utilization of over-qualified labour is a recent debate in Denmark on the associated phenomenon referred to as “Brain drain”; the idea that highly

⁵⁹ DACoRD reg.nr. sa0804, sa.0805

⁶⁰ DACoRD reg.nr sa0822

⁶¹ Akademikernes Centralorganisation (2000), ■ Fagblade mod fremmedfrygt, self-published

⁶² <http://www.cvu.dk>

⁶³ AMID, Rezaei, S (2002), ■ Indvandrerjede virksomheder”, AMID Working Paper Series 8/2002,

qualified people move to another country because they feel that their ethnicity prevents them from fully achieving their goals in Denmark. The Minister of Refugee Immigration and Integration Affairs denies that this "brain-drain" constitutes a serious problem as figures show that no more chose to leave than is the average for all well-educated people seeking work in other countries⁶⁴. There is, however, no comparable qualitative data on the motivation for emigration between "Danes" and ethnic minorities. A speculative suggestion could be that whereas people with Danish background move as a part of their career path and then return to Denmark at a later date in order to continue their career, people with non-Danish background move because they feel/have experienced they cannot find work in Denmark relevant to their qualifications, decide to move and never return. Indeed some individuals have remarked that it is also the general negative atmosphere in society towards ethnic minorities that contributes to their decision to emigrate (see below).

As seen the above examples can be categorized into Feagin and Eckberg's typology. However, there is some evidence suggesting the possible existence of a sixth category concerning what can be termed "direct and indirect macro-societal discrimination". This sixth proposed category is an attempt to capture the possible effects of the existence of a general negative atmosphere in society towards ethnic minorities created by the combination of a hostile political debate and media coverage. The private research institute "Catinet" interviewed a sample of 1000 people with ethnic minority background about their experiences of discrimination since 11.9.2001⁶⁵. Two different questions have given two different answers. The first question "Do you experience more or less discrimination than you believe people with a Danish ethnic background experience?", resulted in about a third of the respondents stating that they believe that they indeed do - however this figure is roughly the same as the figure produced by the same question before 11.9.01. The second question "have the terror attacks in USA lead to you experiencing more or less discrimination?" resulted in again roughly one third believing that they have experienced *more* discrimination since the 11.9.01.

The two results seem, therefore, to contradict each other. Catinet concludes that, "the first question can be answered based on one's own personal situation and, therefore, reflects the more structural situation in society, i.e. social and economic relations. The second question refers to a public occurrence, and the respondents have maybe chosen an answer, which incorporates the political context and oneself as belonging to a national/ethnic/religious group/category. That relatively more men feel more discriminated against can be seen in the light of men's relatively larger political engagement." These answers are extremely interesting indicating that one's feelings change dramatically when placed into a national/ethnic political context.

In a similar vein, Møller and Togeby 1999⁶⁶, conclude that it is the more highly educated that experience relatively more discrimination as they can both understand and decipher what is being said and insinuated about them both by politicians, the media and by work colleagues. However, whether this will have the affect of stopping them from seeking a certain position is unknown.

In connection with DACoRD's advisory function to persons who feel they have been discriminated against it appears that a general negative atmosphere in society caused by a

⁶⁴ Denmark, Ministry of Refugee Immigration and Integration Affairs (2002), ■ Årbog om Udlændinge i Danmark

⁶⁵ Catinet (2002), ■ Integrationsstatus april 2002

⁶⁶ Møller, B, Togeby, L (1999), ■ Oplevet Diskrimination, Copenhagen, Nævnet for Etnisk Ligestilling

continual heated political debate and media coverage⁶⁷ can be enough to prevent some individuals from for example applying for work, as the individual may form the belief that “it is no use anyway, because no one will hire me”, or from the individual not wanting to work in Denmark. However, although the above results indicate a sentiment from ethnic minorities that they experience the public debate as very hostile we do not know for sure what affect this has when it comes to applying for work, etc., therefore, this category should at this stage be treated as an untested theory inviting further research.

9.1. Groups vulnerable to racism or direct and indirect discrimination in the employment sector

It is difficult to say with certainty which groups are most vulnerable to direct or indirect discrimination in the employment sector. Results from the above study “Perceived Discrimination” conducted on members of four ethnic minority groups in Denmark indicate that the group originating from Lebanon reports the most widespread discrimination in the labour market, compared to the groups from Bosnia, Somalia and Turkey. It is important, however, to notice that this study makes an assessment of “perceived discrimination” in contrast to “factual discrimination”. The purpose of the study was to document the scope and type of perceived discrimination among ethnic minorities in Denmark and was built on two major elements in the discrimination concept: Firstly, differential treatment of persons or groups and, secondly, that this differential treatment is perceived as morally unacceptable or as illegal. The discrimination measured in the survey was thus the discrimination perceived by ethnic minorities; in other words, whether the ethnic minorities feel that they are being discriminated against based on their ethnic background. One reason that discrimination varies among ethnic groups may be that some groups are discriminated against more than others. Another reason may be that some groups are more inclined to interpret experiences in the Danish society as results of discrimination. Finally, some groups are more willing to talk about perceived discrimination than others.

The ■ survey, which was carried out by “Danmarks Statistik”, was conducted as telephone interviews by bilingual interviewers. The interviewees decided whether they wanted to be interviewed in Danish or in their native tongue. Since it was difficult to find the telephone numbers of the selected persons, the questionnaires were also sent out by mail. The survey includes a total of 1132 persons between the ages of 18 and 66, residing in Denmark for at least three years. 342 are from Bosnia, 226 from Somalia, 279 from Lebanon, and 285 from Turkey. The response rate is 58 percent for Bosnians, 48 percent for Turks, 47 percent for Lebanese, and only 40 percent for Somalis. The low response rate is not caused by reluctance to participate in the survey, but rather by the difficulty in establishing contact with the selected persons.

The Turks make up the largest of the four groups and the group that has been in Denmark the longest. The first Turks arrived in the late 1960s as foreign workers, and there are, today, approximately 45,000 Turks in Denmark. In contrast, all ethnic minorities originating from Bosnia, Lebanon and Somalia came to Denmark as refugees. The refugees from Lebanon, who are both Lebanese and Palestinians, started arriving in the mid-1980s and there are, today, around 17,000 persons of Lebanese origin in Denmark. Somalis and Bosnians started arriving in the early 1990s, and there are, today, approximately 12,000 Somalis and 17,000 Bosnians in Denmark. Of the four groups, the Turks have probably reached the highest level of integration due to their participation on the labour market and better language skills. In all

⁶⁷ Hervik, P (2002), ■ Mediernes muslimer, Copenhagen, Nævnet for Etnisk Ligestilling, and EUMC (2001), ■ Cultural diversity in the mass media, Vienna, EUMC.

four groups, men have more contact with the Danish society than women. The survey contains a large number of questions about perceived discrimination in different social areas. The first area is the labour market and experiences in the work place. The second area includes everything that happens in the street, in public transportation, stores and in connection with leisure activities, i.e., anonymous and random encounters between Danes and ethnic minorities. The third area comprises problems in connection with religious practice, and the last area covers encounters with public authorities.

On the labour market, the Lebanese report the most cases of discrimination: 48 percent of those who have applied for a job within the last five years say they have been turned down for jobs for which they were qualified because of their ethnic background. In comparison, 36 percent of the Turks, 34 percent of the Somalis, and 17 percent of the Bosnians report being turned down for jobs for which they were qualified. 18 percent of the Lebanese who have been employed within the last five years state that they have been fired because of their ethnic background, compared to approximately 10 percent of the Turks and Somalis and six percent of the Bosnians.

The fact that the level of discrimination varies among the different ethnic groups does not mean that all members of an ethnic group experience the same level of discrimination. Gender, age or Danish skills may influence the level of discrimination. In all four groups, men experience more discrimination than women, and young people experience more discrimination than older people. Except among Bosnians, the well educated experience most discrimination. This indicates that those with the most resources experience a greater level of discrimination, probably because they perceive discrimination as more illegitimate than people with fewer resources.

Another factor that influences discrimination is trust in other people: Among Bosnians, Turks and Lebanese men, those who have little trust in other people experience most discrimination.

Among Turks and Lebanese, those who live in municipalities with high immigrant density experience most discrimination. The duration of stay in Denmark is significant for Turks and Somalis: Those Turks who have been here the longest experience most discrimination, and among Somalis those who have been here the shortest time feel most exposed to discrimination. Finally, it should be mentioned that Danish skills are significant for Bosnians, as Bosnians who speak Danish well experience less discrimination.

All in all, Somalis experience the most discrimination when it comes to practice of religion, incidents in the streets etc. and Bosnians the least; all Somali groups experience a high level of discrimination, and all Bosnian groups experience little discrimination. Among Turks and Lebanese there are greater differences in perceived discrimination: some Turkish and Lebanese groups report as much discrimination as the Somalis, while other Turkish and Lebanese groups report as little discrimination as the Bosnians.

The most surprising result of the survey is that fact that the more educated a person the more the person experiences (perceived) discrimination in the employment sector. This is undoubtedly owing to the fact that it is this group both expects to gain employment comparable to their qualification, and is better equipped to identify discrimination when it occurs. However, surveys of Danish attitudes towards ethnic minorities consistently identify people with Somali and Middle Eastern backgrounds as being subject to the most hostility. However, the ethnically divided job distribution in certain sectors shows that unskilled workers will be kept in subordinate positions. This study dates back to 1999 and the results need to be updated.

Table 8- Perceived discrimination in the employment sector

Not gotten a job due to discrimination (Only respondents who have applied for job)	%	% of the respondent group employed
No	60	61
Yes, I suspect it	14	45
Yes, I am quite certain	25	43
<hr/>		
Have been subject to degrading behaviour at job due to immigrant background (Only respondents in job)	%	% of the respondent group employed
No	82	100
Yes	18	100
<hr/>		
<i>Sample size/Number of interviews</i>	1616	-

Source: Nielsen, ■ 2000, p 459

39 per cent of the immigrants in this survey say that they are either sure of or suspect to have been refused a job due to discrimination. 18 per cent of the immigrants in a job say that they have been patronized due to their immigrant background. The levels of perceived discrimination among immigrants are similar to an earlier survey (Møller & Togeby, 1999)⁶⁸. It is debateable if these levels of perceived discrimination are real as Danes with dialects, rural background etc. may also feel discriminated against. On the other hand this is a subject that should be observed and investigated more closely since it could be of importance for explaining the immigrants poor adaptation to the Danish labour market. As seen in table 7 there is no significant correlation between not being in a job and the perceived discrimination. This means that the level of perceived discrimination among immigrants who are employed is not significantly different from the level of perceived discrimination among the unemployed. On the other hand, a recent ■ working paper from The Academy of Migration Studies in Denmark concludes on the subject of job discrimination: “Different methodological methods leads to the concurrent conclusion, that immigrants and descendants from less developed countries are discriminated against on the labour market”⁶⁹ (p.28).

Based on statistics drawn from its case database⁷⁰, The Documentation and Advisory Centre on Racial Discrimination (DACoRD) is able describe the profiles of the people who contact the centre for legal advice in connection with discrimination. Twice as many men as women contact the centre; of the men the most are in the 20-45 age cohort; and it is most commonly people who describe themselves as having a Turkish, Somali, Pakistani, Moroccan and Danish background.

⁶⁸ Møller, B. & Togeby, L. (1999). ■ Oplevet diskrimination. En undersøgelse blandt etniske minoriteter. København: Nævnet for etnisk ligestilling.

⁶⁹ Peder J. Pedersen, prof *Arbejdsmarkedsintegration, arbejdsmarkedspolitik og overførselsindkomster – forskningsmæssig viden om immigration fra mindre udviklede lande siden 1980* [■ Labour Market Integration, Labour Market Policy and Transfer Income – research findings on Immigration from Less Developed Countries since 1980], AMID Working Paper Series 7/2002 http://www.amid.dk/pub/papers/AMID_7-2002_Pedersen.pdf

⁷⁰ September 2002

10. Conclusion/Summary

The generalised overview of the situation of third country immigrants in Denmark is a somewhat dark picture as far as labour market integration is concerned. The integration process in the labour market has been slow, and the bottom line shows that the fall in the total unemployment in the Danish society has not promoted the integration in recent years. On the contrary, the tendency is that the integration of this group into the labour market has been poorer during the last couple of years. This is partly due to newcomers in the immigrant population, who are slow to integrate, but also the very hesitant attitude of both the public and the private employers to take consequent and effective measures to promote a speedier integration. This attitude has been changed by the new government, which has made integration into the work force of third country immigrants a top priority. The results remain to be seen.

The process of recognising the severe integration problems of third country immigrants and descendants has only just begun. The growing need for labour in different parts of the Danish society has made more and more responsible leaders and social partners aware of the problem. For the greater majority of the electorate to recognise the problem and to accept the solutions, a public debate will be needed. Some of the efforts of integrating third country immigrants can be perceived by the Danes as “positive discrimination” and might be rejected on this ground. The integration of third country immigrants on the labour market has not been very prominent in the public debate until now.

Also among the immigrant population it might take some time to accept the demands from the Danish labour market with regard to participation, training and education. Many immigrants from third world countries are poorly educated and some illiteracy occurs. In this group there are also many with a traditional view, e.g. on female roles, work and family. This group will presumably also be hard to integrate in the Danish labour market. The large group of immigrants are on the other hand keen on integrating in the Danish labour market, and many of these have education and training that they want to use

Data from successful court cases prove that a number of individuals have been discriminated against in the employment sector. However, evidence from the investigatory reports that do exist suggests that these cases represent the top of the iceberg, though it is impossible to say how big the iceberg is.

By using Feagin and Douglas Eckberg’s typology it is possible to conclude that discrimination manifests itself in many different ways from incidents of direct racist actions, to the occurrence of some indirect structural discrimination caused by neutral criteria that have the affect of holding certain groups out. “Ethnic markers” such as an accent, religious clothing, a “non-Danish” name can result in the individual experiencing some form of discrimination. Likewise, a non-Danish background or citizenship can result in exclusion from certain jobs, or in “bullying”, “teasing” or “harassment” at work, or the occurrence of ethnic categorizing.

Educational qualifications gained in Denmark appear to give the individual access to employment, whereas qualifications not from Denmark do not necessarily improve an individual’s job opportunities. It is typically this group of highly educated people with non-Danish qualifications, regardless of ethnic background, who experience most discrimination and who are best equipped to inform society of their experiences. However, this did not apply to Bosnians, where educational level did not affect the level of experienced discrimination.

However, results also indicate that certain ethnic groups such as Lebanese and Somalis generally experience significant discrimination. That people with Somali background do not experience more discrimination may be due their weaker connection to the employment sector in general, owing to amongst other things a shorter time period residing in Denmark. Results also indicate that younger men also experience relatively more discrimination.

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