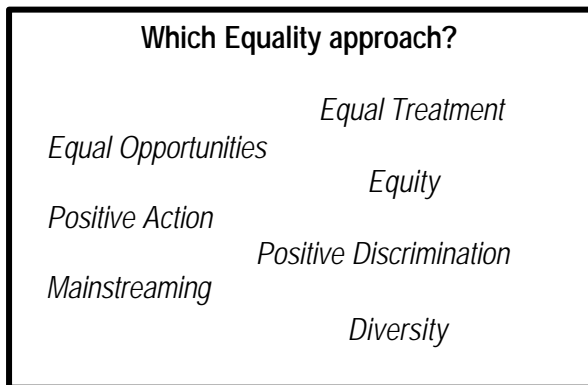




Equal Opportunities in the European Steel Industry

Approaches to achieving equality in the workplace have evolved significantly in recent times. Whilst certain enterprises and industries have been at the forefront of these developments, Europe's steel industry has only recently begun to concern itself with issues of equality. Steel industry approaches to equality (where they exist) thus remain rather unsophisticated and in a process of development.



Equal Treatment is a legislative approach that underpins anti-discrimination legislation and essentially enjoins employers to treat everyone 'the same'. However, some social groups are more disadvantaged than others. Indeed, the equal treatment approach has been criticised for not recognising that providing the same conditions and rules of access for everyone will not ensure that everyone is equally capable of accessing these opportunities.

The recognition that certain social groups may need support measures, which enable access to different spheres of social life, has led to the introduction of **positive action** into equality policies. This should not be confused with **positive discrimination**, which involves reserving jobs or privileges exclusively for

people from certain disadvantaged social groups. Positive discrimination, particularly in the form of quotas, is illegal in some countries (e.g. the UK).

Positive action measures are now permissible under EU equality legislation for all the groups covered by the EU equality directives. They are designed to encourage members of under-represented groups to take full and equal advantage of opportunities in jobs, education and training.

Positive action measures have recently begun to appear in Europe's steel industries. The most popular of these involves steel companies in projects to encourage women to think about technological and scientific careers in industry. Other examples include: recruitment and promotion policies, which explicitly encourage female candidates where they are equally qualified to male candidates; provision of child-care facilities; training placements for young people from disadvantaged backgrounds; projects that integrate disabled people into the workforce; and, collective agreements to provide language courses for workers of immigrant origin. Such initiatives are found mainly in northern European steel plants. Generally, they have only touched the tip of the iceberg, in terms of what is needed to promote the integration of under-represented groups at all levels of the industry.

Mainstreaming is concerned with the integration of equal opportunities principles, strategies and practices into all aspects of the everyday work of an organisation. This involves everyone in the organisation, not just equality specialists.

Some northern European steel plants are beginning to consider mainstreaming equality issues, for example, in relation to training policies. In very rare

cases, this may also have reached the stage of implementing mainstream approaches.

Diversity – unlike equal treatment, discrimination and positive action is not a legal term and has no legal force behind it. Promoting diversity is a voluntary approach to human resource management, which is often presented as a more positive and proactive approach to non-discrimination.

The debate on promoting and managing diversity has demonstrated that understandings of what 'diversity' means are shaped in different ways by different national and cultural contexts. In some European countries for example, 'diversity' is understood purely as ethnic or cultural difference, whereas in others it is considered to be an umbrella term covering all types of 'differences'.

Some countries have very progressive equality policies. However, often there are different emphases, focusing on gender equality rather than racial or religious equality, and vice versa. Moreover, employers and unions in some Western European countries may be more comfortable with diversity measures for gay employees or family-friendly measures aimed at fathers, but less comfortable with measures for black and minority ethnic (BME) groups. In Southern European regions, diversity policies often incorporate family-friendly measures for women, which in fact only reinforce gender stereotypes of women as the principal family 'carers'.

There is a danger that Diversity policies will focus on elements that are most acceptable in a given culture and avoid tackling more sensitive issues, which are arguably more in need of attention. Workforce diversity should, therefore, refer to those differences and group identities within a given cultural context, which are systematically discriminated against.

Diversity thus goes beyond equality legislation in that it can recognise a broader spectrum of disadvantaged groups which will vary according to the cultural context.

Diversity versus Equality

In theory, Diversity policies should differ from Equal Opportunities policies by changing the culture, structure and procedures of the enterprise to reflect the reality of different working lives. This means that the white able-bodied male worker should no longer be the norm that everyone else must try to imitate.

In practice, however, it is often hard to differentiate Diversity policies from Equal Opportunities policies. Indeed, organisations might simply adopt the language of diversity without challenging the structure and culture of the organisation. So far, the term Diversity has been used very loosely in Europe and often simply refers to any kind of anti-discrimination initiative.

In some countries the '**business case**' is strongly emphasised as the main justification for diversity. Two dangers are suspected by trade unions here: One is that employers will select the 'diversity' they prefer and present themselves as promoters of diversity without really tackling discrimination. The other is that the promotion of equality and diversity will be subject to the impact of such policies on company performance, which may not always be a positive one.



The challenges of implementing a Diversity policy

The steel industry, although perhaps less so than other sectors, is increasingly developing practices of individualisation, flexibility, performance related pay, and so on, which illustrate an evolution from a logic of equality to a logic of **equity**.

Perceptions of equity, or what is fair, are not universal however. Younger workers may expect the company to provide them with varied and interesting jobs and opportunities to advance their careers. This may lead to generational conflict with older workers who may have different attitudes to their work. They may not be ready to vacate their positions for younger workers, or to take orders from them. Men may consider it normal that they reach higher positions in the company and are paid more because they have not taken career breaks to raise children. Women may think it unfair that they are penalised for taking long career breaks because companies do not encourage men to share child-raising responsibilities. A policy of equal treatment/anti-discrimination, it would seem, is not enough to deal with these situations and positive action in favour of certain groups may well create resentment amongst other groups.

Diversity policies need therefore to have an integrated approach where the enterprise is seen (at least to be trying) to ensure that its policies and actions are perceived by all of its employees to be equitable. The importance of effective dialogue and negotiation with workers and their representatives cannot be overstated in this respect.

European legislation

The **EU Employment Equality Directive** came into force in 2003 and prohibits discrimination in all stages of the employment contract from recruitment through to termination and training on the grounds of:

- Sexual orientation
- Religion or belief
- Age
- Disability

The Directive requires employers to make reasonable adjustments for disabled workers. This means that employers are required to take appropriate measures to enable a person with a disability to have access to employment or training, unless doing so would impose a disproportionate

burden on the employer. Reasonable accommodation would include, for example, providing wheelchair access, adjusting working hours, adapting office equipment or simply redistributing tasks between the members of a team.



The **Racial Equality Directive** also came into force in 2003 and contains the same discrimination prohibitions as the Employment Equality Directive. However, it also prohibits discrimination in access to goods and services (such as housing, entrance to restaurants and night clubs).

Various **gender equality Directives** cover access to employment, training, promotion and working conditions, equal pay, harassment and sexual harassment, health and safety for pregnant women, workers who have recently given birth or are breast-feeding, parental leave, and access to goods and services.

All the Directives allow for positive action, for example in the form of training or encouraging applications from particular under-represented groups.

The Directives share the burden of proof in discrimination cases. This means that the alleged victim need only establish that discrimination may have occurred. It is then for the respondent to prove that there has been no discrimination.

The EU Directives offer national governments some possibilities to make exceptions, for example they can choose to legalise discrimination based on age

under certain conditions. These exceptions may result in some variation in implementation of the Directives at national level. For example, some countries allow employers to set a maximum age for new recruits – if the time needed to train the new employees is particularly long. Such exceptions are, however, strictly limited by the Directives. Information on the national anti-discrimination legislation in each Member State can be found at:

<http://www.stop-discrimination.info/>

The Directives provide standard definitions, which prohibit direct and indirect discrimination. Direct discrimination occurs when a person is treated less favourably than another in a comparable situation. For example, a woman is told that she will not be considered for a job at the blast furnace in the steel plant because it is 'not woman's work'.

However, in reality discrimination often takes more subtle forms. That is why indirect discrimination is also covered. This occurs when a seemingly neutral provision or practice is applied to all groups but has a disproportionate effect on the members of one group. For example, performance targets are introduced into a certain section of a steel plant. Some disabled workers who may not be able to meet the targets and are then moved to another section to do lower status work equivalent to demotion (see Briefing Paper 4c for examples from the steel industry).

Indirect discrimination is only permitted if it can be objectively justified by a legitimate aim. For example, a construction company could insist that all workers on a dangerous building site wore safety hats. This would have a negative impact, for example, on Sikhs who are required to wear turbans. Because of the health and safety need this would not constitute unlawful discrimination. In the UK, Sikhs are exempted from wearing safety hats in the construction industry, but not in the steel industry.

As well as discrimination, the Directives also prohibit and define harassment and victimisation. Harassment has the purpose or effect of violating the dignity of a person and creating an intimidating, hostile, degrading, humiliating and offensive

environment. Victimisation is where someone is treated badly or differently for having made a complaint about discrimination or supporting a colleague who has made a complaint.

Help and advice for victims of discrimination

The legislation on racial discrimination requires Member States to designate bodies for the promotion of equal treatment, which will provide independent assistance to the victims of discrimination. In some countries, these bodies also deal with other types of discrimination as well as racial discrimination. Information about the anti-discrimination body in your country can be found at <http://www.stop-discrimination.info/>

Briefing Paper 3 is part of a series of 5 briefing papers coming out of the Equality and Diversity Learning in the European Steel Industry (EDLESI) project:

- BP1: Equality and Diversity Learning in the European Steel Industry: Executive Summary
- BP2: The Steel Industry in the EU: Changes and Possibilities
- BP4: The European Union Steel Industry: Experiences of Diversity and Equal Opportunities + sub-papers
- BP5: Recognising and Promoting Equality and Diversity: Good Practice.

For further details on the EDLESI project and copies of all briefing papers contact:

Dr Dean Stroud (Project Manager)
StroudDA1@cardiff.ac.uk
0044 (0)29 2087 4000 ext. 77406

Prof. Peter Fairbrother (Project Co-ordinator)
FairbrotherPD@cardiff.ac.uk
0044 (0)29 2087 5155

Or visit: <http://idec.gr/edlesi/>