

Impact of the Equal Opportunity Plan



The Equal Treatment Authority accomplishes its research project called „TAMOP 5.5.5/08/1 Combating Discrimination, Shaping Societal Attitude and Strengthening the Work of the Authority” by the assistance of the European Union and the co-financing of The European Social Fund between 2009 and 2013.

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Recent study has been prepared by Sik Kiadó Kft. entrusted by the Equal Treatment Authority in the scope of its project called „TAMOP 5.5.5/08/1 Combating Discrimination, Shaping Societal Attitude and Strengthening the Work of the Authority”.

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Qualitative and quantitative **data collection and recording** has been done by Ipsos Inc.

Impact of the Equal Opportunity Plan Summary and Recommendations

While assessing the impact of the Equal Opportunity Plan, in the empirical phase we shed light on the most important elements of the existence and emergence of equal opportunity plans and other regulations combating discrimination. Our statement is that the existence and the effects of these documents depend to a large extent on the economic sector, further, their adoption and application is influenced by legal regulations, the dimensions of the firms, the educational level of those applying the rules, their legal knowledge, their respect for law and/or pragmatism.

The analysis makes it obvious that the main motivation in adopting the Equal Opportunity Plan is the legal obligation. It is first of all for the public sector typical that in the big majority (78-84%) of institutions falling under legal obligation, the Plan has been adopted, whereas in the market sector only 31% of firms obey to the legal prescription and the rest does not show the willingness to do so. This is true despite the fact that only an infinitesimal part (1-9%) of those institutions having adopted the Equal Opportunity Plan considers this representing a substantial additional cost. Despite the economic crisis and the disadvantageous changes in the labour market, many work leaders still consider that there is no reason for the equal opportunity policy, and this is most true for the market sector and for the public and government officials (39%, respectively 49% of those not having adopted such a plan).

Meanwhile, among employees, a high proportion (53%) of public servants is not aware of the fact that an Equal Opportunity Plan was adopted at their workplace.

It is important to know, that regarding the employee's satisfaction with their employment, there were no correlation in the level of satisfaction between the companies having Equal Opportunity Plan, and those, which have not.

The main motivations for adopting the Equal Opportunity Plan (legal obligation, increasing chances for grant applications) are exterior factors for workplaces; therefore employers do not really see the benefits of the equal opportunity policy. Like so many times during researches, interviews with those applying the law and the dynamic communication of focus groups revealed the perception problems, the prejudices, the various forms and mechanisms of repulsing responsibility and scapegoating which play a role in the emergence of this situation. As far as the perception problem is concerned, the fact needs to briefly be pointed out that equal opportunity and antidiscrimination are so-called postmaterial values, to which people are less receptive when poverty increases. In everyday practice, solidarity is rarely to be found, and this only in dramatic situations, and to a smaller extent than needed. The second perception element is the translation problem. Those persons who have been witnessing the incomprehension related to horizontal goals or gender mainstreaming since Hungary's joining to the European Union, precisely know what this means. It basically means that the topic remains the internal affair of „the redeemers“, due to the fact that although they would like to, they do not find the common language with those whom they would like to help, because it is needed and it is worth. It would be a pity for this tendency to go on and for the future of chance equality to depend on the translation from European into Hungarian, and from Hungarian into Hungarian.

At the beginning of this analysis we quoted the former study of the SEED Foundation, to which we now return at the end. In the summary of that qualitative research, attention was drawn to the existence of the following stereotypes: „men decide better, are more rational and are better strategists, whereas women are more meticulous, more monotony tolerant, and are influenced to a far greater extent by emotions.“ These focus groups have dealt less with the issue of rationality and emotions typical for each of the groups, and more with the viewpoints of the workplace. People involved have expressed a strong opinion especially when talking about the connections between chance disadvantages and the professions, respectively the activity scopes.

However, discussions were not lacking stereotypes either: participants replaced the expected definitions of chance equality and discrimination with naming and describing the groups which are affected by them. The descriptions and attributes used for characterizing those groups involved are shedding light on the existence and emergence of chance inequality and discrimination, which participants have illustrated with various life situations and examples, from the labour market, from the workplaces and from everyday life. As far as the order of disadvantaged groups is concerned, the opinion of discussants is, at large, in accordance with the results of the quantitative research, however, in judgment on each of the groups – on women, on the Roma – the attitudes were more negative than those found in the quantitative research and even opposed to what has been told in the bigger firms of the market sector, in the public institutions and in the civil organizations. After reviewing the debut of the focus groups, one possible explanation for this might be the difference in size of the institutions, since discussions took place mostly with smaller and micro-firms. The representatives of the middle-sized firms and of the former enterprise culture – food industry, cannery – were among the more tolerant participants.

The situations the discussants were telling about were in a few cases their own experiences, being mostly experiences of their fellows they had heard about. In sharing these experiences, there were plenty of grievances, and we frequently met the politics of grievance and resentment: it is very difficult to decide about them when reading these statements. There were almost no unbiased or „just a little biased“ statements. The „positional value“ of the different focus groups is not identical with regard to shaping chance equality, thus it is the more painful that employers had a bad word to say about almost everyone. Talking about the Roma, employers resembled an auction, and if this attitude persists, protected groups and labour market entrants have little hope for appreciation, either.

Instead of a politics of grievance and resentment, there was almost no proactive speaker who thought and talked about the future through mastering the own fate, on either the employers' or the employees' side. Participants agreed to the need of something to be done, but not to what has to be done, however, they did not see any problem with this on their side. It was hard for them to decide who has to do something about the existing situation. It was easier distancing oneself, repulsing responsibility towards the „upper levels“: it is not me who has to act, but someone from „above“, the state government or the local one. Meanwhile, there were important statements and valuable recommendations to be heard. It is easy to agree with participants drawing attention upon the massification of higher education, and pleading for telecommute, part-time and flexible employment, missing incentives (or finding the existing ones as unsuitable or unfair), or giving examples of proper practices coming from abroad. There was one single element missing from these argumentations, namely: whose responsibility is it implementing these solutions at the workplaces and what sort of institutional guarantees may facilitate the process. However, there were voices that, instead of suggesting solutions, were emphasizing the obstacles of making such recommendations true at the workplace, or in case these still could be implemented, were arguing how much extra effort this would cause an employer. When discussing the lack of chance equality plans, it was often claimed that these guarantees are functioning without the document as well, although the majority of participants only knew for whom this plan is obligatory to adopt, but not what purposes it serves.

As far as employees are concerned, discussants were also applying situational thinking. Instead of using arguments, they were often avoiding concrete stances through telling parables, packing their opinions in parabolic speech not lacking examples. While employers referred to legal regulations, employees with protected characteristics only knew some of the existing incentives but seemed unaware of being protected as employees.

Legal knowledge and deficient legal consciousness also appeared in those answers drawing on partial elements: with regard to chance equality, answers were rather inaccurate, and with regard to discrimination, they were only partly punctual. The picture made up of opinions and judgments is, however, a reflexive one, and mirrors a society where the world of work is *rather a world of inequality and discrimination than that of its opposite.*

There is no employee group that would not consider themselves disadvantaged and discriminated against, and with more or less similar markings of the two concepts, those questioned think the same about the other groups concerned, too. There are differences to what the followings are concerned:

- who are being mentioned at all spots and in each group: the Roma, people with young children, people with disabilities, people above 40-50, people with big families and labour market entrants,
- who are being mentioned only at particular spots and in particular groups: former prisoners, emigrants, homosexuals,
- who are being mentioned mostly in negative contexts or in rather negative ones, and who are being thought of with pros and cons – these facts have already been emphasized in the previous sections.
- With respect to the sensitivity of employers and of employees it is important to state that there was no discussion who would have mentioned that each group has its inner segmentation: a Roma man and a Roma woman are differently discriminated against, a person with disability lacks chances but in different ways in the provinces and in the capital city, not to mention the cumulated disadvantageous situations like being a disabled Roma man, and we could go on telling examples.

For the most part, self reflections in the statements of each group are also negative. Listening to a labour market entrant or another person with protected characteristics, it is hard to imagine that he/she would have the power and at least one effective argument to stand up for himself/herself, or to behave in an assertive manner, if being asked one of the often mentioned discriminative questions.

The direct result of this negative self reflection is self justification, asking for lessening the requirements and scapegoating. Examples for all of these were to be seen, apart from examples of solidarity. Those employees who referred to solidarity were above 40 and were talking about their past as employees, when colleagues used to replace each other if needed, and the personal relationship between colleagues was a very good one. In our times, it is rather competition and defenselessness that are being emphasized, though in other ways. Young people are skilled in writing motivation letters and CV-s, however, if they send it to the potential employer, there is nobody answering them. Older employees lack the skills for written job application, nevertheless, this is just one of their problems.

At the time of the SEED study, the most important problems were as follows: lacking family friendly workplaces and alternative forms of employment, spending time out of paid work while on maternity leave, and supporting the reintegration of mothers into the labor market. At that time, most participants thought workplaces could not be sensitized for gender equality: „there is little chance for the workplace to reduce workload of employees or to encourage fathers' paternity leave“.

This has not changed by now, either. The more: in some cases, there is declaredly no workplace, in other cases this happens in a more hidden way, however, the effects of the global economic crisis were felt in each focus group. The ultima ratio is often expressed by this kind of attitude: „it is the entrepreneur who has the right to decide who he/she employs“. For this situation to change, antidiscrimination law would have an important role, however, its notoriety and emergence leaves much to be desired. Regrettably, as far as the "Law on Equal Treatment and Promotion of Equal Opportunities (in effect as of January 2004)" is concerned, employers did not mention any of its concepts, its key elements of guarantee, or possibly its key words, which would make the work of a HR-officer more holistic and his/her argumentation more human, or which would help in raising awareness and foreseeing the possible results of his/her prejudicial and discriminative conduct. It only came up in the case of one medical masseur with disability and in the insurance business that insuring chance equality would have a direct effect on partners and on the image of the firm, which would also appear indirectly in the profit, as also mentioned in the quoted study. However, the remark was added that the financial burden on enterprises does not facilitate these kinds of changes.

Recommendations: We suggest policy makers to deliberate on the possible incentives of applying the "Law on Equal Treatment and Promotion of Equal Opportunities", for example with prizes, and on the potential refrain effect of the White Book on Equal Treatment. In our opinion, besides obeying legal obligations, the internalization of motivation (for example through offering information and training the leaders) could help employers in adopting an *equal opportunity policy*. Training and sensitizing is also indispensable for employees. From the definition trials presented above, a wide range of examples of direct and indirect discrimination can be compiled. It is first of all the workers who need to be persuaded that they should not, or rather, they are not allowed to identify themselves with the discrimination cases they are talking

about. In the groups with protected characteristics, it is important to raise awareness of the legal guarantees and the enforcement possibilities of their rights, further, the deficiencies in part-time, flexible time and shared-time employment should be recovered. Assertive law enforcement needs more human workplaces and working legal guarantees. We dare hope that thanks to this study, the number of tolerant employers would increase, the rights enforcement skills of employees would improve, and – an increasing employment level being supposed – discrimination would diminish on the labour market.