

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

Sweden

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1. Demographic background

The majority group in the Swedish labour market is ethnic Swedes born in Sweden. In the 1950s and 1960s an increasing number of labour immigrants settled in Sweden. From the early 1970s there was a shift towards greater immigration by refugees. During the last decades many refugees, together with their relatives, have immigrated to Sweden, especially from the Balkans, Asia and Africa, and from Turkey and Iran.

Today, Sweden has one of the least restrictive policies towards refugees within the European Union. An example of its relatively open immigration policy is that Sweden, during recent years, accepts more refugees from Iraq than does any other European country. The generous policy toward refugees started in connection with the political crisis in Chile in 1973 and culminated in the early 1990s with large-scale immigration from the former Yugoslavia. There are also again increasing numbers of labour immigrants in Sweden.

Refugees are less integrated in the labour market than Swedish born people, especially during the first five years after the immigration. Asians and Africans are less integrated than European migrants, and especially people from the Nordic countries. This contrasts sharply to the great labour immigration in the 1950s and 1960s from Finland, Italy, Yugoslavia and other countries. These migrants already had jobs awaiting them in firms when they arrived, and were even better represented on the Swedish labour market than ethnic Swedes.¹ Normally they remained in Sweden and continued being employed, above all in industrial production.

About 12% of the total population of Sweden was born abroad. They are overrepresented in occupations such as cleaners (31%), workers in the textile industry (28%), butchers and bakers (24%). They are underrepresented in areas like the police force (1%) and military (2%).²

The migrant population is geographically unevenly distributed in the country. Most migrants prefer to live in the larger cities. When they arrive in the cities, however, they will usually only be able to obtain an apartment in areas with a large immigrant population. This is a hindrance to wider social integration as the inhabitants of these areas are characterized by high unemployment, low wages and low education compared to the average population in the country.³

¹ Björn Gustafsson, Mats Hammarstedt and Jinghai Zheng, "Invandras arbetsmarknadssituation: översikt och nya siffror" in: Egenförsörjning eller bidragsförsörjning: Invandrarna, arbetsmarknaden och välfärdsstaten, *SOU 2004: 21*, pp. 16-17, 20

² SCB, Newsdesk, <http://www.newsdesk.se/pressroom/scb/pressrelease/view/56233>)

³ Åke Kihlström and Birger Simonson (2004) *Samverkan för sysselsättning och egenförsörjning*, Rapport i utvärderingen av Storstadssatsningen i Göteborg, Göteborg: Göteborgs stad. P. 22

2. Industrial relations background

The basic outline of national industrial relations is characterized by consensus and social dialogue, although, disturbed from time to time by large scale strikes and lockouts. Concerning conflicts, in recent years there has been a move from male-dominated branches in the export sector towards female-dominated branches within care and other parts of the public sector. Both trade unions and employer organizations are strongly and well organized at all levels in both the public and the private sector.

Trade union density is still very high in most sectors in Sweden with an average of more than 70%. However, there has been a severe loss in trade union membership during the last years. In 2007 alone the loss was 4.4%. The present right wing government has introduced substantially higher charges for membership in unemployment relief funds. As this has caused economic pressure on employees in the lower income strata, many have left the trade unions so as to be able to afford to stay as members in the unemployment relief funds. This has caused a substantial loss of members in some unions. But there are also other explanations for the trade unions' loss of members, such as it no longer being seen as being automatic to be a member in a trade union.⁴

3. Trade union and employer awareness

3.1 Trade unions

All the interviewees representing trade unions were well aware of the Swedish legislation relating to any form of discrimination. In the Swedish context, however, the word "race" is never used. This is a word that has been taken over by Nazi groupings and when using the word in the interviews the interviewees always reacted against this. The appropriate expressions in Swedish are "ethnicity" or "ethnic groups", which are considered as corresponding to "race" in this respect. The latest law within this area was adopted in 2008 (entered into force as of 1st of January 2009), which incorporates all kinds of discrimination. This means that the informants had had a lot of recent information about the need to combat discrimination at all levels and of all kinds, but that they did not address *racial* discrimination as such.

The trade union representatives all declared that their trade union federation had been consulted before the anti-discrimination legislation was enacted. They were all also very well informed about the legislation as well as the role of the Discrimination Ombudsman (DO, which is a State body). They provided very little information about NGOs working in this field, which might be explained by the central role of the DO in the Swedish labour market. There seems to be very little direct contact between NGOs in the discrimination field and the trade unions at the local level.

Even if trade union representatives argue that they started activities to combat ethnic discrimination long before the Racial Equality Directive (there was already a national

⁴ TCO-tidningen 2007-12-13,
<http://www.tcotidningen.se/Sites/TCOTidningen/templates/Article.aspx?id=6698>

law against ethnic discrimination before the Directive), they also point out that the Directive and the new antidiscrimination laws have helped to define ethnic (and racial) discrimination:

'The law on Discrimination has made unions' and employers' responsibilities more clear.'

'The EU Racial Equality Directive and the Swedish law have made the problems of racism and discrimination visible and the law has also meant much for workers who consider themselves as discriminated against. Now they can refer to the law.'

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3.2 Employers

The representative of employers and employers' organisations had, of course, the same problem with the term "race" as the trade union representatives (see above). But they were nevertheless very well informed about both the Directive and, above all, national legislation. They also argue that awareness of the issue generally has risen during recent years and that much has changed when it comes to how people in general look upon people with different ethnic background:

Today we can discuss issues on discrimination on the ground of ethnicity in a more relaxed way [than earlier]. Moreover, many employers seem to realise the benefits of diversity.

4. Comments on the Equality body

The Equality body plays a significant role in helping people who consider themselves as being discriminated against. Both trade unions and employers' representatives refer to the benefits of that organisation. In practice, people turn to either the employer or the trade union, or directly to the Equality body when being discriminated against. If the complaints are brought to the trade unions, they will raise the case in discussions with the employer. If there is no agreement or if both come to the conclusion that there is no case, the trade union often tells the complainant that she/he could turn to the Equality body. The body is highly respected both among trade unions and employers' organisations.

5. Trade union and employer policies and measures

5.1 Trade union policies and measures

Even before the Directive the problems of racial/ethnic discrimination and xenophobia were at the top of the trade union agenda. It should be mentioned that a national law against ethnic discrimination was introduced in 1992. The Directive and national laws have facilitated work in this area and also increased awareness and knowledge on this problem. Over the last ten years, problems related to discrimination on different grounds have been increasingly important in the unions. The trade union for local government workers, Kommunal, which is the largest trade

union confederation in Sweden, has published the laws on discrimination on its website (as have the trade union federation for Construction Workers) and also has a link at the website for immigrant workers. The Commercial Workers Trade Union Federation has also established cooperation with several equality bodies, such as the Expo Foundation, a private research foundation (established in 1995) with the aim of studying and mapping anti-democratic, right-wing extremist and racist tendencies in society. Trade unions have also increasingly introduced issues on discrimination in the unions' training programs. The public debate on ethnic discrimination has also increased in recent years. The Construction Workers Trade Union received a prize for its policy program against racism and for integration from the organization "Artists against racism". The program, for which it received the prize, was launched in 2000 after the murder of a member of the Swedish Syndicalist Organization by a Nazi.

As we have not interviewed trade unionists at the local level, we have received limited information on trade union anti-discrimination at this level. However, we have been informed that in the larger companies there is the training of ombudsmen and trade union officials on matters concerning discrimination. There are no trade union officials at small workplaces, which means that complaints have to be taken to the ombudsmen. The Commercial Workers Unions has noted an increasing demand for information and training from its members on racial/ethnic discrimination, which it actively provides for them. However, it should be mentioned here that workers who consider themselves to be discriminated against normally turn directly to the Discrimination ombudsman (DO).

Of course we support members who feel themselves as discriminated against. However, when it comes to concrete cases of discrimination, the members are not always aware of the fact that this is a matter for the union to deal with.

In many instances, though, cases of discrimination are solved at the workplace and then the trade union generally is present. The interviewee from the Construction Workers Union argued that the recent trend was for members to turn to the local trade union in matters of discrimination (compared to an earlier preference to turn to the DO).

In the national political context, several trade union federations cooperated to introduce a centre for undocumented migrants: *'It is however important to emphasize that we want to de-criminalize undocumented workers.'*

When it comes to the internal trade union organization, there is a general trend to try to increase diversity among trade union officials as well as when electing trade union representatives.

It seems that the norm still is for people to turn directly to the DO when they have complaints about discrimination, even if the trade unions have become more and more active in discrimination issues during the last years. We have no direct information on trade unions supporting members to take legal action on discrimination. This is normally done by the DO. Trade union representatives, though, often tell complainants that they could turn to the DO.

5.2 Employers policies and measures

The general picture is that employers are engaged in issues relating to all kinds of discrimination. Locally they often work against discrimination in co-operation with the trade unions. They have adopted policies against discrimination and have gradually, during recent years, added ethnic and racial anti-discrimination to the previous focus on gender discrimination.

At local level there seems to be more activity in the public sector than in the private sector, when it comes to concrete actions. There are also interesting projects in the private sector, mostly relating to information and adopting policies on anti-discrimination.

The City of Gothenburg has implemented a new tool used in employment processes. In order not to emphasize certain education or training aspects, the HRM department asks itself for what purpose the new employee is needed. If knowledge of Swedish language is not needed in the job, it should not be regarded when employing individuals. Regular training on racial discrimination is also provided to some 4000-5000 employees annually. There are also training programmes for people in the HRM-department on the new discrimination law (introduced in 2009), with 160 persons participating to date. The organization also distributes information to citizens in several languages on the local radio channels for immigrant groups. It is also developing a training program for all employees on discrimination and human rights and it has organized seminars at the city theatre (seven evenings thus far) on the new legislation. This is similar to what has been done in the City of Uppsala. At Uppsala University Hospital a project group launched a training programme in 2002 in order to increase awareness and knowledge of discrimination in meetings with patients. The aim was to discuss how to handle and forestall all kinds of discrimination. This programme still exists and has become a success. It consists of texts and films, which relate to real cases reported to the patient ombudsman of the hospital. The cases are then discussed in seminars with the employees:

A local police representative explained:

In recent years, issues on equal opportunities and diversity have to a large extent been included in the training programmes for policemen and for other staff. The Swedish police authority has also worked very actively to recruit women and workers with ethnic backgrounds other than Swedish. The Directive and the Swedish laws have most likely contributed to this development.

The local police force has also consulted the expertise of the DO Agency. Representatives from this agency have participated in training programmes and seminars: *'The Swedish Police Authority has allowed women employees to wear the Muslim veil, but usually they do not wear it.'*

The employers (organizations) generally report that they have had no or very few reported cases of ethnic/racial discrimination.

Large employers adopt policies against racial- and other forms of discrimination because their customers demand this, but also because individuals in the management themselves think it is fair. One example is the SKF company, which recently adopted such codes, being the first company in the metal industries sector to do that. IKEA and H&M are other examples. The Ombudsman of the Metal Union commented: *'It is un-modern not to take these matters seriously.'*

6. Views on how better to tackle discrimination

The interviewees generally point out that the main issue must be to change attitudes in society toward minority groups. For that purpose more information and debate are mentioned as key issues. There is also an awareness of the fact that very few cases of discrimination lead to punishment of the discriminating person or organization as discrimination is often difficult to prove. In cases where discrimination is obvious (e.g. unequal wages,) the case normally will be solved in local negotiations between trade union and employer.

Examples of statements by trade union representatives interviewed in this project were:

'Applications for recruitment should be anonymous.'

'In all sectors and at all levels in society we need more training and information on how to discover structural discrimination and how to combat discrimination in everyday work.'

'Issues on anti-discrimination, integration and diversity are aspects of human rights that should be included in school teaching as well.'

Examples of statements by employer representatives interviewed in this project:

'The problem is not to develop plans and to follow regulations. The problem is to change the attitudes and behaviour of people. Therefore, we must focus more on these aspects.'

'When it comes to the policy and action plans, there is always a risk that we may manifest selective treatment of groups or that we unconsciously contribute to the objectification of, for example, immigrants.'

'We need more training and education in all sections and at all levels in society, not least in school teaching. We also need to increase the dialogue between different groups in society and we must combat segregation in society.'

'Public debate on discrimination is the most important thing, and the Directive and the Swedish law have helped to raise public debate and awareness on these issues.

'We should not problematize issues on discrimination too much.'

Few people made complaints on the grounds of discrimination and of those cases very few resulted in their favour:

I think that it must be expensive to discriminate... if we instantly would be able to change the behaviour. Until now the price has been too low and the consequence is that the regulations have not reinforced the protection against discrimination.

References

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