

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

Spain

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# 1. Background

Spain's 46m population includes about 12% non-nationals. The Roma are the only long-established ethnic minority group (their number has been estimated at some 650,000 persons) while, in recent years, migrants from various countries of origin have been arriving in the country. Among the non-nationals, around 57% come from Spain's former colonies in Latin America, the Caribbean, Africa and Asia. The rest are mostly Eastern Europeans (especially Romanians, Bulgarians), North Africans (above all Moroccans), Far Eastern people (mainly Chinese), as well as a sizeable number of citizens from other European countries.

## Main nationalities in Spain

Country	Persons
Romania	796.576
Morocco	710.401
Ecuador	413.715
UK	374.600
Colombia	292.971
Bolivia	227.145
Germany	190.584
Italy	174.912
Bulgaria	164.353
China	145.425
Argentina	140.443
Portugal	140.424
Perú	137.154
Brasil	124.737
France	120.246

source: National Statistics Institute, 01/01/2009

The Roma have been traditionally involved in self-employed informal activities that have kept them out of the ordinary labour market, but this is a situation, however, which has been changing. In contrast, non-national migrants have been working within both the formal and the informal economy. As for the sectors where they are mostly employed, the biggest employers are construction, hotels and restaurants, and domestic service, the latter being the main market niches for migrant women. Due to the current economic crisis, which has particularly affected the construction and hotel sectors, a number of migrants have recently opted for self-employment. This basically focuses on so-called ethnic entrepreneurship<sup>1</sup> which is also a way for them to avoid or to reduce their experience of discrimination, racism, xenophobia and exploitation. The Roma are also victims of these phenomena, but as they have scarcely participated in the ordinary labour market so far, they have not be seen as competitors by the rest of the Spanish population in this field, with discrimination against them instead being focused on other fields such as, for instance, education or housing.

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<sup>1</sup> For more information, please see: Joaquín Beltrán, Laura Oso y Natalia Ribas (coord.): "El empresariado étnico en España", Observatorio Permanente de la Inmigración (OPI), 2006

Discrimination based on religious beliefs and on skin colour is a more or less extensive phenomenon in Spain. But gender, too, is important as a potential discriminatory factor. Exploitation of migrant women is extensive because they often work in the informal economy (as cleaning women or taking care of dependent people), suffer from harassment, have difficulties in proving such harassment, can be easily dismissed, and are often in a weak legal position where they require work in order to renew their residence permits. The Catalan USO trade unionist interviewed described the situation as follows:

*In Spain the worst thing that can happen to a worker is to be a migrant and at the same time a woman.*

## **2. Industrial relations background**

Concerning industrial relations, a process of dialogue and consultation began after the general strike of 1994 and has lasted until the present time. It seems that all parties agreed that the constant confrontation that had previously characterized industrial relations was not the best way to solve problems. The main outcome of the new era of industrial relations is seen in relation to social dialogue agreements that are signed every two years.

As a result of this dialogue, the following changes can be noted:

- A decrease in the number of strikes as well as in the number of working days lost<sup>2</sup>.
- Replacement of general, all inclusive, agreements by new ones specialized in defined areas with different timetables and negotiation tables for each of the topics that should be discussed.
- Strengthening of the unity of action between the two trade union organisations: CCOO and the UGT. Both organizations work together to reach agreements, in elaborating as well as in taking decisions about every stage of the negotiation
- Consolidation of the relationship between unions and business organizations as the usual pathway for combining what are usually, considered divergent interests

This stability has also been achieved thanks to SIMA, a federal Service of Mediation and Arbitration. It is a collective bargaining foundation made up of the most representative Trade Union and Employers' Organisations. It is answerable to the Ministry for Labour and Social Affairs, owing to which its resources are public and its operations free of charge. In 2008 it managed 225 conflicts involving more than 1,890,000 workers, resolving 38% of the cases.<sup>3</sup>

The main Spanish trade unions, Comisiones Obreras (Workers' Committees), CCOO, and Unión General de Trabajadores (Workers' General Union), UGT, represent around

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<sup>2</sup> Source ILO, <http://laborsta.ilo.org/>

<sup>3</sup> Source: Service of Mediation and Arbitration, <http://www.fsima.es>

80% of trade unionists. The remaining 20% relate to the Unión Sindical Obrera (Workers' Union), USO (5%), the Confederación General del Trabajo (Labour General Federation), CGT (5%) and other trade unions active at local level and/or in specific sectors of activity.

Concerning trade union density, Spanish density seems to have stabilized at around 15% of the working population; in other words, in 2006 around 1,959,675 workers were members of these organizations.<sup>4</sup> This low level is due to various reasons: the existence of other channels of representation, the general applicability of collective agreements, the unions' lack of funds and consequent inability to provide many services for their members, and the large number of small enterprises. Nevertheless, the trade unions representatives we interviewed stressed that, because of the economic crisis, this figure is increasing.

There are two main Spanish employers' organisations: CEOE (Spanish Confederation of Employers' Organisations) and CEPYME (Spanish Confederation of Small and Medium-Sized Enterprises). There are no reliable data on the membership of employer associations but it is estimated that 70–80% of employers are indirectly members of CEOE. 'Indirectly' means that the representation is organised at several intermediate levels.

### **3. Trade union and employer awareness**

#### **3.1 Trade unions:**

All the trade union representatives interviewed were aware of the Racial Equality Directive and its transposition, even if to different degrees. In general, the representatives of the peak organisations, as in the case of the UGT representative, knew more about the Directive and tried to promote its awareness and transposition. Moreover, the CCOO and UGT were consulted by the Spanish Government before transposition but ultimately their suggestions were not considered.

In contrast, the Catalan branches of CCOO and USO became aware of the Directives after the transposition process. The Catalan CCOO only became aware of the law 62/2003 almost a year after the transposition process had been completed.

However since 2003 they have acquired a good knowledge and included references to this law in various booklets and flyers addressed to all workers; awareness was not so advanced in the Catalan USO. The Andalusian branch of CCOO became aware of the Directive at its transposition, but effectively 're-discovered' it at a later date:

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<sup>4</sup> Source: Eurofound, 2007, <http://www.eurofound.europa.eu/emire/SPAIN/UNIONIZATIONUNIONDENSITY-ES.htm>

*We re-discovered the Directive and its transposition when we were looking for legislation to help an immigrant worker.*

The three local branches were not, however, aware of the relationship of their respective trade unions with the national equality body because it is a matter concerning the Spanish-wide level. Even though this Equality Body is not yet operative, this fact can explain the lack of information.

All the trade union representatives interviewed stressed that the transposition of the Directive at the end of 2003 reaffirmed an approach and an awareness that were already present inside their organisations, and helped to strength their activities. The USOC interviewee commented:

*The Directive and its transposition were and are useful instruments in order to make workers and employers aware of foreign workers' rights.*

The Andalusian CCOO representative agreed: *'The Directive represents an additional resource for fighting racism and xenophobia inside companies.'*

### **3.2 Employers**

Telefónica (Spanish telecom company) is an exception among the company representatives we interviewed because it was aware of the Directive and its transposition. Actually, it considered both too generic and not really ambitious. This was especially so in contrast to the Spanish basic law 3/2007 about effective equality between men and women, called the 'Equality law', which relates to gender discrimination<sup>5</sup>. For this reason, Telefónica has aimed to improve its effectiveness through the evolution of internal codes of ethics. The interviewee explained:

*Transposition of the Directive represented a minimum level and a framework, starting from which companies can develop more demanding policies as in the case of Telefónica.*

The other companies interviewed were completely unaware of the Directive and its transposition, but they replaced these by shaping anti-discrimination policies through daily relations with immigrant workers. An interviewee from the food company Group Guissona explained:

*Due to the lack of written material and good practices (for dealing with ethnic and racial discrimination), we use the 'trial and error' strategy (...). Thanks to this strategy, we have noticed a progressive reduction of problems.*

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<sup>5</sup> <http://www.boe.es/boe/dias/2007/03/23/pdfs/A12611-12645.pdf>

The situation changes with the employers' federations, which demonstrated a good awareness of the anti-discrimination law. However, they too feel it has had little impact. The interviewee from the National Building Federation stated:

*The transposition of the Directive' had very little impact. More in detail: very little debate, very few court decisions, very few jurisprudential effects.*

The respondent from the Catalan branch of the main Spanish employers' organisation, the Foment del Treball, added: '(...) *the growing awareness about ethnic and racial issues has not been brought about by the Directive or by its transposition, but by industrial relations.*'

Similarly to the trade unions, employers' organisations consider that the Racial Equality Directive was a consequence of a social context and labour market situation in which racial and ethnic minorities were already present.'

At the same time, despite companies not being informed about European and Spanish-wide legislation, this does not mean that they are not interested in a common framework for dealing with migration. There is the experience of the 'National Agreement for Migration', an initiative managed by the Catalan Government which aimed to define rights and policies relating to migration in Catalonia. A relevant aspect of this initiative has been the openness of the process, in which many organisations like trade unions, employers' organisations, NGOs as well as citizens were involved and consulted. As a result it was able to achieve a broad consensus about the pillars of a good future relationship. Of course, one of these pillars concerns the labour domain. This initiative involved the Catalan branches of the trade unions and the employers interviewed in the area: Foment del Treball, Escorxadors Girona and Food Group Guissona.

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

Before the transposition, the Spanish government asked the UGT and CCOO for advice, but ultimately their views were disregarded. In particular, the UGT proposed to ensure a high standard of equality, for instance opposing the exclusion of fully documented non-nationals from receiving benefits available to larger families. These consultations also involved CEPAIM, but as in the case of the UGT and CCOO, its suggestions were ultimately not adopted.

After the transposition of the Directive in 2003, no other measures were adopted in order to establish and regulate the Equality Body until 2007, when the Royal Decree 1262/2007 (21st of September) defined its objectives, tasks and structure, although it was not until 19 January 2009 that the Ministerial Order IGD/18/2009 selected representatives of ten NGOs to participate as chairpersons. Even though this Council will be also be composed of trade unions, employers' organisations, Autonomous Communities and local Administrations, there is no information about which parties will really take part in it and what functions it will exercise. This last aspect is a key point because the Spanish Government seems inclined to limit the Council's capacity to

provide legal advice and to undertake legal actions. The national NGO, CEPAIM, believed:

*Some politicians, for instance, are afraid of giving too much visibility to the Council, because it could arouse negative reactions from 'native' Spanish people. In other words, these politicians think that Spanish public opinion is not yet ready to assume the Council's existence and tasks.*

As stated above, the law assigns the right to take part in the Equality Body to a wide range of institutions, and for this reason the CCOO and UGT have had easy access to it. A different situation is that of CECOT, the National Building Federation and Foment del Treball; they do not take part in the Equality Body but they are represented by the CEOE, the biggest Spanish employers' organisation. This is the case also of a very important multinational like Telefónica, whose suggestions and proposals are taken into account by CEOE. Other companies and organisations interviewed are not very aware, or not at all aware, of the existence of the Equality Body.

Among organisations that know of the existence of Equality Body, we have to note two diametrically opposed points of view: the UGT trade union representative considers that this body (not yet operative) will overlap with the tasks of trade unions, labour inspection, and other. Moreover, the trade union representative has the impression that the Spanish government tends to 'invent' new organisations instead of reinforcing existing ones. In contrast, the CEPAIM NGO representative stresses that the Equality Body is the most relevant aspect of the transposed directive in Spain.

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

One of the most important instruments for achieving equal rights for all workers and for improving them is collective bargaining. This instrument is also very useful in the case of the fight against racial and ethnic discrimination, and is referred to in the Directive, but it is not often prioritised. Nonetheless, the CCOO of Andalusia recalled that:

*Our trade union suggests to workers' committees that they should always include a general reference about the fight against all kinds of discrimination.*

Issues that have been raised at both national and regional levels in Spain in collective bargaining include the demands concerning long paid leaves for migrants when they have to return to their countries of origin when a relative dies, and adaptation of working time arrangements to fit the religious requirements, as in the case of Ramadan.

One of the most successful of such examples was the agreement reached between the company Escorxadors Girona and CCOO. Its most relevant aspects were clauses that cover: the possibility to individualise work schedules, rest days and holidays (in this way, Muslim employees can combine Ramadan with work), to provide classes in the Catalan language and to improve knowledge about the work environment.

Concerning migrant women, the UGT provides an interesting example concerning respect in an agreement with Agromediterránea, a company that cans vegetables. Muslim female workers had not been allowed to wear the head scarves (hijab) for reasons of hygiene. However, finally, the employers' organisation and the trade union reached an agreement based on adopting a specific hat that met both the hygienic and religious requirements<sup>6</sup>. The most interesting aspect of this initiative is the direct involvement of workers' committees and workers to find a solution. In other words, an internal process gave voice to the people directly involved in the issue.

## 5.1 Trade union policies and measures

All the trade union respondents stressed the importance of dealing with migration issues. This was the main reason for their having created, within their trade union structures, specific full-time positions both nation-wide and at autonomous regional levels. In this way they sought to centralise and coordinate different kind of objectives and interventions.

Some common goals are shared by the two main Spanish trade unions, CCOO and UGT in this area, such as demanding equal opportunities and pursuing social and labour integration, even though the ways of pursuing them are different. The CCOO supports the concept of 'personalised flexibility', which means paying special attention to every single worker in order to deal with their needs. This explains why this trade union tries to achieve collective agreements in which they combine the employers' interests with, for instance, the necessity to respect Ramadan. In contrast, the UGT supports the following position: 'all workers must have the same rights'. For instance, in the case of Ramadan, when a company has a relevant presence of Muslims, all workers (Muslims and non-Muslims) have to adopt the same work schedule. For the UGT this kind of measure prevents the perception that some workers have more rights than others:

*The fact of dealing with immigrants' issues in the same way, as issues related to other members, has pedagogical consequences for the organisation in order to show that the former are treated like other workers.*

More commonly, the trade unions are driven by a view of workers belonging to racial and ethnic minorities as simply being workers. For this reason, if they need any specific advice, even about discrimination issues, they tend to be referred to the respective sectoral departments (i.e. building, hotels and restaurants, metallurgy), which relate to quite specific agreements concerning all workers. This is also the case with the trade unions' legal departments that deal with very different issues involving a wide cross-section of workers.

Another important field in which trade unions are involved concerns tasks focused on raising awareness about ethnic and racial issues and on providing information to its members. This is because all the trade union representatives interviewed stressed these

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<sup>6</sup> [http://www.ugt.es/Revista\\_Union/numero218/p6.pdf](http://www.ugt.es/Revista_Union/numero218/p6.pdf)



minorities' lack of legal knowledge. The Andalusian CCOO interviewee explained:

*Usually, those persons who are more in need of information are paradoxically those who ask the least, like undocumented workers.*

The most representative trade unions have specific structures for providing legal advice and orientation to immigrants. In particular, CCOO founded CITE (Foreign Workers' Information Centre), and UGT created a network of social-labour centres and a specific structure in Catalonia, AMIC (Association for Mutual Help to Immigrants in Catalonia).

Concerning USO, its low level of membership and the fact that it does not have dedicated structures, drove the trade union to provide personalised services like the offer to review employment contracts before they are signed. Through this initiative, USO could detect contracts that obliged workers to work more hours than legally allowed or in bad conditions. In these cases, they contacted the employers and convinced them to revise these aspects. These follow up-actions have become even more comprehensive because migrants, before signing any kind of document at all, will now ask this trade union for advice.

An agreement signed between USOC and the local authorities of some small Catalan cities with high immigration rates extends this service. The USOC provides a labour market orientation service for migrants who have very limited knowledge of their labour rights and duties. Equally, the UGT is trying to improve the knowledge of rights and duties within the Spanish legislation through collaboration agreements with Latin American trade unions where it aims to provide them with some training about the Spanish context. These training schemes are directed at all workers interested in migrating to Spain.

Another fundamental trade union task is intervening in workplaces where ethnic and racial discrimination can occur. This involves training delegates on the workers' committees to become active in detecting and dealing with discrimination cases at the workplace. A CCOO interviewee from Andalusia explained: *'In the case of trade unions representatives, the most relevant aspect is to provide very good training in order to allow them to detect discriminatory cases.'* The women's organiser of the Catalonia CCOO branch added that this was more necessary today since new activists were less likely to be ideologically attuned than in the past:

*The fact of having more and more barely ideological members obliges trade unions to promote training and awareness-raising activities in order to avoid some of their members developing a discourse which is very distant from that of the trade union.*

This point was stressed by the head of the CCOO Catalan Foreign Workers' Information Centre: *'Regarding measures, the first step consists of reaching a sufficient level of awareness [of discrimination] inside trade unions.'*

Encouraging awareness is also the object of training sessions organised by the UGT. These are based on their reflections about all kinds of discrimination and not just on racial and ethnic discrimination. This change has provided a better understanding of hidden discriminatory mechanisms. Another example is a booklet edited by CCOO addressed at workers' committees, dealing with how to manage migration issues in the workplace.

Where trade unions are present inside companies, raising collective bargaining demands generally has a positive effect in fighting discrimination. In the case of small and medium companies things are very different, requiring a special focus, according to the CCOO in Andalusia:

*The presence of trade unions, of HR departments, of protocols, etc. inside big companies ensure the respect of workers' rights; for this reason we have to pay more attention to small and medium companies where workers are less protected.*

When trade unions receive grievances about racial and ethnic discrimination, the most common way to manage the issue is to contact the employer and to find a shared solution that usually consists of the worker's reintegration or economic compensation. When an employer heavily infringes the law, the only solution is to take him/her to a court. This was the case of an employer in the province of Sevilla, who obliged Moroccan workers to live in slums, paid them less than was legally agreed and they had to carry out tasks that were different from those appearing in their contracts. The Andalusian branch of CCOO won the trial and the employer was obliged to pay a fine. However, the CCOO interviewee felt this was not enough:

*In the case of human rights' violations, the labour legislation should punish employers with prison, because there is no relation between the crime and the punishment, which consists of a simple fine.*

## **5.2 Employer policies and measures**

Company and federation representatives provide a very positive vision of racial and ethnic issues: they claim a strong commitment to improving integration and a reduced number of grievances coming from these workers. The NGO CEPAIM agreed:

*It is surprising to work with human resources departments that are really involved with the matter (of racial and ethnic discrimination); they can spend a long day looking for the best solution.*

This assessment of the positive attitudes on the part of some employers was shared by the CCOO Foreign Workers Information Centre interviewee: *'Some human resources departments are much more aware of this issue than head managers and in some cases even than unionists.'*

Concerning integration policy another relevant example can be taken from the Food Group Guissona (GAG). This meat industry firm has a clear policy focused on the integration of migrants into the company. For this reason, it has built hundreds of subsidised flats, has launched a legal department for regrouping workers' families, and has built spas and a gymnasium; in the training field, the company delivers courses, in Catalan and Spanish, on office automation, maintenance, driving fork-lift trucks, use of emergency equipment, etc. Despite the remarkable diversity in the origins of its workers (Ukraine, Bulgaria, Senegal, Dominican Republic, etc), no conflicts between them have been reported<sup>7</sup>.

Another interesting example comes from the cement producer PROMSA. The fact of having dealt with migrants over a long period has provided it with substantial and relevant experience.

- During Ramadan, workers can choose to work intensively throughout the day instead of resting during lunch time.
- Workers can take all their annual holiday entitlement on a once-off basis, for instance in summer for visiting relatives in their countries of origin.
- Every year, during Christmas time, the company gives a present to every worker, which usually consists of sausages and alcoholic beverages. In order to respect religious minorities, presents for Muslim workers do not include these products.

More generally, another channel through which companies show their commitment in this issue are recruitment and promotion processes which are considered transparent and not based on discrimination. The Exscorxadors Girona company interviewee claimed:

*When we decide to employ a worker we do not pay attention to his/her origin or to the colour of his/her skin. What we really consider relevant is the matching between his skills and the workplace. Ultimately, progress within the company will depend on the worker's motivation and interests.*

The PROMSA interviewee also claimed to be colour-blind in the recruitment process:

*When a person belonging to an ethnic minority takes part in a recruitment process, we consider him/her like any other candidate, we do not discriminate him/her, neither negatively nor positively, because we are only interested in his/her competences.*

As did the Bodegas Torres interviewee: *'We are only interested in workers' attitudes, we have never rejected a worker for his/her origin'.*

This open recruitment also takes place in the other meat company, the Food Group Guissona, where 43% of the workers are foreigners and where some are already taking charge of responsibilities in the HR department or coordinating its numerous staff.

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<sup>7</sup> Spanish Focal Point for the Raxen Network (2005), *National Report 2005*.

In some of these cases, there is not only a commitment to anti-discrimination, but an explicit need for it. This is the case of certain multinationals. Telefónica argued a business case for diversity:

*Workers' mobility is considered an added value, because it is an opportunity to assign a good worker to the more suitable area wherever it should be based. For this reason, racial and ethnic discrimination cannot exist.*

We detected different levels of intervention and reflection concerning prevention and fighting potential cases of racial and ethnic discrimination. At grass-root level, the companies we interviewed have introduced mechanisms consisting of meetings involving several individuals responsible for production plants; in these meetings they share problems and good practices and make proposals. The HR department takes part in these meeting and helps to find a consensus among all participants, and to adopt the best solution; this is the case of Food Group Guissona.

Another interesting initiative put into practice by the same company is to extend their concern to prevent or limit potential conflicts to the community. Thus this group's HR department regularly meets representatives of the main workers' communities in the areas close to its factories.

In the case of Escorxadors de Girona, the company endorses equal rights for all workers. However, if discrimination occurs, every case is then evaluated individually. There is no overarching rigid policy. The same company shows great awareness when potential problems affect the religious sphere; in this case the management is very attentive to reducing frictions and to respecting every worker's beliefs. The interviewee explained:

*If religious beliefs forbid a Moroccan worker to shake the hand of a woman, we will never oblige him to infringe his religion. Because of this we have an active role in order to reduce potentially critical situations.*

Nevertheless, this respect is not unconditional because it follows that migrants are expected to show tolerance toward other workers, for instance concerning gender. One case that led to the dismissal of the offender occurred where a fundamentalist religious belief was at the origin of a conflict between a worker and a female secretary. The HR manager justified its actions in these terms:

*Inside the company we require mutual respect between workers, those who do not agree with this philosophy have to find another workplace.*

From the point of view of employers' organisations, there are indirect ways to ensure racial and ethnic respect; these ways concern education, as in the case of CECOT, where the Department of Social Projects is training unemployed workers. These training schemes are in part common to all immigrants, like Catalan language or socio-cultural orientation, and in part are customised to their specific labour needs. If trainees are

recruited they can have the possibility to be supported by a tutor who helps them to improve their integration in the company.

At the beginning, the target group was composed only of ex-offenders and persons with disabilities, but because of immigration, it has started to include this new population, potentially subject to discrimination on the grounds of origin, gender or religion. Every year CECOT provides training for about 110 persons who, as a result, have more chances of finding work.

An interesting reflection on the role of the law in shaping behaviours was made by the interviewee from the National Building Federation:

*A very powerful impulse to combating racial and ethnic discrimination was indirectly produced by the Equality Law that came into force in 2007. Requiring that companies put into practice policies that ensure equality between men and women brought about the need to be more attentive also to other grounds in which it was possible that there were cases of discrimination.*

The Equality Law obliges companies to make a diagnosis of their processes and positions and to address possible inequalities between men and women.

The employers interviewed all suggested they gave a high priority to grievances about racial and ethnic matters. The influential small employers' organisation interviewee from CECOT argued: *'Every time we detect some potential problems concerning ethnic and racial issues, we get in touch with the employer affected.'* The cement company PROMSA agreed:

*When we notice cases of discrimination, this becomes the most important issue to deal with in periodic union committee meetings.*

As did the interviewee from the Catalan employers' organisation *Foment del Treball*: *'When an example of discrimination occurs, it is important that it is denounced.'*

Sometimes, it was argued, that the best way to deal with the Directive and its transposition was to keep policies and practices unchanged. This was the case of two companies that have successfully managed these issues. One, *Rotecna*, a maker and designers of farm buildings, argued:

*We didn't introduce any change because we have always dealt with workers without paying attention to their race or their origin.*

Another, a wine producer, adopted a holistic or even paternalistic approach to their workers. The interviewee explained:

*Workers are called 'collaborators', and in this way we show an attitude of consideration towards them. Moreover, as a result of this, in these recent years Bodegas Torres has not had any workers' grievances concerning*

*ethnic and racial issues. On the contrary we are receiving positive feedbacks.*

The employers and employers' organisations interviewed certainly appeared to have a more attentive attitude towards racial and ethnic discrimination. However, this is not a direct consequence of the Directive, but rather of direct contact with migrant workers. This contact produces necessities, doubts and of course difficulties; for these reasons, HR managers are more and more interested in taking part in training sessions. The CEPAIM NGO reported:

*Training and awareness in racial and ethnic issues are more and more being requested by employers, this probably being due to a real need to prevent and/or reduce tensions inside companies.*

While the CECOT employers organisation confirmed this recent change:

*In fact, employers' organisations, trade unions and NGOs have produced much more change through training and guidance than because of knowledge of and compliance with the Directive and the transposed law.*

In this same line, the Fundación Tripartida, an organisation promoted by the Public Administration and the most representative employers' and trade union organisations, provides 'on demand' training sessions for companies, in which they always try to include modules about intercultural relations.

All these initiatives provide evidence of substantial efforts in dealing with racial and ethnic issues, but, despite this, many Spanish employers continue to have attitudes rather geared towards discrimination. The CEPAIM NGO reports:

*Anyway, there is still much to be done, because we still receive several complaints related to ethnic and racial discrimination (...). In some cases, employers are very explicit, when they look for a worker they say: 'we do not want either black people nor Muslim women'.*

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

Concerning the effectiveness of the Directive and its transposition, and consequently in order to improve how to tackle discrimination, we detected some proposed fields of intervention.

The most common view expressed is the need for the Spanish government to improve or to launch new awareness campaigns. In concrete terms, many respondents had not remembered clearly any campaign at all about these issues. One of them also proposed more financial resources for trade unions in order to deal directly with this issue.

Laws have not only a coercive task of defining rights and duties, but they have also a didactic goal that cannot be left out of consideration. Neglecting this side reinforces an impression of distance between European and national political institutions and citizens. It may imply a certain weakness of the EU not to be able to disseminate knowledge about its policies. This is also a weakness of the European Social Fund.

Beside this shared analysis, we collected other kinds of proposals that have effects at the legal level. For instance, trade unions stress that a relevant barrier preventing migrants from denouncing discrimination is their weak legal status; for this reason, interviewees proposed modification of the immigration decree in order to strengthen their position during and after any court case (in order to prevent the loss of jobs and their rights).

Another proposal that affects the legal sphere concerns specific measures to be taken by the Spanish Government. During recent years it has introduced relevant laws addressed at populations that are suffering some kind of discrimination, like disabled individuals or women, and has obliged companies to respect quotas and to undertake diagnostics while at the same time offering compensations to companies. This same philosophy should be applied also in the case of racial and ethnic minorities, again through a detailed and effective decree.

Another field of intervention that affects the public administration concerns the kind of services and their quality, for instance of social services promoting integration, as well as the simplification of the bureaucracy relating to recruitment of workers in their countries of origin or the recognition of their qualifications.

One respondent also suggested improving and strengthening labour inspections to enable them to detect and remedy labour exploitation, migrants working without contracts and differences in terms of labour conditions between national and non-national workers.

Finally, an interesting suggestion was made that a registry of good practices in the field of racial and ethnic initiatives should be created in order to reinforce the didactic goal of legislation.