Perspectives from 16 countries on diversity and equal treatment at work: an overview and transverse questions

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Managing and developing diversity is on the political and business agenda in many countries. Diversity management has become an area of knowledge and practice in its own right in a number of countries. Yet all too often, it is referred to as a unifying concept, as if it were to be interpreted uniformly across cultures and countries. Much of the diversity literature is written by US or Anglo-Saxon scholars and suggests that diversity management represents a break from equality and equal opportunities at work. The purpose of this book is to restore diversity to its national contexts, and in particular to assess its relationship with equal employment legislation when such legislation exists. Countries covered by this volume are Austria, Belgium, Canada, France, Germany, India, Italy, the Netherlands, Pakistan, Singapore, South Africa, Sweden, Switzerland, Turkey, the UK and the USA.

Although it must be acknowledged that diversity may be a topic in the absence of such legislation, one particular question of interest to the authors of this book is to examine whether an equal employment legislation and ‘diversity management’ labelled as such existed at all in the different participating countries, and whether this ‘diversity management’ represented a break from equality concepts such as equal opportunity and affirmative action, as has been argued for about twenty years (Thomas, 1990; Thomas and Ely, 1996; Jain et al., 2003). The following chapters suggest that diversity management has not emerged as a concept in all participating countries, and where it has, a distinction between ‘equality at work’ and ‘diversity management’ is far from obvious. In many countries under review, diversity management appears strongly linked to equality and non-discrimination legislation, albeit in very country-specific ways. For some of the contributing teams to this volume, this link between diversity and compliance to equality legislations is sometimes termed a ‘confusion’, as they assume that diversity management should go beyond equality discourse and legislation (in other words, go beyond compliance with equality laws and moral imperatives) and should focus on the business benefits inherent in the diversity management concept (see the chapters on South Africa or the USA, for instance – Chapters 11 and 15). For other authors, no such remarks are formulated; on the contrary, as diversity management appears to be a vehicle towards institutionalizing equality at work, an ongoing process as seen from their own country’s perspective (see the chapters on Sweden, Germany or France, for instance – Chapters 12, 6 and 5). But, with or without perceptions of limitations, and notwithstanding important differences in the various contexts of their adoption, diversity management and equality at work appear to be much more similar in content than the earliest advocates of diversity management had suggested, at least in the majority of countries covered by this book. However, this should not be interpreted as another normative assumption.
about diversity management, as a few countries, such as Canada and Belgium (at least as far as Flanders is concerned), seem to have developed an approach to diversity management in line with the vision of ‘founding fathers’ of this notion, i.e. the search for competitive advantage or other business-driven motives rather than compliance with anti-discrimination laws. Again, this underscores the need for contextualizing diversity management.

Beyond giving input on the relationship between diversity management and equal treatment legislations, this book’s goal is to help scholars better contextualize the research they undertake in a given country and enhance their awareness of potential pitfalls in addressing ‘diversity’, equal treatment or affirmative action as ‘natural’ concepts. A better understanding of diversity will for instance help researchers appreciate the extent to which current research may or may not be generalized across countries, and whether and how ‘diversity’ has been constructed in various national contexts. For instance, in India, a country with a very diverse population, and strong equality legislation, diversity initiatives are very scarce in the private sector, whilst the public sector is subjected to ‘reservation’ quotas rather than ‘diversity’ labelled policies. In Singapore, ‘harmony’ and ‘fairness’ prevail over the term ‘diversity’ at the practitioner and policy-maker levels.

Although this book is not originally targeted to a non-academic audience, I make the assumption that, for the business community, and in particular for international businesses, it will help decision-makers appreciate the specifics of the countries they operate in as regards legal versus non-legal dimensions of diversity.

Finally, this book should also provide policy-makers and corporate leaders with benchmark data as regards how the concepts of diversity and equal treatment are understood in countries different from theirs, and the difficulties inherent in each country’s ‘path’.

**Content specifications for the chapters**

Although context is acknowledged as key to the development of this book project, a set of guidelines was provided to the teams of authors, if only to avoid the risk of a ‘beauty contest’ inherent in such an exercise. I also tried to take steps in order to avoid the context being conceptualized as static or deterministic (Özbilgin, 2009). Indeed, the country contexts presented in this book should be taken as possibilities, rather than as rigid constraints.

I informed authors that each chapter should use primary or secondary data, and be empirical, rather than theoretical, although theoretical frameworks could, of course, be used in order to help describe and/or understand the country’s context.

The chapters were required to adopt a dynamic perspective, with retrospective data about dates when the first texts in the general and academic press in respective countries were issued, data about the legislation (dates, criteria covered), and if such data were available, case studies as well as macro data concerning the diversity of the workforce itself. Critical approaches were welcome, as authors were invited to distance themselves from developments taking place in their own countries. However, such approaches were not compulsory, as I assumed that a critical stance was not systematically the only relevant one for the interpretation of practices, be they in respect of laws or corporate management. Finally, each team was asked to provide a summary table based on a
common template at the end of each chapter. This must be seen as a start of a reflection on comparability, rather than the outcome of it.

It was specified at the inception of the book project that each chapter should provide answers to the following questions, even if these were not to be considered limitative.

1. Is there equal treatment legislation in this country and what is its content? Since when? In particular, what dimensions of diversity does it address (gender, race, age, etc.)? To what degree is it enforced?
2. Even in the absence of such legislation, is there a public debate about diversity in this particular country, and if so, what is this debate, and concerning what type of diversity? How and when was it started if it was started at all? When do the first contributions appear in academia and in the press? Who are the actors involved in this debate, such as businesses, trade unions, political organizations, NGOs and other lobbies?
3. Is there empirical research about diversity in this country and what are the main contributions? What are the research questions being addressed by scholars about this country?
4. What is the relationship between diversity management and equal treatment/equal opportunity/affirmative action legislation if such legislation exists in this particular country?

Although the homogeneity of chapters is clearly a matter for improvement in subsequent editions of this book, I believe and hope that the above guidelines have helped each team of authors focus on a minimal set of requirements that could feed later discussions. In the next section, a brief summary is given for each chapter. Summaries reflect my decision to announce the structure of each chapter, and highlight some key findings as perceived from my own editorial perspective. Chapters cover Pakistan and Turkey, Austria, Belgium, Canada, France, Germany, India, Italy, the Netherlands, Singapore, South Africa, Sweden, Switzerland, the UK and the USA.

Summary of chapters

Chapter 1  Pakistan and Turkey
As an ‘opener’ to contextualizing diversity research from a country perspective, the first chapter, by Özbilgin, Syed and Dereli, shows how different historical paths influence the construction of gender diversity at the workplace in two large Muslim majority countries (MMCs). This chapter presents key historical underpinnings of gender equality at work in Turkey and Pakistan, assesses the interface between the state, religion and gender diversity from a historical perspective, and presents the current pictures of gender diversity especially in the workforce and political life in both countries. Gender diversity in Turkey has to be seen in relation to secularism, a strong component of Turkish history, whereas conversely in Pakistan, Islam was key in the foundation of the state and in the conceptualization of the role of women in society and the workplace. However, despite these historical differences, class differences of feminist thought and the associated polarization of achievements and failures in gender equality at work are strikingly similar in both countries. This sheds new
light on how gender is constructed in MMCs, and beyond, points to the relevance of a country-based approach for the study of diversity management. What this chapter also tells us is that further research is needed along other dimensions of diversity than gender in both these countries.

**Chapter 2  Austria**

Bendl, Hanappi-Egger and Hofmann explain that Austria has a long history of being encompassed by a larger political regime, first as part of the Roman Empire, then under Habsburg rule as a member of the Austrian–Hungarian Empire. Throughout these periods Austria was embedded in highly culturally diverse environments. In order to provide a complex and accurate picture of contemporary Austria, the chapter first offers an historical framing, which has shaped the scientific and political debates during recent decades. In addition to providing structural data, the authors present an overview of the current political debates and the legal situation for diversity management and equal treatment. Next, they focus on the university and practice-based diversity management discourse and research findings about the implementation of Austrian diversity management in for-profit and non-profit organizations. Their contribution shows that although diversity and diversity management are now established concepts in Austria, the implementation of diversity management is still patchy, as only subsidiaries of foreign-owned multinationals, and a small minority of the largest companies listed on the Stock Exchange, have engaged in diversity initiatives, with SMEs that form the bulk of the Austrian economy lagging behind. Gender- and age-related measures dominate the scene in the diversity initiatives that were identified.

**Chapter 3  Belgium**

In their chapter, Cornet and Zanoni provide an overview of the specificity of diversity at the both the country level and the regional level, as Belgium comprises three regions with distinct policies. The text is structured in five sections. In the first, the authors sketch the position of women, the elderly, ethnic minorities, the disabled, and homo- and bisexuas on the Belgian labour market. The second section presents the Belgian anti-discrimination legislation and the third the public and private diversity initiatives. The authors then elaborate on the empirical research conducted on diversity in Belgium, and conclude with a reflection on the main distinctive issues concerning diversity within the Belgian context. In the Walloon context, characterized by heavy industry (metallurgy and mining) with only a few highly technological development poles, and higher unemployment rates, the notion of diversity remains relatively little used. In the more technology- and service-oriented Flanders, on the contrary, the shortage of labour in the recent years, together with the problem of the ageing of the working population, has favoured the diffusion of diversity management as one of the strategies to attract employees with non-traditional profiles into paid work.

**Chapter 4  Canada**

In their chapter, Haq and Ng start by describing and assessing the major piece of workplace equality legislation in Canada, the employment equity legislation. It can be concluded from their contribution that progress has been substantial for the various protected groups since the enactment of various pieces of Canadian equality legislation.
In its final section, the chapter provides input on diversity management understood as a business-case-driven practice. While employment equity seeks to redress past discrimination, managing diversity seeks to maximize the potential of all employees, including white males. The authors suggest that managing diversity is seen as less controversial when compared with employment equity given that it is more inclusive of everyone in the workplace rather than only those belonging to the four designated groups under the Equal Employment Act. As far as Canada is concerned, the focus on diversity signals a distinctive approach, more business-driven, more consensual, and more transversal, than the previous equal opportunities approach. Canada seems to have succeeded in developing diversity management practices that extend beyond compliance with equality laws.

Chapter 5 France

In the chapter on France, Bender, Klarsfeld and Laufer argue that the debate on diversity is not the result of a criticism or reframing of ‘affirmative action’, which does not exist as such in France for ethnic and racial minorities, and is actually illegal given the present legal framework. Rather, the rise of the diversity notion stems from a critique of the ‘formal equality of rights model’, which ignores the inequalities and the discriminations that it produces, and leads to the question of whether France should adopt affirmative action types of policies in the area of ethnic diversity. However, affirmative action, or ‘positive action’, as it is often termed in France, is considered by many as a risky strategy, one that privileges ‘identities’ and the self-seclusion of minorities rather than ‘equality’. In the first section of their chapter, the authors bring a ‘historical’ perspective to their view of the implementation of equal opportunities for women, and the situation concerning the integration of immigrants and ethnic minorities. They present the French general legal anti-discrimination framework, and public policies in specific areas other than gender: disability, union affiliation, social deprivation, age, sexual orientation, religion. In the second section, they describe the advent of diversity as a response to the shortcomings of social policies and the integration of immigrants and their descendants. They conclude with the existing state of diversity research and pending issues in relation to the implementation of diversity policies, in particular that of ethnic statistics, subject of a heated debate in France at the time this chapter was finalized.

Chapter 6 Germany

In their chapter on Germany, Bruchhagen, Grieger, Koall, Meuser, Ortlieb and Sieben link gender, diversity and equal opportunities: they point out that, for the topic of equal treatment at work in Germany, gender and diversity are the most relevant anchors for research as well as for political and management practice. Diversity is seen here as a tool for society’s achievement of providing equal opportunities. The authors make the assumption that diversity management will spread in Germany in both research and practice. The authors outline some of the barriers that will be hard to overcome, and also adverse effects of concepts such as diversity management when it serves only as a façade of legitimacy. However, according to them, there are strong drivers for an effective promotion of equal opportunities: legal forces, and demographical change – bred by increasing proportions of migrants, women and the elderly in the labour force – accompanied
by a shortage of highly qualified employees. They argue that political action on both the national and the local levels as well as the ‘usual’ processes of institutionalization will contribute to the wide distribution of the philosophy of diversity management and, more importantly, to the appreciation of diversity.

Chapter 7  India

The chapter by Haq and Ojha, is mainly dedicated to a depiction of India’s affirmative action policies in the public sector, public education and political institutions, a critique of their outcomes, and proposals for reforms. India is unique in its outcome-based focus on numerical reservations, or quotas, for three designated groups: the Scheduled Castes (SC), the Scheduled Tribes (ST) and the Other Backward Classes (OBC) as part of its affirmative action policies. These policies have provided opportunities for advancement for members of the protected groups, but also an inflation in the number of protected groups, the definition of which is partly left to the initiative of each individual state included in the Indian federation. However, this type of legislation applies only to the public sector. Private sector organizations are not governed by affirmative action policies, and most have not shown any interest in implementing voluntary diversity programmes. The projected changes under discussion in India involve departing from a purely caste- or tribe-based system in order to include socioeconomic variables into a more complex model than the reservation, quota-based model.

Chapter 8  Italy

In this chapter, Murgia and Poggio defend the argument that, in comparison with other Western countries, in Italy the concrete implementation of diversity management practices in firms and organizations is still rather limited. It tends to focus on gender differences and often consists in circumscribed actions with scant efficacy with regard to the cultural change that should instead be at the basis of such an approach. Murgia’s and Poggio’s aim here is to conduct a reasoned analysis of diversity management in Italy, considering the situation of the Italian labour market, the legislative context, and the main schemes of organizational development undertaken in Italy by enterprises and consulting firms to enhance diversity. The authors attempt to show the strengths and weaknesses that characterize such developments. They focus in particular on gender diversity, as the dimension most widely considered in Italy.

Chapter 9  The Netherlands

In their chapter on the Netherlands, Bleijenbergh, van Engen and Terlouw provide input on the development of an anti-discrimination legal framework in their country and the debates that have surrounded it. Their chapter analyses a situation where an affirmative action legal framework – including self-report of ethnic origin – was put in place and later abandoned or mitigated because of employer claims and backlash from public opinion. This is an original feature when compared to the other countries featured in the book. The authors also insist on how different equality and diversity claims can compete and clash with one another. More precisely, the heated debate reported in their chapter bears on the tension between constitutional rights regarding religion (equal treatment with regard to religion, freedom of religion and freedom of education) and the right to equal treatment on the basis of gender and sexual orientation.
Chapter 10  Singapore
In the first section of their chapter, Chia and Lim present an original approach taken by the Republic of Singapore to bring forward the agenda of workplace equality: the tripartite model, a model whereby government, employers’ organizations and trade unions promote best practice rather than the state issuing binding legislation. The section that follows discusses the treatment of four types of diversity in Singapore – ethnicity, gender, sexual orientation and age – from a legislative and sociopolitical perspective. They highlight that male–male sexual orientation is still illegal in Singaporean law, and homosexual behaviour is considered ‘unacceptable’ by an overwhelming majority of the population. The chapter also addresses the academic discourse surrounding the various types of diversity. Another original feature of Singapore, though not strictly employment-related, is presented: the Ethnic Integration Policy (EIP), a housing policy introduced to promote racial integration and harmony, and prevent the formation of racial enclaves by ensuring that every public housing estate had a balanced ethnic mix. Finally, a summary of the relevant issues and the implications they have for both research and practice are presented. As a concluding remark, the authors note that it remains to be seen if the tripartite model will be a suitable one for managing diversity, as this model is very recent, and evidence it still needed in order to properly assess its effectiveness.

Chapter 11  South Africa
In their chapter, Booysen and Nkomo begin with a brief overview of South African early history and cultures, the colonization and the forming of a republic, the apartheid regime and lastly the birth of its democracy and its cultural diversity. This is followed by a review of the legislation geared towards workplace equality and transformation in South Africa, which stretches beyond employment to include the promotion of blacks in the areas of corporate ownership and top management. Although progress has been achieved since 1994 as regards their employment status, blacks still are largely underrepresented at the managerial and professional levels. The outcome of workplace equality legislative measures and the difference between employment equity and diversity in the South African context are then discussed, followed by the current debates and issues surrounding cultural diversity. This is followed by an overview of diversity and employment equity research and practices in South African organizations. The authors point out that in South Africa, most organizations are still ‘trapped’ in the discrimination-and-fairness perspective, or what can be termed as ‘righting the wrong’ and complying with the law, and still have a long way to go towards promoting the other paradigms of diversity, which centre on the ‘business case’ argument, and value diversity as a potential source of learning.

Chapter 12  Sweden
Kalonaityte, Prasad and Tedros, in their chapter, argue that the Swedish appropriation of diversity management needs to be seen as a development of the ongoing national policy-making and institutionalized efforts to further equal treatment, migration management and gender equality. The purpose of the first section is to provide the reader with the Sweden-specific diversity terminology and the broader conceptual framework within which diversity needs to be viewed. In the second section the authors move on
to review the current research debates on the status and the challenges associated with workplace diversity and equality. The second section is therefore an overview of the existing research orientations concerning workplace diversity and equality in Sweden. The chapter contrasts gender, as one policy area where Sweden is considered to be relatively successful, with ethnic integration, where many shortcomings are indicated.

Chapter 13 Switzerland
Switzerland has four official languages, two major religions and 26 cantons as sovereign legal and administrative entities. Another specificity of Switzerland is its strong ‘breadwinner’ culture, which expects women to be at home for childcare purposes. A federalist and democratic nation based on strong liberal values, Switzerland cherishes its myths about its rural origin, as Nentwich, Steyaert and Liebig explain in their chapter. Despite Switzerland’s long tradition of dealing with its own internal diversity, the public debate on diversity in the work context began only recently. This paradox in the conception of diversity in Switzerland guides the authors as they discuss the entry and establishment of diversity practices in Swiss corporate and organizational life. First, they sketch the recent entry of diversity management into Switzerland, and show how the historical and local context of a specific ‘diverse’ Switzerland is aligned with the global idea of diversity management as it travelled from the USA. In the second section, they outline the diversity of the Swiss labour market and work life in general with regard to those dimensions that are considered the most significant: gender and culture. In the third section, they sketch the legal dimensions of diversity management, again moving between the specifically Swiss legal context and the broader (mostly European) legislative changes. And finally, they review some recent research projects in order to shed some light on the extent to which Switzerland forms a special case.

Chapter 14 The UK
Writing about diversity in the UK, Tatlı revisits the mainstream US-originated assumption that diversity management represents a break with equal opportunities. The first section of the chapter provides a background to the development of the diversity management discourse and structures in the UK. The now more than 30-year-old legislative and regulatory framework in the UK in relation to equality and diversity is introduced. Then diverse scholarly perspectives that are developed in the UK context are reviewed in order to account for the equal opportunities versus diversity management debate, mainly the theorization of the rationales for adopting diversity management. In the second section, Tatlı explores the discourses and practices prevailing in the field of diversity management in the UK context. She uncovers the complex and contested nature of diversity management processes by presenting empirical evidence against simplistic, a-historical, a-contextual and a-political notions of diversity management. The data display strong differences between the private sector on the one hand, and the public sector on the other, where legislation is traditionally binding. Diversity and equality policies tend to be more widespread in the latter. As far as the UK is concerned, and in spite of a dominant ‘business case’ discourse, in practice, the main driver for the adoption of diversity management policies appears to be, not the business case, but the search for legal compliance.
Chapter 15  The USA
In their chapter, Lillevik, Combs and Wyrick, after giving input on the early debates on gender and race equality in the first section, discuss the relevant legislation and policies dealing with the treatment of minority groups in the workforce. Enforcement issues, Supreme Court case law, and critiques formulated against affirmative action are dealt with in the third section. Next, research and public discourse about diversity management as a ‘new’ paradigm are addressed in a fourth section. This includes the definition of diversity, the rationales for the emergence of the concept of diversity, and a brief summary of US research and current debates about diversity, in particular as regards the relationship between equal opportunities, affirmative action and diversity management. Although it is a US-originated concept, stressing the benefits of a diverse workforce rather than compliance with legal requirements, diversity management appears to hold strong historical links with equal opportunities and affirmative action, and all three concepts are often perceived as one and the same by the general public. The authors insist on the strong backlash that exists among the US population against both diversity management and equal employment opportunities policies.

A typology of public policies regarding positive action
Each chapter includes a section on anti-discrimination legislation. In most – but not all – countries under study, states have introduced ‘equality’ legislations, in other words the removal of negative discrimination, and later on ‘positive action’ legislation, which seek to introduce temporary differential treatment for the attention of traditionally underprivileged population groups. Working on a variety of countries, themselves using a variety of criteria when it comes to operationalizing diversity (such as gender, national origin, disability), and a variety of positive action regulations, provides an overview of how constraining laws may be in relation to positive action. In the light of the material accumulated in this book, I offer Table 0.1 as an attempt to summarize the wide range of possibilities that the countries under study present to the reader. I hope that this will help policy-makers at the government and corporate level to remove some of the ‘fog’ that has surrounded the adoption of positive action measures, a fog that maintains a confusion between outcome-based quotas, and the collection of statistics for monitoring purposes. Table 0.1 suggests that such confusion does not hold, and aims to foster a discussion of the typologies of positive action legislations in the wake of Jain et al. (2003).

Research perspectives
In the future, more research should be devoted to assessing the relevance of this typology and its possible applications and limitations. Beyond state legislations, research efforts should try to extend beyond strictly focusing on the laws and adapt this typology to other levels of policy formulation such as the industry level and the corporate level: similar to states, industries (through collective bargaining) and corporations (through collective bargaining and internal, voluntary rules) as well as international institutions (such as the European Union) can put in place policies whose aim is to eliminate discrimination and develop and manage diversity. Once a clear typology is established, it becomes possible to conduct comparative research at these various levels on antecedents and consequences of such policies, in particular their efficacy in achieving organizational performance together with distributive and procedural justice.
Table 0.1  A typology of positive action legislations

<table>
<thead>
<tr>
<th>Degree of constraint of positive action legislation</th>
<th>Definition</th>
<th>Examples of criteria/country as of July 2009</th>
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<tbody>
<tr>
<td>Equality of rights only. No reporting allowed</td>
<td>It is forbidden for employers to directly collect data and report figures on the criterion; action plans cannot target these criteria directly</td>
<td>Race and ethnic origin/France and Sweden</td>
</tr>
<tr>
<td>Allowed reporting</td>
<td>Collecting data and reporting on the criterion is possible. This remains at the discretion of employers, and is highly controversial</td>
<td>National origin/France</td>
</tr>
<tr>
<td>Positive action encouraged</td>
<td>Collecting data and reporting on the criterion is compulsory, but not the setting of outcome targets, which remain at the discretion of employers. Employers have a broad duty to act, such as to engage in collective bargaining</td>
<td>Race and origin/UK (public authorities) Gender/France (until 2006)</td>
</tr>
<tr>
<td>Positive action compulsory – constrained process</td>
<td>Collecting data, setting targets, acting and reporting progress on the criterion is compulsory. Covered employers must demonstrate good faith action and progress. The target is remote and not binding in the short term. Sanctions may apply if there is a lack of ‘good faith’ and progress</td>
<td>Race and origin/Canada, USA, South Africa Ageing workers/France</td>
</tr>
<tr>
<td>Positive action compulsory – constrained outcome</td>
<td>Strict targets (quotas) have to be met for the criterion. Sanctions are imposed systematically when targets are not met</td>
<td>Caste and tribe/India Disability/France</td>
</tr>
</tbody>
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References