



MIGRANTS, MINORITIES AND EMPLOYMENT IN PORTUGAL

EXCLUSION, DISCRIMINATION AND ANTI-DISCRIMINATION

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Authors:
Bruno Dias
Catarina Oliveira
José Carlos Marques
Pedro Góis

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1. Executive summary

In the last fifteen years, Portugal started to endure a phenomenon that took place in Northern Europe as long as three or four decades ago. Portugal's structural position within the international labour market structure changed: economic growth, an ageing population and workforce shortages led to an increasing workforce demand in Portugal, which, in turn, boosted immigration flows.

The intensification of migration flows is the root of a dilemma Southern European state authorities are now facing: like the majority of EU countries, Portugal needs foreign workers, but will be forced, accordingly, to develop adequate integration policies. In this context, immigrants' integration into the labour market is a crucial factor. Besides being *the* chief mechanism of immigrant integration, there are signs indicating that the majority population's attitudes towards migrants are changing, if their contribution to the Portuguese economy is made clear to the public. Nevertheless, in what concerns law production and, in general, institutional action, a greater focus has been put on immigration and less on racism, namely in its manifestations in the labour market and in the workplace. Two major recent developments should, however, be pointed out. The first concerns the alteration in the legal regime regulating the staying of immigrants in Portugal. In a period of extraordinary legalisation immigrants should not only regularise their situation regarding their stay in Portugal, but also their work situation. Government introduced the Permanence Permit, valid for a year, and depending on a holding of a valid work contract. Furthermore, the future entry of immigrants is dependent on the government's evaluation of the needs of the labour market. The other major event was the creation of a special law directed at racial discrimination (§ law 134/99). Though it does not specifically aim at labour market discrimination, since it seeks to cover all social domains, it includes also labour related racism.

The deeper concentration on immigration compared to that on racism can be observed also in the production of information, especially official information, and even more specifically, official statistics. Whereas we have statistics concerning the number of immigrants in Portugal, their distribution by the different economic sectors and their work situation, we face an almost complete lack of statistical information on racial discrimination in the labour market and at the workplace. However, media news and reports by union members (based on field experience and not on constructed and transmissible data) point to the existence of some discrimination in the labour market. This discrimination shows itself in poor work conditions and relatively low wages, more than in attitudes of rejection and mistreatment based on race or colour of the skin. For the latter kind of discrimination, which is usually called racism, little evidence exists in Portugal. That is why only few measures are taken to prevent or fight racist attitudes and manifestations in the Portuguese labour market. Good practices that took place concerned primarily immigrants, namely their work situation, with efforts being made by government, immigrant associations, trade unions and employer unions to inform and help in the legalisation process. Diversity management and the promotion of cultural diversity inside organisations are not practiced in Portugal either.

But if the evidence does not allow us to say that there exists racism in the Portuguese labour market, it discloses nevertheless an unfavourable work situation for migrant workers. Statistics show us that the great majority of them tend to occupy the less qualified sectors of the labour market, with poor work conditions and lower wages. This has been so since the first major immigration flows in the eighties (composed mainly of Africans) and still is as the numbers of the above mentioned legalisation process show (the last wave of immigration being constituted mainly by immigrants from Eastern Europe).

2. Introduction (aim and motivation of study, organisation of report)

The presence of increasing numbers of foreign workers, made visible to the Portuguese society in the last years, may lead to situations of labour discrimination¹ and racism. These may show themselves particularly in labour relations since, although Portugal is a new immigration country, there are circumstances, which seem to favour the presence and spread of attitudes of discrimination against migrants. These circumstances may be, namely, the rapid rise in the number of foreign residents, which grew from 101,011 in 1989 to almost 350,000 in 2002²; and the geographical concentration of larger groups of immigrants in specific areas of the country (e.g. the Metropolitan Area of Lisbon and the Algarve), and their labour insertion in a small number of economic sectors (e.g. construction, domestic and personal services, restaurants and hotels).

Portugal, traditionally a country of emigration, only recently became also a country of immigration. The recentness of the phenomenon accounts for a closer attention given to the problems associated with the immigrant's integration into the labour market and less to questions related to racism and xenophobia at the workplace. These will probably have a greater weight in the future when the problems of their integration in the Portuguese society outweigh those of their professional integration³. The experience of other EU countries who received immigrants well before Portugal did shows us that most labour or economic migrants tend to extend their stay in the receiving country, in a tendency to become permanent residents. This poses, to the governments of the receiving country, the problem of their integration in the host society, and also of the emergence of racist and xenophobic beliefs, attitudes and movements. Some authors believe that the labour market can be the point of departure for a change of attitudes towards immigrants (Corkill, ■ 2001). But the growth in immigration to Portugal and the growing visibility of immigrants at work in Portugal can lead to the emergence of attitudes and feelings related to the economic threat these immigrants can pose, namely the perception that immigrants are taking job opportunities from the Portuguese and absorbing an excessive amount

¹ Labour discrimination will be defined as “adverse treatment in hiring, firing and treatment on the job” (Albelda et al., ■ 1997: 6). This definition will be extended to include the adverse treatment affecting access to certain jobs and occupations, difficulty in accessing benefits, and, most generally, adverse treatment concerning the terms and conditions of employment.

² The number of foreigners residing legally in Portugal between 1974 and 1999 is available at <http://www.ine.pt/prodserv/series/serie.asp>. The number for 2002 is still an estimate made with the numbers from the extraordinary legalisation process that took place in 2001 (Relatório sobre a evolução do fenómeno migratório available at http://www.idict.gov.pt/Docum_IGT/acime/parte_2.htm) We are not considering the immigrants staying illegally in Portugal. A member of CGTP, a trade union federation (General Confederation of Portuguese Workers) pointed to some 30.000 clandestine immigrants working in Portugal, though it can be more.

³ Fernando Luís Machado points that work related questions are central for labour migrants beginning the migratory cycle. The author defines this first phase of the migratory cycle, according to Felice Dassette, as the one corresponding to the inscription in the host society by way of a wage relation (Machado, ■ 2002).

of state resources from the Portuguese state⁴. Thus, this moment is one of crucial importance for the definition of policies and the enforcement of measures destined to prevent and combat racism and xenophobia in the various social fields, namely at work.

The report begins with an [introduction](#) to the matters treated in it, followed, in [chapter 3](#), by an overview of the Portuguese state policies related to the object of the study. The fact that Portugal only recently became a country of immigration accounts for the scarcity of legislation on the matters of racism, xenophobia and specifically, for the lack of regulation on these matters in specific articulation with the labour market. Therefore we look at the legislative production concerning directly the combat and prevention of discrimination at the workplace, without neglecting the evolution of the immigration policies in these last decades. We find the latter of great significance to the aim of our study since, as we will argue, the labour market assumes a special significance for immigrants. Let us remember that the migratory flows that have Portugal as their destiny in the last years, comprising mainly Africans in the eighties and nineties and East- Europeans since 1999, are composed mainly of labour migrants. We also try to understand the ways by which these immigration policies combine with the economic and political international conjuncture to shape the composition of the migratory fluxes. Therefore we look at the evolution of the laws regulating the entry and stay of immigrants in national territory. A comparison is then drawn between the numbers associated with each of the different instruments for the stay of foreigners existing in the Portuguese law between 1995 and 2000. After looking at the legislative frame directed to immigration we focus first on the laws regulating foreign work in Portugal, and then on those laws aimed specifically at the prevention of and combat against racism at work. Special attention is given to the recent racial discrimination law (filling a gap in the Portuguese legislative frame by stating which conditions should be considered as discrimination), law § 134/99 and the conditions of its application on the labour market.

Both the theoretical and the methodological approaches related to the issues treated in this report are not confined to a specific chapter: instead, they arise throughout the report connected to each specific question. Rather than adopting a specific theoretical or methodological approach in preference over all others we try to mobilise various conceptual and theoretical tools developed in the various fields of social science, with a grater emphasis on Sociology and Economics, without the necessity of bowing to a specific approach leaving all others aside. Thus, theories and concepts are placed side to side with the empirical data, since we favour a selective appropriation, with the capacity to explain the observable data. We should, however, avoid a kind of epistemological innocence that posits theory as a mere result of the generalisation of empirical findings. Concepts and theories themselves constitute orientations for research, and the data we work on, whatever the source and the degree of reflexivity employed in its production, are already theory laden. However, since large areas of the grounds covered by the theme of this report are not observable due to the scarcity of information, we confine theoretical and methodological explanation to the findings we are able to relate to. Thus, in [chapter 4](#) we make explicit some of the

⁴ The major study on racism made in Portugal states that this belief is already strong in some sectors of the Portuguese society (Vala et al., ■ 1999).

orientations that guided the research presented in this report, bearing in mind that those orientations are themselves the fruit of, among other things, previous research. We can only hope that the content of this report can contribute to the theoretical and methodological discussion of the relation of immigrants to the labour market, and thus to the fine tuning of some conceptual tools, but also to point some of the gaps in theoretical and methodological knowledge on racism in the Portuguese labour market.

In [chapter 5](#) we try both to describe and provide an interpretative framework of the production of data and studies on racism in Portugal. Thus, we start by pointing at the available sources for the study of the subject. In a country in which the scarcity of information concerning the matters of racism and xenophobia is blatant, we find a description of the non-available sources of utmost importance. The scarcity of available data accounts for the use of sources the reliability of which is not always certain, like media news, but which nevertheless prevents us, in the absence of officially produced information, namely statistics, of saying that racism and xenophobia simply do not exist in Portugal. Newspapers have given, in the last years, great attention to the conditions immigrants live in, to racist and xenophobic incidents and to discrimination in general. Among these, the ones related to work, though most of them refer more to situations of exploitation by employers than to cases of racist practices in hiring, promotion or firing.

The greater attention given to matters related to immigration than those related to racism and xenophobia is reflected in the existing good practices directed at each of these issues. [Chapter 6](#) starts with an overview of the measures taken by several agents, mainly the state and the trade unions, directed at the integration of migrants in the Portuguese labour market. A special attention is given to those that were taken during the last extraordinary legalisation process. We registered an almost complete lack of actions taken against the specific issue of racism at work, in any of the various forms it can take, either in hiring, promotion or firing. Despite this, it is sometimes difficult to draw the line between racist or xenophobic discrimination at work and discrimination that consists in the exploitation of a weaker position in the labour market in order to extract economic gains. Therefore we try to depict the main trends concerning the discrimination of immigrants and ethnic minorities on the three sectors that employ the major part of the foreign workforce: construction works, agriculture and domestic service. A special attention is given to the manifestations of inter-ethnic discrimination, emerging especially in the construction sector.

[Chapter 7](#) maps the situation for migrants, ethnic minorities and foreigners in the Portuguese labour market, and tries to pinpoint at the same time some of the causes involved in the creation of that situation. The chapter starts with an account of the process by which the change in Portugal's structural position in the international division of labour took place. From being a country of emigration Portugal became also a receiving country for immigrants. The great majority of these are, as it was already mentioned, labour migrants, and their integration into the labour market assumes a major importance for their integration in the host society. Therefore we try to depict the major internal and external factors accounting for the dynamics of the immigrants' integration into the Portuguese labour market, and the main channels by which this incorporation takes place. Some statistical data is advanced in order to draw a clearer picture of the place occupied by the various migrant populations in the

job market. From this picture a clear correlation emerges between the different migrant populations and some economic sectors⁵. An explanation is given to this observed correlation taking into account the reception contexts. The chapter ends with a description of the immigrant's situation before work, that is, of their rates of activity/inactivity and unemployment and a comparison with the Portuguese population.

⁵ We must not think, however, that each migrant population or each ethnic group is uniform in its mode of integration into the labour market. We are just considering the main trend in each population. A comprehensive account of the several ways taken by each population to integrate into the Portuguese labour market can only be given by in-depth studies of each group. A recent example is Machado (■ 2002) where a close look at the Guinean population living in Portugal shows that construction works, the sector most commonly associated to African labour migration, is not the only way by which their professional integration is made.

3. Brief overview of the political/cultural situation related to the theme of the report (for example national immigration/integration policy)

In Portugal, as in other OCDE countries, the most recent initiatives geared towards the integration of foreigners in the labour market are set in line with policies directed towards the fight against racism and discrimination in the workplace (SOPEMI, ■ 1999:89). The EU immigration policy (according to the guidelines drawn up in the Social and Economic European Plenary Assembly on 11th and 12th of July 2001)⁶, includes, among other things, the definition of equal rights to all member state citizens, depending upon their specific legal situation (illegal immigrant, legal resident holding a temporary working permit or long-term resident) and a strategy directed towards fighting the clandestine employment which provides jobs for illegal immigrants.

The Portuguese governmental policies regarding immigration may have conditioned the configuration and mass of certain immigration flows, since, as Portes (■ 1999:89) puts it, “governments are important inasmuch as their policies determine the possibility of large-scale immigration flows and, once these are in progress, the forms they will take”. Indeed, while Cape Verdeans have been migrating to Portugal since 1960, the flow of Asian immigrants only dates as far back as the 1980s, when Portugal turned into a country of immigration (which coincides with the slowing down of Portuguese emigration to Northern Europe) and joined the European Economic Community. Before the 1970s, emigration dominated the Portuguese migratory balance and dynamics, and the volume of immigration, mainly from the colonies, did not amount to figures that would justify a sustained policy on the matter. Besides, we should keep in mind the obvious fact that, until the Portuguese ex-colonies had gained their autonomy, their inhabitants were Portuguese nationals. The 25th of April of 1974, however, changed the scenario: the subsequent democratic consolidation, the concomitant economic changes and the adoption of restrictive immigration policies in traditional host countries in Northern and Central Europe turned Portugal, especially from the 1980s onwards, into a country of immigration (Esteves et al., ■ 1991) – a process that had been anticipated by the “come-back” of Portuguese nationals from the ex-colonies (Pires, ■ 1984).

As would be expected, the pre-eminence of the recent immigration phenomenon soon had its echoes in governmental policies, which materialised in the form of the Decree Law n. 264-B/81, dated September 3rd 1981⁷. This Decree regimented the entry, permanence, exit and expulsion of foreign citizens from national territory, yielding visas (either issued abroad – diplomatic, service or consular visas – or on

⁶ Available at <http://www.esc.eu.int>.

⁷ “Being advisable to regulate situations formerly outside the scope of the existing legislation, and thus enabling the proper authorities with the necessary legal instruments”. § Decree Law n.264-B/81: 2350 (11)

national territory – permanence visas and prolongation of visas in general). It is interesting to note that, from 1981 to the present (with the debate and approval of a new legal framework for foreigners on the agenda), the residence permits have been progressively taken over in favour of consular visas – namely (as one can see from the data in Table 1) transit, working and permanence visas (cf. V. Rosa et al., ■ 2000). The number of residence settlement visas (without which it is impossible to obtain a residence permit, with the rare exception of cases of “manifest national interest”), as well as their prolongation, decreased significantly, especially in the light of successive changes to the Foreign Citizens Law in § 1993, § 1998⁸, § 2000 and § 2001.

Table 1: Legal status of foreign residents in Portugal

	Foreign Residents	Residence Permits (balance)	Short-term Visas	Study Visas	Working Visas	Transit Visas	Permanence Visas	Visa Prorogations	
								Residence	Permanence
1995	168 316	11 243	11 132	1 142	282		3 216	193	10 782
1996	172 912	7 138	10 356	1 422	383		7 505	103	8 048
1997	175 263	3 061	4 770	2 364	269		7 926	90	7 248
1998	178 137	2 862	4 552	1 899	378		5 638	62	5 289
1999	191 143	2 824	9 112	1 619	1 151	1 399	*	*	13 844
2000	208 198	1 749	9 368	1 905	1 616	2 173	*	*	15 777

Source: ■ *Statistical Reports by Serviço de Estrangeiros e Fronteiras [Border and Alien Service, hereafter referred to as S.E.F]*

* *Data unavailable*

This trend is significant if one takes into consideration the fact that the residence permit, once the holder completes 10 years of permanent presence in the host country (or 6, in the case of PALOP⁹ citizens), enables him/her to obtain the national citizen status, which is not the case with other visas (C. Oliveira and A. Inácio, ■ 1999).

Up until 1993, under the terms of the § Decree Law n. 264-B/81, foreigners had, fundamentally, four ways of legalising their status on Portuguese territory, as they entered: through a transit, tourism or business visa and through a residence settlement visa. If they chose to stay in the country, they were forced to prolong their visas or, whenever the prerequisites were met, to obtain a residence permit. The residence permit hinged on (besides a host of other prerequisites) the number of years of permanent residence on national territory.

Given the pre-eminence of the Portuguese ex-colonies in the dominant immigration flows in the beginning of the 1990s¹⁰, the PALOP nationals, namely Cape Verdeans, soon met the necessary requirements for the legalisation of their status (although

⁸ § Decree Law n. 244/98, dated August 8th 1998, and, subsequently, the alterations brought about by the § regimental Decree n. 5-A/2000, dated April 26th 2000.

⁹ PALOP is the name given to the African Countries Having Portuguese as their Official Language.

¹⁰ In 1990, of the 107.767 foreign residents in Portugal, 43.297 originated from the PALOP, of which 28.796 were Cape Verdian citizens.

there is still a high number of Cape Verdean illegal immigrants residing in Portugal) and thus account for the large majority of residence permits¹¹.

Be that as it may, Portugal's adherence to the European Community entailed the integration in a new legal order, with specific regulations with respect to EU nationals. The Portuguese case, given the fact that it was a country both of inward and outward migration flows, necessitated to negotiate between a range of opposing forces, which eventually led to the § Decree Law n. 59/93, regarding foreigners, and the § Decree Law n. 60/93, regarding EU citizens. The latter was drawn up on the basis of the Council Guidelines dated June 28th 1990 (§ 90/364/CEE and § 90/365/CEE), which created a special legal framework for member state citizens with regards to the right of residence¹².

On the 4th of June 1985, the Schengen Treaty, whose impact on immigration control has been variable, was signed (Brochmann, ■ 1999: 309-310). If, on the one hand, it established the free circulation of European citizens and legal foreigners, it simultaneously allowed the unencumbered mobility of illegal immigrants¹³. Furthermore, it turned the European space into a restricted area, controlled internally by the SIS Security System, and thus resulted in the building up of the number of expulsions in Portugal from 1995 onwards (Table 2).

¹¹ We cannot “overlook other structural factors that shaped individual options, as, for example, the economic advantages that Portugal would benefit from with the importation of cheap and docile workforce, which in fact led to the development of certain sectors of the economic activity. When looked upon at a microscopic level, individual options are guided by the migratory ranks that gain strength in the course of time, and thus trace a path between individuals and certain destinations” (Saint-Maurice, ■ 1997: 51).

¹² Within the EU immigration policy, the legal frame with regards to citizens of other countries, as suggested by Carlos, is not so much founded on repression, by the police, of illegal immigrants, but rather on the “clear-cut and transparent definition of the circumstances that will lead to the concession of residence permits, which should be widely debated among political parties, social partners and immigrant associations, since they imply the adoption of parameters that will frame a socially relevant phenomenon” (Carlos, ■ 1993: 419).

¹³ “In the last few years, a period coincident with the coming into force of the Convention for the Application of the Schengen Agreement, there has been an significant increase in the migratory pressure by land, mainly of an illegal nature – nationals originating from Morocco, Algeria, Bangladesh, India, Pakistan, China, Romania, Ukraine and Moldavia, among others.” (M.J.L. Ramos, ■ 1999: 178).

Table 2: Foreign nationals expelled¹⁴ from Portugal between 1995 e 2000

	Foreign nationals expelled
1995	209
1996	240
1997	203
1998	368
1999	593
2000	414

Source: ■ *Statistical reports by S.E.F. (Border and Alien Service)*

With regards to the legal framework for foreigners working in Portuguese territory, there are substantial discrepancies between the § Decree Law n. 97/77 and the § Law n. 20/98, dated May 12th ¹⁵.

Concerning the Portuguese policies that deal directly with labour matters, we can see they aim at creating equality of rights between foreign and national citizens. Under the 1998 Law, which revokes the 1977 Decree Law, the restrictions imposed on the number of foreign nationals to be admitted in companies with more than five workers disappeared, and the same rights were conceded to foreign citizens with residence or permanence permits in Portuguese territory and nationals. This change followed the Strategic Union Agreement, whereby “the Social Partners pledge to promote the fight against racism and xenophobia in the workplace, bearing in mind the Common Declaration on the Prevention of Racial Discrimination and Xenophobia and the Promotion of Equal Treatment in the Workplace, adopted by the European Social Dialogue Summit, which took place on the 21st of October 1995”¹⁶ (Economic and Social Committee ■ 1996: 108).

Besides these general precepts concerning labour law, it is also worth highlighting a host of guidelines that already hinted towards the prevention and fight against racial discrimination and xenophobia. Article 5 of the § Decree Law n. 119/1983 created the legal framework for institutions responsible for non-discrimination on racist grounds in the social security system. The § Decree Law n. 64-A/89, dated February 27th, set up a range of measures directed towards the protection of rights and liberties of workers in their workplace. Art. 9.2 b) and 9.2 i), for instance, state that employers

¹⁴ Expulsion is the process whereby the frontier police (SEF-Borders and Aliens Service) makes immigrants who are staying illegally in the country leave Portugal. The numbers on the table refers to the expulsions on account of the irregular situation of foreigners concerning their stay, and not to those whose expulsion results from a conviction in court following a criminal procedure.

¹⁵ “Restrictions included in Decree Law 97 of 1977 (...) were thought in the same vein: preventing employers from using foreign labour to counteract the (by that time) very active and powerful trade unions. The two major limitations to the use of foreign wage earners were therefore: that access to public functions was prohibited to foreigners, except in the case of shortage of national professional and technical manpower (...) and employment of foreigners was forbidden in firms under 5 workers and whenever the percentage of national labour didn’t reach 90%, in order to prevent harmful decisions against Portuguese labour force” (Marques et al., ■ 1998:20,21).

¹⁶ If immigration laws hinder the opportunities of certain groups of workers, this will lead to illegal immigration, and will put all immigrants, even when legal, under pressure. This would curtail not only the right to work but also, perhaps more seriously, the right to reclaim state insurance benefits” (Rex, ■ 1988: 114).

must impose disciplinary measures on anyone who violates the aforementioned rights and liberties, as well as on anyone responsible for physical violence, insults and other similar offences within the company. Art. 35.1 c) and f) duly authorise workers to suspend their employment contracts without previous notice if they are victims of offences punishable by law and which in any way endanger their physical integrity, freedom, honour or dignity.

Though all these provisions were aimed at preventing and penalising racial discrimination it was not until very recently that a norm was drawn up to deal with racial discrimination *per se* and create the appropriate legal framework – § Law n. 134/99. The definition of “racial discrimination” provided by this Law is, roughly, the same as stated in Art. 1, First Part, of the Convention (CERD)¹⁷. Accordingly, Art. 3 reads:

“Any distinction, exclusion, restriction or preference on the grounds of race, colour, ancestry or national or ethnic origin and whose aim or result is to prevent or restrict the recognition, benefit or exercise, on equal terms, of rights, freedoms and safety conditions or cultural, social and economic rights constitutes racial discrimination”.

It should be noted that § Law n. 139/99 directly contemplates cases of labour discrimination: Art. 4, for example, pinpoints some of its forms. It also included a few specific sub-headings, which designate a series of discriminatory practices in the workplace: a) the adoption of racial selective criteria in the recruitment process; b) job offers whose recruitment depends, directly or indirectly, on racial traits; d) to forbid or restrict the worker from engaging in the free exercise of his normal economic activity; k) the adoption of any practice on the part of the employer which will result in the worker’s discrimination. Finally, Art. 4, part 2 states the following: “It is prohibited to dismiss, sanction or otherwise harm a worker on the grounds that the latter has exercised a right or taken legal action against a discriminatory practice”.

In Portugal, since 1992 (§ Law n. 22/92, of the 14th of August), equal rights between Portuguese and foreign workers were established, as far as work accidents and “occupational diseases” were concerned. Furthermore, any worker, regardless of his/her nationality, should benefit from: job security, the right to appeal to the courts in the case of an illegal discharge; the right to be unionised; the right to strike, to receive his/her salary in due time, to receive unemployment benefits (in the case of involuntary unemployment), to exercise his/her job in safe, hygienic and healthy conditions (§ Law n. 100/97, dated September 13th). In addition, the worker will have the right to: work no more than forty hours a week and to benefit from a weekly rest; to enjoy twenty two free working days per calendar year; to be absent from work with legal or rational justification; and, finally, to earn the minimum wage as rated in his/her professional category in the appropriate general labour conventions.

In 1999 (§ Law n. 118/99), some specifications were added to the existing labour legislation. The general regime applied to foreign and stateless workers (definition of the terms of the statutory written contract, including specifications and its compulsory delivery, by the employer, at the Instituto de Desenvolvimento e

¹⁷ [Convention on the Elimination of all Forms of Racial Discrimination.](#)

Inspeção das Condições de Trabalho [[Institute for the Improvement and Inspection of Working Conditions](#)], as well as the due notice of its termination) cease to be applicable to all foreign citizens that benefit from the same treatment as nationals, whether under international, multilateral, or bilateral agreements or under the reciprocity principle¹⁸. However, restrictions regarding the access to public office, except for functions of a purely technical nature, and any other professions remain whenever foreign qualifications are not recognised in Portugal. The status of self-employed foreign citizens and the legal framework for their incorporation in the Portuguese market were not contemplated.

¹⁸ It is worth mentioning, among a vast range of relevant documents, the European Economic Space agreement, the European Social Chart (which includes, along with the Member States, Cyprus, Slovakia, Malta, Poland and Turkey), the Brasilia Convention on the Equality of Rights and Duties between Brazilian and Portuguese citizens, the Special Statutory Agreement on People's Status and the Legal Framework on their Possessions (concerning Cape Verde and Guinea Bissau) and, finally, the reciprocity principle accorded with Sao Tome and Principe (■ Boletim de Trabalho e Emprego n. 17, dated May 8th 1999).

4. Theoretical and methodological approach for analyzing data of report

As we already outlined, information on racism as a general topic does not abound in Portugal. If we focus on the narrowest topic constituted by the various forms of racial discrimination in the job market we face a desolate informational desert. This question will be more completely dealt with in the next chapter. But, as would be expected, the non-existence of data on racism in the job market¹⁹ is strongly connected to the lack of theoretical, methodological and conceptual knowledge, and subsequent discussion on the subject, which in return is made difficult by the absence of data to work on. Both the major studies on racism in Portugal (Vala et. al., ■ 1999; Machado, ■ 2002), though containing valuable theoretical insights are not related specifically to the issue of racism in the labour market. The same can be said of most of the polls dealing with racist attitudes, some of which focus on the perception of immigrants as a threat to jobs and earnings of the Portuguese, but not on the specific subject of racism at work which would demand an inquiry into the specific population of workers and employers. This is yet to be done. In this state of affairs, a distinction between direct and indirect discrimination, between discrimination in the labour market and at the workplace is of little use as theoretical or methodological orientation.

In this scenario, we believe two major sources, among others, are lacking: juridical data on discrimination at work on racial grounds, and academic studies. This makes direct discrimination invisible. What can be observed is the systemic position occupied by immigrants in the professional structure. If immigrants are assigned to sectors that pay less and present at the same time the worst work conditions, this can constitute a form of structural discrimination in the labour market. In order to explain this fact it is useful to complement mainstream conceptions about the functioning of labour markets, which posit a direct relation between the worker's capacities and the job he holds, with other theoretical ideas. In "mainstream" approach which we can call individualistic or meritocratic, deriving from mainstream or neoclassical economic theory, the functioning of the market will eventually produce an outcome in which the professional place occupied by each individual is the reflection of the gains he can bring to the organisation he works in, that is, a result of his productivity. We do not say that this approach is useless or that it cannot bring valuable insights, only that it must be complemented by more structural perspectives.²⁰ The question is: why, are immigrant populations on the bottom of the pit? An answer can be their average educational or skill level, in a word, their qualifications, as is highlighted in human capital theory. But since ethnic minorities are in disadvantage both in access

¹⁹ By racism in the job market we understand both racial discrimination in the access to jobs and that practiced in the workplace, be it a verbal or physical abuses, be it discrimination in promotion or firing.

²⁰ Tilly and Tilly provide us with a useful orientation for explaining job inequality. "We can broaden the formulation of matching [i.e. linking persons with jobs], then, by adding to productivity four other important factors: preferences[the tendency of employer's to maximize their satisfaction and not the business's profit or the wages received], networks, bargaining and inertia"(p. 184)

to education and in school success, giving a great value to educational credentials entails the risk of enforcing pre-existent inequalities.

Employer's racist beliefs can also have a great significance in the production of unequal results in the access to jobs. The belief, held by some social actors, that certain ethnic groups are more prone to have or to lack specific personality traits or capacities than other ethnic groups can lead to positive or negative discrimination (Tilly and Tilly, ■ 1998; Shih, ■ 2002). Some of these traits and capacities highly valued in the labour market are pliability, discipline, self-organisation, ambition, intelligence and honesty. Some ethnic minorities are associated with the lack of such characteristics, as polls demonstrated. These polls, however, did not ask specifically employers or to individuals who can make decisions in hiring, promoting or firing for their opinion, but the whole population.²¹

The use of immigrant workforce has become a structural component of the Portuguese economy. The existence of a supplementary foreign workforce, especially when illegal and/or seasonal, contributes to the loosening of the job market's rigidity. On the other hand, the ethnic division of labour, i.e., the fact that immigrants are almost invariably drawn to particular sectors of the Portuguese economy, such as building and construction work, domestic service, catering and hotels, has created a rigid structure in the division of labour within the Portuguese job market (Ramos, ■ 1996). This rigidity generates a segmentation of the labour market according to ethnic or national criteria, which challenges the argument that foreign and national workforces are in direct competition, which would result in unemployment among natives or in a decrease in their salaries (since immigrants are willing to accept lower incomes). Nonetheless, it remains a fact that a portion of the Portuguese population considers immigrants to be an economic threat to their jobs and income level (Vala et al., ■ 1999). Viewed from a different angle, it seems that ethnicisation, and the rigidity in the division of labour that comes along with it, contribute significantly to the immigrant's lack of mobility within the Portuguese job market.

Immigrants tend to specialise in specific economic activities, depending on their national origin – a pattern reinforced by the assistance provided to them by established immigrant networks, both in terms of job placement and in the circulation of information concerning job opportunities. The fragmentation of the job market leads to a branching out of the incorporation circuits. At first, the job market possessed a dual structure, as a consequence of the Portuguese economy's internationalisation. As a result of globalisation, Lisbon started to display some of the characteristics of what Saskia Sassen called global cities, namely the constitution of dual migratory fluxes: on one hand, a highly mobile financial and technical elite, associated to transnational capital; on the other immigrants working in the low-end service industries, many times entering illegally in the country and living in the big city's poor surroundings, as is the case in Lisbon (Fonseca, M.L., ■ 1998).

Later, the labour market became ever more subdivided, hence blurring the distinction between temporary and permanent workers (Corkill, ■ 2001). Many of the job posts

²¹ Cf., for instance, Vala, Jorge (coord.) (1999) *Novos Racismos: Perspectivas Comparativas* [■ New Racisms: Comparative Perspectives], Oeiras: Celta.

created in the last few years are seasonal, unsteady or fixed-term. As mentioned above, many nationals are unwilling to accept this kind of jobs, which opens up opportunities for immigrant workers. Non-EU foreigners generally move into the economic sectors that offer the worst working conditions, part of a deeply rooted informal sector which employs large numbers of immigrants. The recruitment of illegal foreign workers is common practice in economic sectors with a strong competitive pressure, namely through sub-contracting. In Portugal, this trend is particularly salient in building and construction. The workforce inflation in this economic sector is closely tied to the economic “boom” brought about by EU funds and to a number of large-scale public works projects, such as the World Expo 98, in Lisbon, the Vasco da Gama bridge, motorways, stadiums for the football European cup 2004, the new Lisbon airport and Porto metropolitan network.

5. Description of existing and non-existing data and sources

Measurement of labour market discrimination is a very complex and difficult task, which, as it is the case in Portugal, is even more complicated due to a statistical system that is not suited to deliver data on some characteristics of the immigrant population. Therefore, quantitative studies on the discrimination against immigrants in the labour market are almost inexistent and more or less reduced to the analysis of the labour market integration of immigrants, their presence in low or high positions and their comparison with samples of national workers. The forms of discrimination against immigrants in the labour market are, however, much more diverse than the analysis of the aforementioned aspects could suggest. They could assume the form of recruitment discrimination, salary discrimination, promotion discrimination, discrimination in the assignment of works, discrimination concerning the valorisation of work, adverse working conditions, access to professional training, etc. (Piguet, ■ 2001: 2). All these forms of discrimination are still insufficiently analysed in Portugal and, taking into consideration the available data, are very likely to remain a rather unstudied subject.

Discussing the deficiency in data on discrimination, it is necessary to remember that immigration is a very recent issue in Portugal, both at the academic and at the political level, and that the national statistics reflect this fact. The study of discriminatory practices against foreign workers is thus very incipient. The references made by several authors to discrimination are almost exclusively based on indirect methods that measure differences in occupational rates, unemployment rates, etc., between different groups of immigrants, which are interpreted in terms of discrimination. Studies employing a more direct approach that, through the use of surveys and interviews, try to know which groups of people effectively suffered discrimination are almost inexistent.

Therefore, we believe that the best way to describe the trends and tendencies regarding discrimination in the labour market and employment is to combine two types of sources: one consists of references that are made to discrimination in the media, the other is based on interviews given to some privileged informers (mainly trade union activists).

For the last few years several reports about exploitation or discrimination against immigrant workers from several Eastern European countries (e.g. Moldova, Ukraine, Romania, Russia, Armenia, etc.) and ethnic minorities in Portugal have appeared in the media. These pieces of news indicate that these immigrants could be exploited in various ways, not only by the national employers, but also, and mainly, by the different gangs that organised their migration to Portugal or that controlled their jobs in this country. It is important to notice that this exploitation assumes different forms, namely a more unfavourable wage relation, more working hours, working under harder conditions, etc.

Such precarious wage relations seem to be ubiquitous and are becoming a more and more visible phenomenon affecting the immigrants from Eastern Europe, Brazil and the Portuguese former colonies in Africa. For the last couple of years the unions, the immigrants' associations and the media have given voice to a set of problems related to the immigrants who work in the building and construction sector, in the agricultural sector, and in the domestic and personal services sector. Since these are the main sectors of incorporation of immigrants in Portugal and the sectors from which more situations of differential treatment of immigrants are reported, it is important to briefly portray the types of prejudice that affect immigrant workers in each of these sectors.

The analysis of jurisprudence produced by several Portuguese courts indicates that till now there has been an absence of relevant court cases and judicial treatment concerning labour market discrimination against immigrants. Even the supervision regularly carried out by the Labour General Inspectorate did not register any violations regarding discrimination against foreign workers (it only registers violations related to sex discrimination), apart from the employment of illegal workers without a contract (and even these cases are insufficiently covered by the activity of the General Inspectorate). This absence of record has probably to do with the specificities of the Portuguese law and the Portuguese juridical system and should not lead us to the conclusion that racism and xenophobia do not exist in the Portuguese labour market. There are several legal instruments devised to punish racism and discriminatory acts, which cover different realms, including the labour market and the workplace. § Law-decree 111/2000, July 4th regulates the Law that punishes discrimination on the basis of race, colour, ancestry or national or ethnic origin (§ Law 134/99, August 28th). Art. 4 from Law 134/99 August 28th, provides a non-exhaustive list of discriminatory practices that, if confirmed, are considered felonies and punished accordingly, by means of adequate fines and sanctions, specifically brackets a), b), k). The actual regime makes it very difficult to condemn anyone for racist attitudes and practices because testimonial proofs have not a great probatory value, and these often are the only ones available in inquiries and trials. This is particularly so in cases of racist attitudes at the workplace, namely verbal injuries, firing or the denial of promotion or access to specific jobs, making it very difficult for victims of racism to prove they were discriminated. This is the most probable cause for the absence of any sentence in 1999, 2000 and 2001 issued by the labour court or by the Supreme Court regarding racial discrimination. The victims usually prefer not to file a complaint on these grounds, since the probability of a favourable outcome is very little. The prohibition to discriminate in racial terms on the several areas of employment (hiring, treatment in the workplace, firing) is dispersed through several laws, like the anti-discrimination law, a general law, but also by specific labour laws, like § law 64-A/89 of the 27th of February, which states that the cessation of a work contract cannot be on the account of race or religion. Thus, even if someone is fired, or does not get a job or a promotion due to the employer's racist attitude, the employer would never admit this. This lack of any court decision regarding racism in matters of work, which in return mirrors the absence of complaints, is a serious obstacle to an accurate assessment of the most discriminated ethnic groups in the Portuguese employment sector, since it prevents the production of reliable statistics.

Academic studies are another branch of major importance for the knowledge of immigrants and ethnic minorities. However, most research centres working in these matters focus on immigration and not on racial discrimination. ▲ Socinova (New university of Lisbon), ▲ CIES (ISCTE-Superior Institute of Work and Corporate Sciences), ▲ ICS (Institute of Social Sciences- University of Lisbon), ▲ CES (Center for Social Studies-University of Coimbra) count among the most important ones. In all of these, attention is given to the relation of immigrants to the Portuguese labour market. The lack of official information and the specific needs of each study leads to the production of information by the research centres, namely the promotion of enquiries and interviews, without which many aspects of immigrants' lives would not be known. Nevertheless, racism and xenophobia at the workplace tend not to be in focus. A comprehensive study of discrimination on racial grounds in the Portuguese labour market or in the workplace, that is in hiring, promotion or firing, is still missing.

Since immigration is the main focus of academic research and studies, racism tends to have a side role. Furthermore, when it is taken into account this generally happens through the perception of the immigrants or ethnic minorities as victims. Besides, when special attention is given to racism, the prime objective of the study usually is the understanding of the particular forms racist beliefs and stereotypes can take, as well as its causes. (Vala et.al., ■ 1999) Consequently, the specific racist attitudes of employers are neglected, creating a gap in our knowledge of the mechanisms behind some of the crucial processes by which discrimination can be perpetrated and disadvantages reinforced. (Tilly and Tilly, ■ 1998). Negative attitudes associated to some ethnic group, linking racial or ethnic traits, such as the colour of the skin, namely opinions about their capacities or characteristics found to be essential to excel in work (such as individualism) may lay behind a structural closing of opportunities for social mobility for some ethnic groups, thus binding them to low paid jobs with little career opportunities. We must question then the possible interaction between the racist attitudes of employers and the production of unequal results in the getting of jobs. As we will see in further detail in [chapter 7](#), immigrants coming to Portugal tend to occupy the less qualified segments of the job market, with the lower wages and the worst work conditions. A fear has emerged among African black workers that Eastern-European white immigrants will replace them in these jobs because of the employers' racist attitudes. If this replacement does in fact take place we do not have any reliable data to demonstrate it yet. However, it must be noted that inter-ethnic labour substitution on account of employers' racist views is not a new phenomenon (Shih, ■ 2002). In the sectors of low qualified labour, employers tend to value traits in workers such as pliability, discipline and availability to work extra-time. Thus any attitude connecting a specific population to any of these characteristics can be a cause of positive or negative discrimination.

6. Turning data into information (what knowledge of importance is found till now for reducing racism and supporting diversity)

In 1999, the [▲ Institute of Employment and Professional Training](#) (I.E.F.P.) and the [▲ High Commissioner on Immigration and Ethnic Minorities](#) (ACIME) signed an  agreement aiming at the development of initiatives to promote professional qualification, access to the job market and social integration of immigrants and ethnic minorities. § Law n. 27/2000 sets up forms of co-operation between the High Commissioner on Immigration and Ethnic Minorities, the [▲ S.E.F.](#) (Border and Alien Service), [▲ Social Security](#) and [▲ Inspeção-Geral do Trabalho](#), which are expected to imply a yearly review of foreign citizens' working conditions. The goal of this legislation is, first and foremost, to safeguard the rights of foreign workers and penalise any illegal recruitment of foreign workforce. It was constructed to ensure the necessary legal framework for the extraordinary legalisation process which took place in 2001. With the legalisation of immigrants in view, the legislation established rules concerning their status in the labour market and put pressure on employers to sign contracts with all workers (both legal and illegal) and to register them in Social Security (failure to do so would result in fines). Note that a written job contract is a prerequisite in the process of obtaining a permanence or residence permit.

The three periods of extraordinary legalisation set in place by the Portuguese government in 1992-93, 1996 and, most recently, in 2001, constituted a window of opportunity for a number of foreigners to obtain legalisation. At the same time, many immigrants who had stayed in different EU countries without legal status came to Portugal in order to legalise their situation.

Note, however, that the new immigration law (§ Decree Law n. 4/2001) stipulates to produce of reports on job opportunities as the basis for the calculation of workforce shortages in the Portuguese labour market and, on those grounds, for the number of immigrants who should be let in.

We should also bear in mind the fact that “an illegal immigrant is a submissive and apolitical immigrant, namely in regard to the forms of discrimination in the job market, of which he himself is a victim” (Machado, ■ 1993: 411). This shows the tangle of interests these issues are caught in, especially if we consider, as Machado points out with reference to frequent media reports, employers exert pressure on the workers in order to circumvent legalisation.. Here it becomes clear that economical and political aspects often do not coincide²².

²² Ambiguity seems an indelible trait in all migration policies: “on the one hand, in order to protect the indigenous workforce, it tries to stop immigration, yet, at the same time, it is aware of how difficult it

In Portugal most of the immigrants are incorporated into the informal economy, which is particularly important in the construction and building sector. The jobs immigrants take are generally low paid, with little or no benefits, more insecure, and with limited access to training. In the building and construction sector situations of discrimination have been detected in small firms, which usually are subcontractors operating outside the formal labour market. In this type of firms remunerations are frequently below the level defined in collective agreements or are not paid at all. More recently, there have been cases of inter-ethnic discrimination against the recently arrived immigrants (e.g. Moldavians, Ukrainians). This discrimination is practised by members of earlier immigrant groups (e.g. Cape-Verdeans) who recently became subcontractors. This differential treatment becomes clear, for example, in remunerations below the average. In fact, the wages of the recently arrived immigrants are about 30% lower than those of the earlier immigrants (Baganha, ■ 1996, ■ 1998).

Another form of labour discrimination concerns extra work (e.g. at night, on weekends or holidays) that is paid as ordinary work, even though the collective agreements and national labour legislation state that extra working hours should be better remunerated. In general, it is possible to say that immigrant workers (legal and illegal) earn lower wages than nationals, and work under worse conditions. A trade unionist from the Northern Union of Construction, Marbles, and Ceramics Workers (Sindicato dos Trabalhadores da Construção Civil, Mármore e Cerâmica do Norte) confirmed this situation and added that this is even more the case with recently arrived immigrants who are not aware of their rights. § Law 4/2001 introduced a relevant legislative innovation. This law allowed the legalisation of immigrants through the concession of permanence authorisations. This law intended simultaneously to legalise the immigrants illegally living in the country and to accomplish a regulation of the labour market. Thus, this law implied the legalisation of several subcontractors that carried out their activities in the informal economy.

Other forms of exploitation of immigrant workers denounced by the aforementioned trade unionist refer to immigrants who work during two consecutive shifts of work, but receive only one salary and to cases in which the employers demand money for legalising the presence of the immigrant in Portuguese territory during the regulation process.

Several examples of labour discrimination were pointed out in the agricultural sector. In the Algarve, for instance, Eastern European immigrants were hired to replace Portuguese seasonal workers; in Alentejo, Bulgarian women were hired to gather strawberries; in the region of the Douro river Eastern European immigrants were hired to gather grapes. Since this recruitment involved no tax payments or discounts for the social security, it also led to a reduction in the labour costs of the contractors. The situation has evolved from wage discrimination implicit in piece-work to a new era of labour discrimination: immigrant women and men are being employed exclusively during the harvest. Therefore, the aforesaid features of employment on a casual basis and seasonal income are far more evident in the case of female day

can be to substitute a foreign by a national worker. Flexibilisation, essential to the health of the labour market, demands a certain tolerance with regard to immigration.” (Machado, ■ 1993: 23).

labourers in Alentejo or Algarve and also of men in the Douro vineyards' region. Portuguese workers who used to do this seasonal work during one part of the year in order to receive unemployment benefits during the other part of the year saw themselves deprived from any form of income since the application for unemployment benefits requires some previous time of work. This is a good example of the phenomenon that can be observed nowadays, that is, the competition between local labourers, who want to maintain their prerogatives, and immigrant workers who are willing to be hired under inferior conditions.

In the personal service and domestic sector, and in the sector of industrial cleaning and in housekeeping, it is also possible to identify some signs of discrimination. In Lisbon, the racial or ethnic categories constitute an element of discrimination in the access to the labour market. Some Portuguese employers reject African women because of prejudices towards the African community. The stereotype associates immigrants of African origin to peripheral neighbourhoods and to marginality, criminality and drugs. This determines that people who live in places considered as areas of risk have more difficulties in accessing the labour market. In order to improve their chances, they often adopt the strategy of making up a fake personal address to gain the employer's trust. Another discriminatory practice that affects the African immigrants in Lisbon concerns the "smell issue". This social construction around the employee's scent constitutes a factor of repulsion for some Portuguese employers. The alleged marginality and the maidservant's scent are pointed out by Angolan and Cape-Verdean women to explain the discrimination that they feel in the labour market in comparison with the autochthonous women. On the other hand, the Portuguese domestic employees and some employers explain that African women are recruited mainly because they are thought to be more docile and more submissive, and because they are willing to accept lower wages, especially if they are in an illegal situation (Catarina e Oso, ■ 2000).

According to the Labour General Inspector, the recent growth in immigration in Portugal could lead to the development of some phenomenon of xenophobia or racism against immigrants. He states that the "illegal work of immigrants constitutes a factor of social instability because the low costs associated with this type of labour force could lead employers, and in fact are already leading some of them, to contain the salary levels and even to dismiss other workers, thus creating (...) a favourable environment to xenophobic reactions" (quoted from *Independente* January 2002). It is also important to notice that, according to data collected by the Ministry of Labour, the salaries earned by women are generally 20 to 30% lower than those earned by men. In the case of immigrant women it is expected that these differences are even greater and that, therefore, women immigrants are doubly discriminated: because of their gender, on the one hand, and because of their ethnic origin, on the other.

7. Analysis; explaining the findings, their causes and consequences

A broad assessment of the available data concerning European labour markets is enough to draw a clear contrast between Southern and Northern countries. The former, Portugal included, evince high rates of self-employment – with figures above 20% of the economically active population – whereas the latter display decreasing numbers of employers and self-employed workers, which remain, in all cases, below the 15% mark. Furthermore, according to data included in the SOPEMI report (■ 1999), Portugal and the remaining Southern European countries were among those with the lowest rates of foreign workers (below 5%). On the other hand, they have a fairly strong informal economy, and comparatively weak welfare mechanisms (King et al., ■ 2000). One is therefore compelled to size up the extent to which these specific traits, as evidenced by the data above, affect or determine the immigrants' situation in the labour market.

Recently, as the Portuguese Work Opportunities Report regarding 2002 makes evident, Portugal has become an appealing country for immigrants. First and foremost, because it is part of a buoyant economic area, the European Union, possessing one of the smallest foreign resident populations²³, while showing manifest signs of indigenous workforce shortages, due not only to an on-going outward flow of, by and large, young and unskilled natives²⁴, but also to its ageing population, a trait common to all EU countries (Valente Rosa et al., ■ 2000).

As a consequence, the dynamics of immigrant incorporation in the job market must be accounted for by weighing an assemblage of structural factors, both internal and external. External structural factors are closely tied to Portugal's adherence to the EU: within this area, the circulation of both European and non-European citizens²⁵ was facilitated and, consequently, intensified. The resulting economic internationalisation goaded highly-qualified workers into the country. Also determinant was the fact that EU funds were made available for the building and improvement of infrastructures, which spurred the demand for unskilled workers. At the same time, internal structural factors, related to decreasing birth and fertility rates (common to all EU countries), inflated the need of for external resources.

In Portugal, broadly speaking, the active immigrants are incorporated in the job market through three channels: the first, *labour immigration*, in whose ranks PALOP nationals are clearly predominant (in 1998, according to data collected by the S.E.F] –, 79% of them had unskilled jobs in industrial and construction work); the second,

²³ According to data included in the 1999 annual report on 'International Migration Trends', SOPEMI, the foreign population in Portugal amounted to 1.8% of the resident population.

²⁴ According to data from ■ "European Social Statistics" (2000 edition of EUROSTAT), the Portuguese migratory balance, in 1999, was rated at 1.1%, whereas the European average was 1.9%.

²⁵ With regards to the Chinese population, studies indicate that the free circulation of people within the EU resulted in a widening of the immigrant market, an indication of new alternatives in immigrants' economic adaptation: Chinese entrepreneurs are now turning to European countries in the look for co-ethnic workforce as well as products (C. Oliveira, ■ 2002: 10).

professional immigration, is composed mainly of high-skilled workers from the EU (according to the same source, in 1998, 41% of EU citizens working in Portugal were technical or scientific professionals) and from the American continent (49%); and, finally, *business immigration*²⁶, in which self-employed and business initiatives loom large and in which North Americans (29% in 1998), Europeans (37% in 1998) and Asians (26%) make up the largest portion.²⁷

Table 3: Foreign nationals holding residence permits by main professional groups (1998)

	Total of Skilled Professions		Total of Unskilled Professions	
	(N)	(%)	(N)	(%)
Foreign nationals	30 292	34	58 313	66
European Union	15 290	60	10 193	40
Europe	1 372	71	558	29
Africa (PALOPs)	3 153	8	38 015	92
Africa (others)	736	37	1 237	63
North America	2 408	68	1 147	32
America (others)	6 089	56	4 719	44
Asia	1 091	32	2 267	67
Portuguese	1 420 500	30	3 339 000	70

Source: ■ *Statistic Report 1998, by S.E..F., Employment Statistics, 4th trimester of 1998 (estimates), by the National Statistical Office*

Table 4: Occupational status of foreign nationals in Portugal (1998)

	Employers and self-employed (%)	Wage earners and salaried employees (%)
Total of foreign nationals	19,3	80,3
African	4,4	95,5
Asian	26,2	73,6
European	37	62,8
North American	28,9	70
South American	25,6	74,1
Portuguese	24,9	73,1

Source: 1998 ■ *Statistic Report by S.E.F*

Based on an analysis of the main components²⁸ (chart 1) we can make out significant disparities in the economic performances of immigrants in Portugal. In this context,

²⁶ For further reading see Marques, Oliveira e ■ Dias 2001.

²⁷ SEF's statistical reports are available at <http://www.sef.pt>

²⁸ To read the chart please consider the following explanations: Extraction Method: Principal Component Analysis. 95,1% of variance explained by the two first components. The multivariate analysis was based on SEF's official data (■ *Statistical Report 1998*), and was conducted according to the following variables: Prof0/1, Prof2, Prof3, Prof4, Prof5, Prof6, Prof7/8/9 (referring to the main

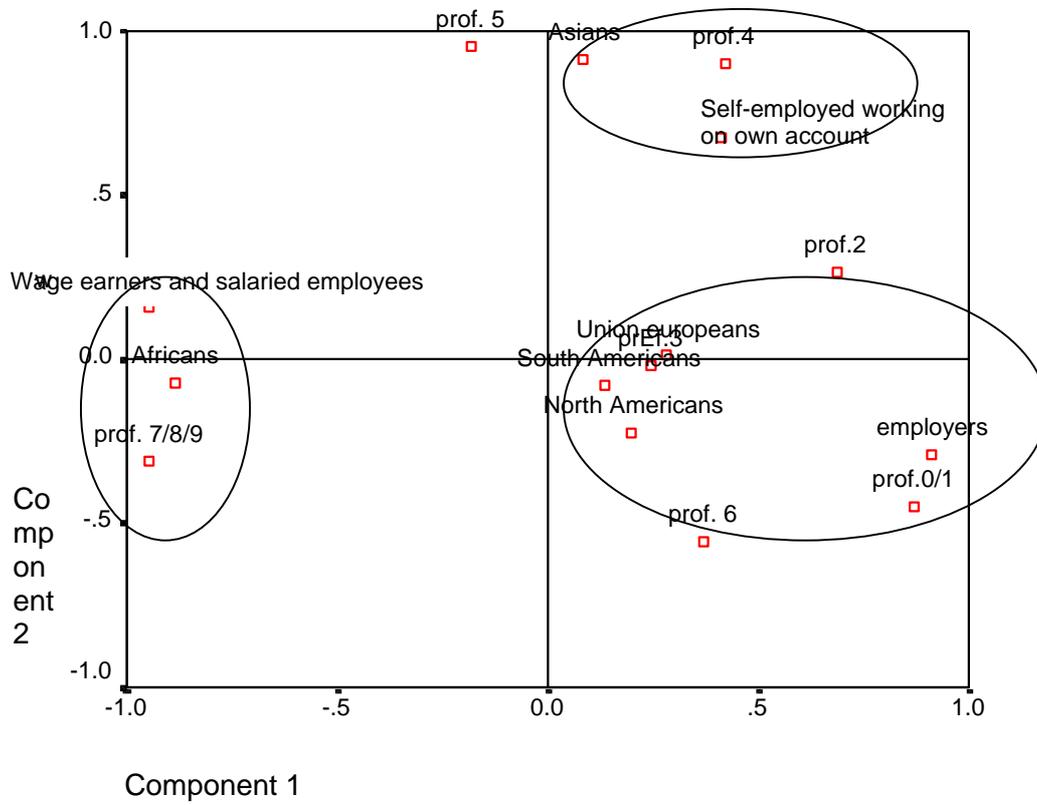
consider the correlation between: groups of immigrants holding residence permits (Europeans, Africans, Asians and Americans), their professional status (self-employed or salaried employees) and the chief professional groups in which they integrate the labour market.²⁹

Three groups can be clearly discerned: 1) Asians, generally working in the commercial and service sectors and, on the whole, self-employed; 2) Africans, most of whom are salaried employees or wage earners, holding low-skilled jobs in the industry sector (which includes cleaning services, in the case of women, and construction work, in the case of men); and, finally, 3) EU and American citizens, by and large holding highly-qualified jobs (learned professions, directors and administrative staff) or engaging entrepreneurial activities. This group is also correlated with agricultural workers, which reflects the number of European citizens (e.g. Dutch) who come to Portugal to enjoy their retirement, investing in large properties destined for agricultural exploration.

categories within the various professional groups), employers, self-employed and employees (variables referring to the main categories of professional statuses) and, lastly, the “dummy” variables, which refer to the main groups of immigrants holding residence permits in Portugal (Asians, Africans, Europeans, etc.). Each of these variables (with the exception of “dummy”) took into account the percentage of foreign workers with that specific trait within a certain category of foreigners (for instance, 0.4% of Cape Verdean self-employed workers). The decision to work with percentages was linked to the fact that we found utterly distinct numerical amplitudes between the different groups of immigrants (for instance, between Africans and Asians) and were thus able to homogenise the latter’s scale. Furthermore, we analysed quantitative variables, since we were dealing with active workers in a given category. The extraction method used was the correlation matrix analysis, without any component rotation.

²⁹ *Professional Categories*: Prof. 0/1 - Scientific and Learned Professions, Prof. 2 - Directors and Managers, Prof. 3 - Administrative staff, Prof. 4 - Trade workers, Prof. 5 - Domestic and Security Services, Prof. 6 - Agricultural workers and Prof. 7/8/9 - Industry workers.

Chart 1: Immigrant groups by professional categories and occupational status (1998)³⁰



Source: 1998 ■ *Statistic Report by S.E.F.*

As the data show, the occupational structure among immigrants is different from that of the Portuguese active population. The latter is biased towards the top, when compared to the economic performance of Europeans and Americans, and towards the bottom, when compared to the occupations of African immigrants.

Also worth noting is the incorporation of immigrants in the informal economy. As shown in a study by Baganha (■ 2000), immigrants from PALOP, above all others, tend to find informal jobs in the construction work/building sector³¹. Informal integration in the labour market has proved advantageous in the case of self-employed immigrants dependent upon solidarity and provision networks within their co-ethnic communities³².

³⁰ Developed by C. Oliveira in his investigation on ■ “Immigrant entrepreneurship in Portugal: the case of Chinese, Cape Verdians and Indians”.

³¹ “Furthermore, they show a much higher propensity to be incorporated in the informal market when compared either to the domestic population or to the remaining immigrant population. A survey (...) revealed that 47% of men and 21% of women worked without any type of contract, and that the percentage of men working without a contract in the construction and building sector amounted to an astonishing 74%” (Baganha,, ■ 2000: 99).

³² Family or co-ethnic work (which is cheaper for employers), easy access to capital within the community (interest-free), as well as the supply of cheap products from co-national suppliers are some of the intra-community resources that help explain the business success of Chinese immigrants in Portugal (C. Oliveira, ■ 2002).

Indeed, in order to understand the existing disparities in the incorporation of different immigrant populations in Portugal, it is crucial to take into consideration their reception context, as defined by Portes (■ 1999). Only by carefully examining the structural conjuncture that frames, or has framed, the migratory flows one can begin to ascertain the singular features of the immigrants' incorporation in the job market (in clear contrast with that of the natives) and take note of the opportunities and constraints they face, not only professionally but also socially. It is safe to say that it is the concurrence of a host of variables, related, as said above, to different reception contexts, that conditions the way recent immigrants are incorporated as well as the motives behind migratory flows.

Hence, through the analysis of reception contexts we can easily find an explanation for the main correlations between groups of immigrants and specific economic sectors. From 1970 to 1990, a number of economical factors have conditioned the nature of migratory flows: if, between 1975 and 1980, despite the high unemployment rates, we witnessed a boost in the inward flow from the Portuguese ex-colonies, from 1980 onwards the growing numbers of immigrants (particularly illegal) can be accounted for by the increasing opportunities in particular market sectors (construction work and food service sector). The 1990s, on the other hand, were marked by the opening up of the Portuguese market, in the context of a worldwide economic liberalisation (and in the wake of Portugal's adherence to the EEC, in 1986). This brought about an "increase of temporary and precarious jobs, as evidenced by the ever growing number of short-term contracts (10.9% in 1993 and 12.4% in 1996) and temporary workers (7.2% in 1993 and 8.7% in 1996)" (Baganha et al., ■ 1999: 150).

Thus, migratory flows into Portugal throughout the transition from the 1970s into the 1990s were fairly intensive. They were composed, on the one hand, by a significant share of unskilled workers (Saint-Maurice and Pires, ■ 1989: 211), ensuing the recruitment of labour migrants (predominantly from Cape Verde) - already in place in the 1960s³³ - and, on the other hand, of an inflow of high-skilled migrants, in the context of a phenomenon generally referred to as the «come-back» of the Portuguese from the ex-colonies (Pires et al., ■ 1984 and Machado, ■ 1994).

In the 1981 National Census, the African population in Portugal could be divided according to migratory motives, geographical origin and educational level (Saint-Maurice and Pires, ■ 1989). Cape Verdeans, on the whole, engaged in manual labour; Angolans and Mozambicans, who had a comparatively higher educational level, set their sights on better opportunities within the national job market. However, from the 1980s onwards, the differences between the various African communities became more and more blurred. A number of Portuguese social scientists (França, ■ 1992; Baganha et al., ■ 1998; Ferreira e Rato, ■ 2000) have noted that, as a rule, African communities - with no discernable difference between them - settle in run-down highly populated areas, close to ports, and tend to find precarious jobs, mainly in the building sector. African immigrants are commonly

³³ We should not disregard the fact that the Cape Verdian population resident in Portugal only began to be considered foreign from 1975 onwards, when Cape Verde became independent.

regarded as a cheap and pliable workforce, not prone to make demands and willing to take on activities that are looked down upon by nationals (Malheiros, ■ 1996).

The link between the African immigrant population and the above-mentioned occupational sectors is even more solid whenever labour demand protocols are set in place. The “Protocol on the Temporary Immigration of Cape Verdean Workers into Portugal”, published by the § Decree Law n.60/97, dated November 19th 1997, is, from this point of view, revealing. The protocol was set to be valid for a period of five years, after which it could be renewed. It provides a legal framework to the entry of Cape Verdean workers, whenever Portuguese employers find it necessary or desirable. This would be carried out via contracts with the maximum duration of 1 year (although they may be prorogued), by means of which the foreign nationals can obtain a working permit.

The 1980s were also shaped by the arrival of Asian and South-American immigrants, whose growth rates exceeded those of Africans³⁴. During this period, there was a widening of the recruitment area, thus amplifying the range of situations that compose the socio-professional status of foreign communities in Portugal. Throughout the 1990s, in turn, immigration from Eastern Europe and the increasing number of Brazilian immigrants diversified even further the foreign labour force across a range of occupational sectors and in various parts of the country.

This intensive flow of Eastern European immigrants reshaped the correlation between African communities and the construction work and building sector. The number of permanence permits, issued, within the scope of recent extraordinary legislation, between January 2001 and March 2002³⁵, make evident the emergence and rapid growth of this new inward migratory flow (53% of the 147.515 permanence permits were granted to Eastern European citizens, 36% of which originated from Ukraine and 7% from Moldavia). According to data collected by the ▲ [Inspeção-Geral do Trabalho](#), 41.3% (21.001) of job contracts³⁶ binding Ukrainian citizens were in construction work and 24.3% (12.343) in the secondary sector. The large majority of these (88.4%) were fixed-term contracts, in other words, a precarious bond to the employing company. However, “even if this precariousness is formally consistent with the short term stay specified in the permanence permits, this does not entail that foreign workers in this work regime will regard themselves as temporary immigrants (...). The institutionalisation of precarious modalities in the recruitment of immigrants, thereby defined as temporary workers, has led to a segmentation of the labour market according to the nationality criterion and, consequently, to the rise of problems of integration.” (■ Relatório sobre Oportunidades de Trabalho em Portugal em 2002: 16³⁷).

³⁴ Still, we should remember that a great many African immigrants were illegal until the 1990s.

³⁵ Numbers from the extraordinary legalization process are available at http://www.idict.gov.pt/Docum_IGT/acime/parte_2.htm

³⁶ Job contracts, which attest the immigrant’s ability to support him/herself are necessary for obtaining a permanence permit in Portugal.

³⁷ This report, planned to be issued yearly, is to form the basis of the government decision on the immigration quota. Its function is to assess the Portuguese labour market necessities so that the number of immigrants to be allowed in is fixed. The 2002 ■ report is made of three independently written parts: One, a global framing of the migratory phenomena by the Sociologist ● Rui Pena Pires. A second part prognosticating the global workforce needs was elaborated by a team coordinated by ● Roberto Carneiro, of the Centre for the Study of Peoples and Cultures of Portuguese Expression of the

We should also mention the potential focus of discrimination that could exist between groups of traditional immigrants, namely immigrants from PALOP, and the new groups of immigrants, mainly Ukrainians, Moldavians and Romanians. Among the earlier immigrant groups there is a fear that employers privilege the more recent group of immigrants because the individuals from Eastern Europe are more qualified, and, since they neither master the Portuguese language, nor the legal instruments designed to protect labourers, they are more prone to situations of exploitation. As far as these immigrants are concerned, deficiencies in language, cultural skills or education are used as excuses for denying qualified immigrant workers access to occupations for which they are qualified. Instead, these workers are driven into jobs and occupations for which they are over-skilled and overeducated, and substantially underpaid.

While around 47% of foreign nationals holding a residence permit are unemployed, those who have only recently acquired a permanence permit (even though they amount to no more than 35% of the total foreign resident population in Portugal) are, on the whole, employed, a fact that has contributed to double the number of active foreigners in Portugal.

Table 5: Active and inactive foreign nationals holding residence permits (1998)

	Total Inactive Population		Total Active Population	
	(N)	(%)	(N)	(%)
Foreign nationals	78 461	47	88 605	53
European Union	20 929	45	25 483	55
Europe (others)	1 664	46	1 930	54
Africa (PALOPs)	34 121	45	41 168	55
Africa (others)	1 741	47	1 973	53
North America	4 647	57	3 555	43
America (others)	11 901	52	10 808	48
Asia	3 146	48	3 363	52
Portuguese	4 999 300	50	4 968 600	50

Source: Statistical report regarding 1998, by S.E.F. and Employment Statistics, 4th trimester of 1998 (estimates), by the National Statistics Office

Until the end of March 2002 there were 10.643 foreigners registered in the [▲ Institute of Employment and Professional Training](#) (Instituto do Emprego e Formação Profissional, hereafter referred to as I.E.F.P.). This is the only available source for the study of unemployment rates among foreign residents, and their data are not comprehensive. The registration of unemployed foreigners is not comprehensive for a number of reasons: some of them consider it unnecessary, either because they do not feel it to be advantageous (i.e. they do not believe it is the best way to find a job),

Catholic University. A third part consists of a inquiry to the opinion of entrepreneurs in what concerns workforce needs in the sectors more strongly related to immigration. ● Mário Bairrada, of the Statistical Department of the Ministry of Work and Solidarity coordinated this inquiry.

or because they are illegal. Moreover, this source includes foreign citizens that *were* unemployed at the time of the registration but failed to inform the Institute when they found a job (Baganha et al., ■ 2002: 29).

68.5% of foreign unemployed were registered in the Lisboa e Vale do Tejo region. This makes evident the strong demand for foreign workforce in this area, where the country's capital is situated. According to data from March 2002, 52% (1.290) of unemployed European citizens in Portugal originated from Eastern European countries (824 from Ukraine). Of the unemployed Americans, close to 90% were Brazilian. There is no record in the ▲ [Institute of Employment and Professional Training](#) (I.E.F.P.) of any unemployed Asians. Even while keeping in mind the limitations of these data, we should remember that this group of immigrants generally partakes in an ethnic economy (as defined by Light and Bonacich, ■ 1988: X)³⁸.

³⁸ To take but one example, the one of the Chinese immigrants, we should be aware that “in Portugal, like in other host societies, Chinese entrepreneurs depend mainly on family labour and co-ethnic workers. The majority (68.8%) of Chinese entrepreneurs surveyed, prior to starting their own business, found a job in Portugal through co-ethnic contacts (friends and relatives)” (C. Oliveira, ■ 2002:16).

Table 6: Unemployed foreign nationals registered at the I.E.F.P.

Nationality area	1995		1996		1997		Until March 2002	
	N	%	N	%	N	%	N	%
Africa	2 493	65,1	2 738	66,8	3 137	68	5 498	51,7
Europe	752	19,6	759	18,5	919	19,9	2 487	23,4
America	326*	8,5*	325*	7,9*	373*	8,1*	1 526	14,3
Total of unemployed foreign nationals	3 831	100	4 098	100	4 615	100	10 643	100

* Data concerns Brazilian citizens only; Source: I.E.F.P.

Table 7: Unemployment rates amongst foreign residents in Portugal³⁹

Nationality area	1995	1996	1997
Africa	5,9	6,3	7,2
Europe	3,2	3,0	3,5
Brazil	3,4	3,4	3,9
Total of unemployed foreign nationals	4,5	4,7	5,3

Source: I.E.F.P. and Demographic Statistics by the National Statistics Office

Clearly, we can ascertain a positive link between the foreigners that live in the most vulnerable sectors of society and the level of unemployment. An example would be the resident African immigrants⁴⁰, who amount to more than 50% of the unemployed foreign nationals in Portugal (Table 6). This tendency is confirmed when one examines general unemployment figures (Table 7): generally speaking, there has been an increase in the percentage of foreign unemployed in Portugal (African immigrants are, in this respect, above average). We should also note, however, that the recent immigration flow of Eastern European citizens has brought about an increase in the percentage of unemployed European citizens (from 19.6% in 1995 to 23.4% in 2002)⁴¹.

According to data in the SOPEMI report on international migration trends, foreigners are, overall, more vulnerable to unemployment than nationals. However, we should not forget that factors such as age, sex, nationality, educational level, professional experience and proficiency in the host country's national language may explain the higher vulnerability of specific groups of immigrants when compared to others (SOPEMI, ■ 1999: 45-47). One should also heed the fact that the immigrants themselves, when faced with these constraints, may opt for alternative integration strategies. Whereas in the U.S.A. there has been a growing number of self-employed

³⁹ Unemployment rates estimated on the basis of the number of unemployed registered at the I.E.F.P. and the active population holding residence permits in Portugal. In the same period the unemployment rates among Portuguese were 7,2(1995); 7,3(1996) and 6,7(1997)
<http://www.ine.pt/prodserv/series/serie.asp>.

⁴⁰ As shown in the case of some OCDE countries, “a more refined sectorial approach enabled (...) to bring to light a certain fragility in jobs held by foreign citizens, particularly striking in the building sector (...). This fragility also affected the extractive and/or transformation activities (...)” (SOPEMI, ■ 1999: 43)

⁴¹ Source: I.E.F.P. and Demographic Statistics by the National Statistics Office.

initiatives in groups of immigrants that have been victims of discrimination (Portes, ■ 1999: 82), in Portugal, even if similar cases do take place, there are other groups of foreigners that, perhaps due to the fact that they did not seek opportunities within the Portuguese job market (preferring, instead, to set their own initiatives or companies), eluded discriminatory mechanisms⁴². Therefore, in these cases, the development of self-employed activities may have operated as a way to avoid both discrimination and unemployment (as suggested in the SOPEMI report, ■ 1998:37).

The intensification of immigration flows may also be linked with workforce shortages, or with the natives' lesser flexibility in certain sectors or markets. This being the case, a large workforce reserve may increase unemployment or sub-employment as well as limit the negotiating power of the native working population (due to the fact that immigrants are substantially more flexible and pliable⁴³ [Johnson and Zimmermann, ■ 1992: 17]).

As seen in the previous section⁴⁴ and as several authors mention it⁴⁵, the occupational structure of the foreign population in Portugal is biased towards the top (the Brazilian and Western European Union immigrants' occupational structures) and towards the bottom (the PALOP and Eastern European immigrants' occupational structures) of the occupational ladder (Baganha e Marques, ■ 2001). In order to explain the overrepresentation of the latter group of foreigners in the so-called 3D jobs – dirty, dangerous, and demanding occupations (Malheiros, ■ 2000: 210) – two complementary hypotheses could be formulated:

- The hypothesis of a lower qualification level of this immigrant group;
- The hypothesis of a labour market discrimination against this group.

Several authors, referring specially to immigrants from the Portuguese speaking African countries (PALOP) and to their descendants, demonstrated that this group of immigrant workers generally has qualifications below the national average, thus confirming the first hypothesis. This is a group which, in several academic studies, in the media, and in the political practice, used to be identified as the one most affected by discrimination and racism⁴⁶. However, it is important to notice that, frequently, there is no clear relationship between the educational level of the immigrants and their labour market integration, and that "even if they present a higher school qualification level, a labour integration into the lowest segments of the Portuguese labour market requiring low qualifications tends to predominate" (Machado, ■ 1993).

⁴² In the Chinese case, "in the surveys undertaken, entrepreneurs were asked if they felt any kind of discrimination in the Portuguese labour market. The majority (91%) answered negatively: they were not victims of, nor felt there existed any kind of discrimination in the job market. That does not mean that there is no economic discrimination in Portugal in the widest sense since, in fact, the majority of chinese workers do not engage in salaried labour" (C. Oliveira, ■ 2002: 9-19).

⁴³ "There are two aspects of labour mobility that are of interest: the first issue is flexibility, the ability (and the willingness) to change jobs when there are economic gains from doing so. This is a virtue in a market system. The second problem is unemployment, which is related to the inflexibility of labour and is a negative feature. Both the positive and the negative aspects of immigration have to be considered" (Johnson and Zimmermann, ■ 1992:17,18).

⁴⁴ We assume that in the description of the immigrants' occupational structure clearly shows an ethnic differentiation in the employment market

⁴⁵ See, among others, Baganha, Ferrão e Malheiros (■ 1998), Malheiros (■ 2000), Baganha, Marques e Fonseca (■ 2000), Baganha e Góis (■ 1999).

⁴⁶ On the evolution of racist attitudes in the Portuguese society see, for example, Vala (■ 1999), Vala, Brito and Lopes (■ 1999), and Baganha (■ 1996).

This was already pointed out in the mid-90s, to a certain extent, in relation to the immigrants from the PALOP or Brazil (Baganha, ■ 1996), who could be clearly differentiated from the highly skilled immigrants from the US or the European Union (Peixoto, ■ 1999). This situation becomes particularly visible in the recent flow of immigrants from Eastern Europe (which started in the late 90s). The occupational composition of these more recent groups of immigrants (particularly immigrants from Ukraine) is mostly a direct result of the fact that foreign accreditation and training are not recognised by Portuguese professional associations and trade sectors. The non-recognition of degrees and certificates obtained by the immigrants in their native countries denies them full access to the professional and employment sectors for which they are most qualified. This situation leads to a discrepancy between skills and education. Highly educated individuals are unable to use their native-learned skills in the Portuguese labour market, which leads to underemployment and reduced income. This discrepancy between education and labour market insertion could be used to, at least partially, confirm the second hypothesis, but it is necessary to take this statement carefully since that discrepancy could be the result of a rather indirect discrimination.

8. Conclusion/Summary

The forms of labour discrimination against immigrants are manifold: sometimes it is open and explicit as, for example, in unequal pay for equal work (lower salaries in comparison with Portuguese nationals for the same job). These wage and earning gaps are often excused as a result of cultural differences, language skills and education quality. In other cases, the labour discrimination against immigrants is more subtle and disguised, on the basis of their diplomas, language skills or legal or illegal status. There are people who suffer forms of aggravated discrimination, as it is the case with poor black immigrant women, who are discriminated due to their gender, race and class. In Portugal, there is evidence that labour discrimination, as well as racism, often assumes subtle and disguised forms (Vala, ■ 1999). However, further conclusions can only be drawn by data production and scientific research directed specifically to the understanding of the inequalities observed in the labour market. This is urgently to be done if the integration of migrants who entered Portugal in the last years is to produce a society where economic opportunities are equal to all independent of colour or cultural background.

9. Recommendations

A major step towards the adaptation of the Portuguese legal frame to the new condition of being a host country for immigrants and to deal with their integration into the Portuguese Society was the adoption of the law against racial discrimination which was referred to above. We believe that this law filled in a major gap in Portuguese legislation. Not denying the crucial nature of this diploma, we nonetheless think it would be dangerous to regard it as a self-sufficient means in the fight against racism and xenophobia. It should rather be considered a starting-point to a vaster and mandatory effort to fight against a host of phenomena which are connected to the growing numbers of immigrants. There is a vast range of measures that, even if their impact would be less obvious, could nonetheless constitute the cornerstones of a conjoint policy designed to stand up to racist attitudes and practices.

The fight against racism and xenophobia can only be carried out if we know precisely what we are fighting, that is, what forms discrimination can take. Though concrete practices of racism in the labour market and at the workplace are not easily traceable due to the double obstacle of the scarcity of statistical and juridical cases, news appearing in the media and complains made to organisations committed to the fight against racism show that racial discrimination is not absent, either in hiring or in everyday life of organisations. The widespread belief that racism is not a significant phenomenon in Portugal, at least not one that seriously hinders the equality of opportunities among citizens of different nationalities or ethnic backgrounds, may account for the lack of measures taken directly against racism in the world of work. Thus, knowledge is needed of the reality of discrimination in the various dimensions of social life. Among these various dimensions, work occupies a special place, since durable inequalities in the access to jobs tend to influence other dimensions of social life, namely housing and the sociability of workers. Thus, we believe that in order to prevent racial discrimination both in the access to jobs and in the workplace a first necessary step is to have a more accurate knowledge of its actual form. So far, academic research has been focusing on immigration, the integration of immigrants and their experience in the host society, namely the discrimination they feel exposed to. However, these perceptions are always mediated by the victims' subjectivity. In Portugal state and governmental organisations are major promoters of research, either directly producing studies or requesting them from research centres, most of them in connection with universities. Research programs on discrimination in the world of work could be given a decisive impulse by the state.

As important is the lack of official statistics on racism, a serious obstacle in the way of research on the subject. The production of reliable data on the population's attitudes and beliefs must necessarily rely on the scientific research referred to in the last paragraph. In what concerns racist practices, that is, acts of racism that actually took place, there is almost no numerical data. This must be overcome by the production of statistical data, if not based on juridical decisions on the grounds of racial discrimination, which are practically non-existing, then at least in the complaints of victims. Reliable statistics on immigration are available, but not up-to-

date. An effort could be made to provide statistics on the immigrant population with a narrower gap to the present. This data should include not only the number of foreigners residing in Portugal and their respective nationality but also labour market related information, such as information on employment and unemployment, the number of active and non-active foreigners, and on the work situation (type of contract held by the worker).

Although the state should play a major role in the fight against racism in the job market, and in the promotion of immigrants' integration, it should not have leave aside other agents in the field who hold important responsibilities, such as employers. So far the promotion of diversity management has not been tackled in Portugal. In the light of diversity management actions should be taken not only in a reactive mode, that is, towards the fight against discriminatory practices, but also directed towards the active promotion of diversity in the workplace. Both universities and employers organisations could play a leading role in the diffusion of the ideas of diversity management. Though these institutions have a crucial role in this the government could associate itself to these actions giving a clear sign of interest in the promotion of cultural diversity in employment.

As we stated above, the absence of complaints presented to the courts on the grounds of racial discrimination at work should not lead us to the conclusion that discrimination is non-existent. The lack of complaints is related to the regime of proof in the Portuguese juridical system, making it very difficult for someone to succeed with an accusation of racial discrimination, due to the difficulty in proving it. As a consequence, lawyers usually advise their clients to ground their cases in other complaints, and not on racial discrimination. For cases of discrimination in employment (and in other social domains) a specialised arbitrational instance could be created, an instance that should function not only to judge but also to mediate conflicts. The judge should have a special sensibility to social issues, with formation in sociology, psychology and victimology, enabling him to decide in this kind of conflicts.

Measures should also be taken in order to prevent the spreading of racism in the Portuguese population. One of the possible sources of racist practices and beliefs among any country's citizens is the perception of immigration as a threat to their jobs. This is an idea widely explored by extreme-right parties in order to raise fears in the population concerning their economic security. (See for example the site of the nationalist party PNR: <http://www.partidonacional.org>). One way to contradict these views is to make clear for the Portuguese citizens the contribution given to the Portuguese economy by the immigrants. This could be achieved either by a specific campaign utilising media with a wide audience, such as TV, radio, press and outdoors, or raising the awareness in the education system, through its insertion in school programs. Both seems advisable to us.

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