

The impact of the Racial Equality Directive:  
a survey of trade unions and employers  
in the Member States of the European Union

Latvia

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## 1. Demographic background

In January 2009 Latvia's population was 2.27m. Of these 59% are ethnic Latvians and 28% are Russians (a proportion that had stood at just 9% in 1935). The remaining 13% come from four larger groups (Belarusians, Ukrainians, Poles and Lithuanians) and from six small groups (Israeli, Germans, Tatars, Estonians and including an estimated 8,500 Roma). Most incomers moved into the largest Latvian cities. Inward migration has dried up over the 20 years since the 1989 transition, but there is still tension between the two largest groups: ethnic Latvians and the Russian-speaking minority.

Although there is a rising trend of racially-motivated attacks on the streets, both the employers and the trade unions emphasise there are no problems of racial discrimination at work. One NGO explained:

*The only cases, where ethnicity can be seen as a ground of ethnic discrimination are the cases related to attitudes or practices against the Roma people. But unfortunately, also these cases are not systematically treated and statistically collected, because various institutions from employers to governmental bodies do not want to see it as ethnic discrimination.*

At the end of the 1980s, when the so-called Awakening process started followed by the collapse of the Soviet Union and Latvia's subsequent independence, a framework of legal acts was established defining naturalisation procedures for non-Latvians, former citizens of the collapsed Soviet Union, strict immigration policy and Latvian as the only state language. Ethnic tensions between Latvians and the Russian-speaking minority and resentments from both large socio-linguistic groups have remained present over two decades after the independence. Both groups feel culturally endangered and insecure, and actually act like two linguistic majorities, segregating themselves from the other group. At the same time ethnic relations is a politically sensitive issue and people do not want to openly discuss these issues. The interviews revealed that both representatives of trade unions and employers try to avoid the issue, or specially emphasise that there are no problems with ethnic discrimination.

The numbers of newcomers (those who have arrived during the past two decades) are very low, and racial diversity of permanent residents of Latvia is almost non-existent. However, while racism and racial attacks have increased over the past years; these attacks and assaults have mainly happened on the streets (against local inhabitants and tourists). No racial discrimination has been recorded in work relations. It should also be emphasised that there is no system in place that would allow the recognition, definition and registering of ethnic, racial and cultural discrimination cases. As one NGO underlined: *'Ethnic discrimination in Latvia is mainly and almost always related to the ethnic minority issues and (..) the language usage.'*

Although, there is no systematic evidence regarding divisions in labour market along ethnic lines, respondents see this as a ubiquitous practice in Latvia and it is noticed also by the Equality body: *'Here there are many Latvian companies and Russian companies, some work mainly for one or either ethnic group. It can't be denied, it is a reality.'*

The issue of attitude to equality and non-discriminatory policies to access goods and services was not mentioned by respondents at all, although it is also covered by the Racial Equality Directive. An interviewee of the Equality body confirmed:

*Understanding of non-discriminatory policies and practices to access goods and services is still rather limited (in Latvia). (...) Roma people are not allowed to enter into nightclubs and majority of people don't see it as discrimination! Roma people often are refused as possible tenants of a flat. Roma often can't take a mobile phone on lease. (...) Roma people themselves do not come to our office and do not complain. They are so heavily victimised in Latvia. They even don't complain.*

## **2. Industrial relations background**

The industrial relations model in Latvia was developed both during the post-soviet transformation and the EU pre-accession period. Latvia has a tripartite council, which consists of representatives of the government, the Free Trade Union Confederation of Latvia and the Latvian Employers' Confederation. The Free Trade Union Confederation coordinates the cooperation between 21 independent Latvian trade unions and the trade union density is about 15%. The main national level employers' organizations are the Latvian Employers' Confederation and the Chamber of Commerce.

Through a tripartite council both trade unionists and employers receive all draft regulations and laws before they are reviewed at the level of the Cabinet of Ministers, while individual members can access these documents through their umbrella organisations. Trade Unions and employers have rights to comment and object to legal initiatives either at the Cabinet of Ministers and individual ministries, or to working groups at the parliament; they can also come up with their own proposals. However, as one NGO explained, in reality, laws are often passed without consultation:

*All in all, the level of governmental, employer, employees and NGO cooperation is low and rather formal, just for 'the tick' in official papers to demonstrate that there are mechanisms of cooperation and consultations. The same applies also to discrimination issues.*

Also one representative of the police trade union commented: *'It's a very common situation that we learn about some changes in legislation afterwards. We often are not been invited to review draft laws, which could on discrimination.'*

One of the main reasons why negotiations are not as developed as in many other EU countries is a lack of knowledge and capacity of the trade unions and employers' organisations; they are significantly weaker than their more experienced Western counterparts. Furthermore, the fast transition from the command economy under the Soviet Union to the market economy over the last two decades has somewhat neglected the importance of social dialogue. It is only recently that trade unions and non-governmental employers' organisations are gradually becoming more powerful.

### 3. Trade union and employer awareness

There have been some initiatives launched in the field of non-discriminatory practices. For example, the LBAS has signed common agreements with the LDDK on specific anti-discrimination issues, for example, about workers rights to combine work and family life on a non-discriminatory basis. However, these organisations often lack specific policy and practices on racial/ethnic/cultural non-discrimination.

Some trade unions cooperate with the Latvian Centre for Human Rights, the strongest NGO working with ethnic discrimination issues. For example, representatives of the LBAS and individual unions have participated in special seminars about the Directive. However, awareness-raising still remains a big challenge in Latvia and a majority of respondents showed little or no knowledge about the Directive. Non-discrimination requirements are better known and understood in the context of national legislation. This is because firstly, many see the EU legislation as something foreign, imposed on Latvia. It can be explained by trade unions' lack of capacity and knowledge for conducting analysis of the EU laws. Secondly, many respondents do not see ethnic/racial/cultural discrimination as a problem, mainly because there are relatively few newcomers (immigrants, who have arrived in past two decades). Others specially avoid talking about discrimination or deny the existence of possibly problematic situations due to the political sensitivity of the broader spectrum of Latvian-Russian relations in Latvia.

#### 3.1 Trade union awareness

Awareness of the Directive among the unions is very limited; knowledge of the non-discrimination requirements is mainly known from the national laws (e.g. the Labour law). Representatives of the Free Trade Union Confederation of Latvia and individual unions have participated in seminars organised by the Centre of Human Rights, explaining the current law and how it has been transposed into national legislation. However, as one NGO interviewee stressed, ethnic discrimination is not seen as a priority for the unions and therefore, there is also little interest in these issues:

*The trade unions in Latvia are still at the very beginning in their understanding of anti-discrimination policies and practices, therefore they are also not able to carry out targeted, strong anti-discrimination activities. Also, a great deal of work has still to be done with representatives of these organisations to raise awareness of discrimination and the necessity to fight against it.*

A representative of the trade union confederation also drew attention to the limited knowledge and understanding of anti-discrimination legislation among the majority of employees: *'Employees in general know little about their rights. An overwhelming attitude is that "we will manage somehow", the most important (priority) is to secure one's workplace (job position).'*

Another aspect mentioned by a trade union interviewee is regional division; capacities of

trade unions in regions and awareness of discrimination issues is even more limited in regions:

*Awareness about employees' rights is higher in Riga, employees feel more confident to fight for their rights, but the situation in the regions is worse due to the lack of knowledge about their rights and lack of opportunities to change job.*

This can be explained also by the limited or absent consultation and legal support available in the regions for those employees who would be willing to submit official complaints.

### **3.2 Employer awareness**

Similarly to the interviewee responses of the trade unions, employers also show limited or no awareness about the Directive; general understanding has been based on non-discrimination requirements in the national legislation. One NGO representative who works with employers, especially with the Latvian Employers' Confederation, described it as a rather formal co-operation relationship on anti-discrimination issues:

*In real situations an understanding of anti-discrimination practices is very limited; these issues are not priorities. It mainly comes from the lack of ability to recognise such cases, also lack of understanding how to report about them and fear to complain.*

Typical employers' answers allow the conclusion that EU level legislation is somewhat foreign to them. For example, an employer of a retail company said: *'We review both national and the EU legislation, but, frankly speaking, I don't know, who read those bricks of paper (EU directives and regulations).'*

Latvian employers interviewed sometimes actively demonstrated the denial of possible ethnic discrimination. For example, an interviewee of an employers' organisation stressed: *'We don't have any problems with ethnic discrimination in Latvia. (..) There is nothing to be improved, because the situation is good; it can only worsen if specially provoked.'*

## **4. Comments on the Equality body**

Some of respondents from Trade unions have had contacts with the Equality body, but these were mainly related to other forms of discrimination, e.g. gender equality. Overall union cooperation with the Equality body in general is still rather weak.

The Equality body in Latvia, the Ombudsman, may also need to strengthen its capacity building to become more powerful to respond to possible ethnic discrimination cases. It has been also criticised for lack of systemic work with these cases and its rather weak cooperation with the NGO sector. An interviewee from one NGO commented:

*The Ombudsman office receives complaints both formal and informal. At the same time, it also collects information itself and tries to introduce discussion on anti-discrimination issues. But the biggest problem is that there is no clear classification of these complaints, therefore all the situation and understanding of that (set of issues) is somewhat vague.' (..) We know that NGOs do not receive a proper feedback from the Ombudsman's office and we think that the Ombudsman's office cooperates insufficiently with NGOs in terms of using them as a source and as partners to receive more information on discrimination cases.*

## **5. Trade union and employer policies and measures**

### **5.1 Trade union policies and measures**

Trade union policies on racial/ethnic/cultural discriminations have to be analysed closely with macro level changes in the country in the past decade: Latvia has significantly improved its legal framework of non-discrimination and has been pushed (by various international organisations) to implement non-discrimination policies, mainly in relation of the ethnic integration of the society. Latvia joined the EU only in 2004; most of the EU legislation was transposed quickly and without discussions. But even despite this, trade unions were and still are relatively weak and it is hard to assess if there is a direct impact of the Directive, overall changes in the country have positively influenced also trade union policies.

Cases when trade unions would be actively involved to support and protect their members against discrimination are very rare. There has been only one official discrimination case in Latvia so far when a trade union supported its member in court. The case was related to the gender equality. An NGO interviewee stressed:

*There are very few cases, including unofficial, informal information and complaints. Actually, we have only one case in the centre related to gender discrimination of a member of the Trade Union Federation for People Engaged in Cultural Activities.*

There has not been a single official complaint on an ethnic discrimination basis submitted to court by the trade unions and no complaint has been submitted to the Equality body. Examples of possible ethnic discrimination are known informally, not systematically collected by the trade unions or are even dismissed without further detailed investigation. They are mainly related to the language issue (where applicants are rejected from a job for insufficient knowledge of Latvian language).

There was a case in the mid-2000s, when teachers from schools with Russian as the main language of instruction facing government-imposed reforms, turned to the trade union to report possible ethnic discrimination cases. Teachers were warned they could face dismissal if they did not show sufficient proficiency in the Latvian language. A respondent from the teachers' trade union refused to see this discrimination was on ethnic grounds: *'We found out very fast, that there was no discrimination. It was an issue*

*of insufficient qualification of these teachers.'*

Another trend mentioned in the interviews is an increase of informal complaints and, fear of possible ethnic discrimination in the light of ongoing economic crisis. As a representative of the energy sector trade union said:

*Under the current crisis I rather see that ethnic discrimination could be negatively exploited. For example, when there are lay-offs of workers, some might think they are discriminated against and they could complain for anything, just to secure their workplaces. That might happen under the crisis situation. Especially now, some people have turned to me or other representatives (unofficially), expressing their fear, asking if their limited (Latvian) language knowledge might be one of reasons to be in first in line to be fired.*

The economic crisis has been seen as a high risk factor which could trigger discrimination as by a representative of the trade unions' federation:

*The current economic crisis might cause some (further) ethnic discrimination practices or maybe a subjective feeling among national minority employees that they might suffer more than ethnic Latvians under the crisis. (..) Informal talks with representatives of trade unions in Daugavpils suggest that ethnic minority employees blame Latvian government and Latvians in general for the current situation.*

The economic crisis therefore can both trigger more possible ethnic discrimination cases and at the same time, raise awareness of discrimination (under the condition that these cases are reviewed neutrally, without politicisation).

One of impacts of the Directive (although, it was not pointed out by representatives of trade unions themselves) is that some of them have started including non-discrimination statements in negotiated collective agreements or other common documents. For example, the collective agreement of the Trade Union Federation for People Engaged in Cultural Activities includes paragraphs on non-discrimination, and so also does the draft agreement of the United Trade Union of Policemen. Despite the fact that ethnic/racial/cultural discrimination is not specially highlighted, it is a positive change towards establishing and strengthening of non-discriminative policies.

None of the trade unions has a special position, or a responsible person for non-discrimination matters on ethnic/racial/cultural grounds. This is mainly due to a lack of knowledge of these issues and the absence of their priority status on unions' agendas.

In the past few years (2004-2007) Latvia showed an impressive rate of economic growth and several companies started recruiting migrant workers. Trade unions in general were not prepared for the situation and took a rather protectionist position. However, there are at least some cases, when trade unions have showed initiatives to protect migrant workers. For example, an interviewee of the trade unions' confederation commented:

*Trade unions are still very weak and inexperienced in helping recent migrant workers. Migrant workers who have arrived to Latvia in past few years have not joined trade unions, but, even despite that, a local trade union in Liepaja, a south-western town in Latvia, wanted to intervene in the situation, when Thai workers were discriminated against in terms of very poor living conditions and hard labour at a food processing factory. But the trade union found they are not able to help these people, since the immigrant workers were not willing to cooperate with trade unions and protest against discrimination.*

It also should be mentioned that the confederation of trade unions has signed several common (collective) agreements with the employers' organisation on non-discrimination issues, but not specifically on ethnic/racial/cultural discrimination.

## **5.2 Employer policies and measures**

All the employers interviewed underlined the issue of language usage when asked about policies on ethnic discrimination, highlighting the reality that while state language regulations are strictly followed, in practice both Latvian and Russian are used at workplaces. In recent years, when employers raised their voices demanding the liberalisation of immigration policy, the LDDK also addressed the issue of language usage, stressing that it is not a task of employers to teach the state language to immigrants, but it is a major integration task of the state. Currently, under the impact of the economic crisis, the debate over immigration has fallen silent.

There are three main strategies observed as to how ethnic issues are responded to in practice. One typical separation strategy mentioned by respondents is the avoidance of possible conflicts over discrimination. As an interviewee of a builders' association puts it:

*We cannot deny it, it is true that business is divided along ethnic lines; there are more Latvian firms and more Russian, they have different work cultures; they have different customers and different attitudes towards the other ethnic group. If a company is clearly Russian, I would not suggest a Latvian worker to work there. Then it rather might turn to ethnic discrimination against a Latvian.*

A second plural strategy is to use different languages at a workplace. A respondent from a retail company illustrated this as following:

*We recommend using Latvian language also in everyday conversations at our workplaces, but in the real life people just choose which language is easier or acceptable for all,*

Others also admitted everyday usage of mixed languages, for example, it was stressed by an interviewee of the Latvian Chamber of Commerce and Industry: *'We use different languages – Latvian, Russian is common in our office.'*

Mixing Latvian, Russian and increasingly using English in Latvian workplaces has been

seen as a resource by an employer's respondent, who has also coached other employers on the employment of people of different ethnic origin, usage of different languages at the workplace:

*For example, we publish books in Russian, translate from English. In my business it is a necessity to employ people from different ethnic backgrounds, we see it as a great resource, and there are many businesses in Latvia, where more ethnically diverse people with, for example, native Russian language speakers, would be needed. Therefore the state language policy also should be applied flexibly in practice.*

A third response pointed out by an employer interviewee is that an employer should also provide support to its employees to improve their proficiency in the state language:

*As of 2009 we have launched language courses for 300 hundred top and middle level managers to help them to improve their Latvian language. Half of those courses are paid by the company and another half they have to pay themselves.*

Joining the EU and adopting EU legislation, even if there is no awareness of specific EU laws and the Directive has played an important role in opening up employers' policies for more contacts with non-nationals and thus, probably, has contributed in establishing more tolerant policies. A representative of the Builders' association, for example, explained the association's experience like this:

*When we established our association, it mainly consisted of local members. But then also foreign building companies or co-owned expressed interest in joining the association. Some locals were against, but we finally decided (in 2003) that it is better to be united and not to divide us in terms of the origin of a company. The main argument was that we will join the EU and we all will have almost equal rights in the market and the same legislation would apply to both us and the foreign companies working here.*

Some of respondents (as at the Latvian Lidere micro-credit NGO) have socially responsible policies and practices, arising from both employers' own personal approach to the business and learning from international partners.

During the recent debate on migration, the LDDK and individual employers were involved in active dialogue with the social partners – the government and trade unions advocating a need for greater openness towards economic migrants. But now migration is no longer a topical debate. Nevertheless, an employer of a publishing house stressed that social dialogue on ethnic diversity issues should not be abandoned also under the current crisis:

*During the current situation of economic crisis many employers tend to obey those regulations (non-discrimination) and it can affect the most vulnerable groups. Therefore she sees it as her role to negotiate existing norms and*

*implementation of them to reach consensus that legislation guarantees anti-discrimination, but at the same time it is not too restrictive towards employers, for example, does not set special ethnic quotas.*

## **6. Views on how to tackle discrimination better**

The majority of the union respondents believe that education at all levels, awareness-raising among trade unions, employers and society in general should serve as the main instrument to improve both understanding of discrimination and policies designed to fight against discrimination cases. Interviewee of the trade unions' confederation stressed that *'anti-discrimination issues should be mainstreamed in all education system, including life-long education'* while a representative of a health-workers trade union underlined a need of *'awareness-raising in the society as a whole to tackle these issues.'*

A representative of LBAS also stressed that trade unions would need external funding to raise their capacity:

*State money (including co-funding of various EU funds) should be specially allocated for trade unions to educate its membership on labour rights and other related issues, including anti-discrimination.*

Employers held similar views to those of the trade union respondents, seeing awareness-raising in the whole society as the most important way to raise understanding of non-discriminatory policies and practices. A representative of an employers' peak organisation argued that special attention should be paid to the older generation of employers:

*Much more should be done at all levels of education, because employers, who were brought up in society, where discrimination against some groups (based on ethnicity, disability, gender etc) has not been seen as a problem, still do not perceive it as a real problem and have difficulties in implementing real, sustainable anti-discrimination policies.*

It was similarly emphasised by a publishing house employer:

*More attention should be paid to differences in generations in Latvia. Actually, we talk about very different groups of employers, when it comes to their understanding of non-discriminatory practices. It is easier and more natural for younger people to understand the importance of non-discriminatory practices. Special attention should be paid also to the elderly generation of employers to find a specific approach, how to educate them about anti-discrimination principles.*

To conclude it should be mentioned that not only would education and awareness-raising in the whole society help to tackle discrimination in Latvia, but, it is equally

important that a country establishes, maintains and elaborates a system of criteria on how discrimination cases are detected, identified, reported and dealt with at all levels. The lack of regular monitoring creates the situation making it impossible to adequately evaluate, whether public awareness is improving. One NGO pointed out this as one of the biggest drawbacks in Latvia:

*There is no proper monitoring, regular research, which would allow to us say, whether the situation is getting better, whether society understands more about ethnic discrimination and how it reacts to that.*