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AN OVERVIEW OF DIVERSITY POLICIES IN THE PUBLIC AND PRIVATE SECTOR THAT SEEK TO INCREASE THE REPRESENTATION OF MIGRANTS AND ETHNIC MINORITIES IN THE WORKPLACE: THE CASE OF GERMANY

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Verena Bruchhagen

ABSTRACT

This chapter is partially based on an unpublished Organisation for Economic Co-operation and Development (OECD) background report, titled 'OECD Research Project on Diversity in the Workplace: Country Report Germany', which was written by the authors of this chapter. While the OECD country report illustrates how diversity policies and related diversity instruments targeting various diversity dimensions have developed in Germany over recent decades, this chapter focuses solely on the management of ethnic diversity and its related policies. Diversity policies are broadly understood as any policy that seeks to increase the representation of disadvantaged social groups such as migrants and ethnic minorities, women, disabled persons, older workers and lesbian, gay, bisexual, transgender/transsexual, intersex and queer/questioning (LGBTIQ) in the workplace, both in the public and in the private sector. The central idea of this chapter is to provide an overview of which

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policies and instruments have been implemented for migrants and ethnic minorities at the workplace and to evaluate their success or failure where possible. In doing so, this chapter also discusses obstacles, success factors and challenges for policy implementation for the past and for the future.

Keywords: Integration policies; diversity policies; managing ethnic diversity; migrant workers; ethnicity; equality

INTRODUCTION

Diversity management has been a topic in Germany since the late 1990s, particularly in the private sector. Initially, diversity management was only seen as an human resources management (HRM) approach that could provide a useful tool for the competition for talent and therewith help to tackle demographic change and skills shortages in private sector organizations. Governmental interest for the concept of diversity management and related diversity policies rose only in recent times, partially due to the implementation of the German Equal Treatment Law. Germany was required to implement the Equal Treatment Law as a member of the European Union (EU) in the year 2000. However, employers' associations and churches were particularly opposed to the implementation of the EU Race Equality Directive 2000/43/EC. This resistance delayed the implementation of the general Equal Treatment law by six years, making Germany one of the last European countries to implement it in 2006 (Kara & Merx, 2016; Rehberg & Dudek, 2015).

Diversity management is promoted as a useful tool to combat discrimination all over by the EU. In recent years, the German government started promoting diversity management, same as other European member countries (Cormack & Bell, 2005). Multinational companies (MNCs), such as Motorola and Ford, were the first to implement diversity management and related organizational policies in Germany, even before the introduction of the Equal Treatment Law in 2006. However, since then, a large number of German MNCs have followed suit, such as Daimler Chrysler, Deutsche Bank and Deutsche Telekom, as well as small and medium enterprises, with some of them implementing an array of diversity polices in their organizations. The Federal Government endorses and supports this development. Consequently, the terms such as 'valuing diversity' have increasingly appeared in the political as well as in the public debate. However, such governmental interventions have not yet had a significant impact on private sector organizational practice and policy particularly regarding anti-discrimination. One reason might be that their interventions predominantly concentrate on changing discourse only and by doing so fail to target structural barriers that, for example, ethnic minorities or women encounter at the workplace (Vassilopoulou, 2017). However, some positive impact can be recorded for the public sector particularly in very recent years. The public sector, contrary to the private sector, now highlights the

connection between diversity measures and anti-discrimination (Kara & Merx, 2016; Rehberg & Dudek, 2015).

The notion and development of diversity management and related policies in Germany differ to how diversity management is understood and practised in, for example, the UK and the USA. Contrary to the way, it is dealt with in those two countries; in Germany, diversity management has not only no human rights background but also does not promote the elimination of discrimination at the workplace. Instead, diversity management entered research and also organizations in Germany directly as an HRM concept (Koall & Bruchhagen, 2002; Krell, 2008; Vedder, 2006). It is no surprise that diversity management in Germany is not based on human rights and for example anti-discrimination, since its anti-discrimination culture can still be described as rather weak, even after the implementation of the EU Equality directives. This lack of an anti-discrimination culture is also reflected in public opinion. The majority of Germans believe that enough is being done in their country to combat all forms of discrimination, with scores higher than the average at European level (Eurobarometer, 2009). The 2015 Migration Policy Index confirms these findings and highlights a growing resistance towards anti-discrimination, particularly regarding ethnic minorities and migrants (BPB, 2008). One reason for the resistance to anti-discrimination can be found in Germany's Nazi past (Tatli, Vassilopoulou, Ariss, & Özbilgin, 2012). National guilt, related to the crimes of the Holocaust, has deeply affected the collective memory; processing this guilt was at the heart of post-war democratization (Habermas, 1988) and plays a key role in many facets of contemporary German social and political life (Safran, 2000).

Another difference is that the gender issue dominates the discourse on diversity management in Germany (see Hermes & Rohrmann, 2006; Koall & Bruchhagen, 2002). The first scholars to introduce the notion of diversity management in the academic field in Germany were women that originally engaged solely in feminist studies. Quickly, diversity management became a more fashionable term in the field of equality, compared to feminism and gender equality. As a result, many feminist scholars moved to the academic field and discourse of diversity. Consequently, the agenda of female emancipation and the struggle for equality were retained as central foci of their work on diversity management. This is not surprising, considering that in Germany, woman studies have been created by and for majority German women (Bednarz-Braun, 2004). We can find a very similar history in the USA, where black feminists and migrant women still criticize the exclusiveness of gender studies and the absence of race-related issues in feminist movements. Black feminists also called attention to the interconnection of race, class and gender, for which Crenshaw (1989) developed the term 'intersections'. This intersectional perspective is important, as, for example, race inequality cannot be studied in isolation from, for example, gender. The notion of intersectionality entered only recently the gender debate in Germany (Klinger & Knapp, 2005). Although Gümen (2003) argued already in 2003 that considering other social categories as, for example, race is one challenge of 'new feminism'. Unfortunately, her voice remained unheard. One explanation

could be that relevant research by ethnic minority women is largely ignored (Bednarz-Braun, 2004). Gender-related issues are also dominant in current public and private organizational diversity policies and at the same time the management of, for example, ethnic diversity is often viewed as less pertinent (Köppel, Yan, & Lüdicke, 2007). Despite this dominance of gender, both the public and private sector have implemented a plethora of instruments and policies promoting diversity for different diversity categories at work.

After setting the background for the German context, this chapter provides an overview of policies implemented for migrants and ethnic minorities at the workplace, in the public as well as in the private sector. This is followed by a discussion of the implemented instruments and policies aiming to increase the representation of migrants and ethnic minorities in the workplace. Finally, the chapter concludes in discussing, amongst others, obstacles, success factors and challenges for the future of promoting diversity at the workplace.

MIGRANTS AND ETHNICITY AT THE WORKPLACE

It is argued that diversity management might provide an optimal way to include workers from ethnic minority groups and migrants¹ in the labour market and strengthen ethnic diversity in the workplace (Thomas, 1995). In the same vein, the government started recently to promote diversity management as a tool for the better 'integration' of ethnic minority and migrant workers in Germany. Consequently, the terms such as 'valuing ethnic diversity' have increasingly appeared in the public and political debate. However, it is not clear what, if any, impact these governmental interventions have had. Germany is characterized by a relatively high degree of inequality between migrants/ethnic minorities and non-migrants as well as restrictive and assimilationist integration policies. There is a gap in labour market participation between immigrants/ethnic minorities and the majority population, which is higher compared to countries such as Sweden and the Netherlands, due to stronger barriers to formal equality (Koopmans, 2010).

The labour market situation of immigrants in Western Germany was nearly similar to that of native-born Germans, until the early 1990s. Strikingly, only female employment was different. The employment rate of female immigrants, particularly of ethnic minority Turks, was significantly higher compared to native-born German women for many years. This changed dramatically due to the recession of the early 1990s. While the employment rate of Germans declined by 3%, the employment rate of ethnic minorities dropped by about 10% meanwhile. Particularly affected by the decline in employment levels were workers of the Turkish ethnic minority. Their situation changed in the years between 1997 and 2001 through the economic upswing. However, this lasted only for a short time, and currently, the employment rates are similar to the year 1997 (Liebig, 2007, p. 19).

A further difference can be found when examining the types of employment. For instance, ethnic minority individuals are 52.7% blue-collar workers, compared to only 28.9% of the native-born German population. Likewise, no more

than 36.3% of ethnic minority individuals work as white-collar worker, contrary to 52.9% native-born workers. Only the self-employment rates are nearly similar. In the year 2003, the self-employment rate of immigrants was, with 9.6%, nearly the same as that of native-born Germans with 10.4%. There are also significant differences between different ethnic origins, as not all ethnic groups show the same results. While, for instance, 45.8% of the Spanish minority are white-collar workers, which is close to the number of native-born German workers, only 22.4% of ethnic minority Turks and 30.3% of former Yugoslavs are white-collar workers. Overall, ethnic minority Turks are with 71% and former Yugoslavs with 60.1% predominantly blue-collar workers. The proportion of white-collar workers for Greek, Moroccan, Italian and Portuguese immigrants were under the average of all employed foreigners ([Bericht der unabhängigen Kommission Zuwanderung, 2001](#)). Thus, the majority of employed ethnic minority workers works primarily in the industrial sector as unskilled or trained workers.

Germany's economic structure has changed in recent years dramatically, making low skilled labour less in demand. In international comparison, the gap in educational attainment between ethnic minority and native-born individuals is particularly evident in Germany ([Liebig, 2007](#)). However, according to [Pécoud \(2003\)](#), ethnic minorities do not only suffer from lack of qualifications, but also suffer from several forms of discrimination in the labour market. Although there is no systematic collection of data regarding race discrimination in the labour market in Germany, enough information has been gathered in the recent past particularly by international organizations and institutions that leave no room for doubt that race discrimination in employment and elsewhere continues to create barriers for ethnic minorities in the employment sector and other social areas. [Hönekopp, Will, and Rühl \(2002, p. 4\)](#) found in his study that while:

[...] the number of foreigners seeking work has considerably increased, actual access to the labour market and to employment has severely deteriorated for foreigners over the last fifteen years. The employment rate of foreigners has decreased dramatically.

Also, according to an Organisation for Economic Co-operation and Development (OECD) study titled 'Job Market Integration of IMMIGRANTS', ethnic minority individuals and immigrants with a university degree are up to four times more likely to be unemployed than native-born Germans with a university graduation ([Steinhardt, 2006](#)). Workers of Turkish ethnicity are particularly affected by labour market inequality ([Gestring, Janßen, & Polat, 2006](#); [Goldberg, Mourinho, & Kulke, 1996](#)).

Despite the recent promotion of diversity management by the government, the government itself as well as the public and media focuses on assimilationist integration policies instead of anti-discrimination or race equality provisions, which should be vital parts of diversity policies aiming to increase and promote ethnic diversity at the workplace. Instead of diversity management, the notion of integration is the dominant concept for the management of ethnic diversity at the workplace. This is problematic, since contrary to the North American approach to diversity management, which is based on the premise of valuing and utilizing difference, the German version of integration sets out to assimilate

ethnic minorities into the dominant white organizational culture. Moreover, integration policies and measures are deployed to 'aid the better integration' of ethnic minorities, who are widely seen as deficient and difficult to integrate, rather than adopting diversity management measures to foster equality, fairness and inclusion at work. In that frame, ethnic diversity is depicted as a source of potential problems (see [Berlin-Institut, 2009](#)).

The European Monitoring Centre on Racism and Xenophobia (EUMC)'s German national focal point speaks of an under-developed anti-discrimination culture ([Peucker, 2006](#)) and race equality and anti-discrimination policies have often been criticized for being weak and under-developed, particularly by German trade unions and non-governmental organizations (NGOs) ([DGB, 2006](#)). There is a general resistance to tackling race-related issues such as race equality and race discrimination at work in Germany ([Vassilopoulou, 2011](#)), as the heated political debates concerning the implementation of the EU Equality Directives of 2000 clearly illustrate. Although trade unions and NGOs hoped that the EU legislation would contribute to the development of an anti-discrimination approach in Germany, their expectations were not met. Employers' associations and churches were particularly opposed to the new protections, and discussion of the implementation of the EU Race Equality Directive 2000/43/EC lasted for nearly six years. This resistance delayed the implementation of the general equal treatment law for many years, making Germany one of the last EU countries to implement it ([Merx & Vassilopoulou, 2007](#)).

THE PUBLIC AND POLICY DEBATE PERTAINING MIGRANTS AND ETHNIC DIVERSITY AT WORK

Germany received five significant immigration inflows starting from the 1960s until today, making it the home to the third largest number of international migrants in the world ([International Organisation for Migration, 2010](#)). Today, 20% of its population has a so-called migration background. The first major post-war immigration movement can be accredited to the guest worker recruitment in post-war Germany in the 1960s. The second and today's largest group of migrants, the so-called repatriates, coming in large numbers from former Communist states, such as Poland, Hungary and the USSR, started immigrating to Western Germany after the fall of the Soviet Union in 1989. Repatriates were given the full right of citizenship upon arrival, on the then legal basis of the *Ius sanguinis* (the principle of blood) accords citizenship on the basis of ethnicity.

The third wave consists of a large number of humanitarian refugees, arriving in the 90s. The fourth group are EU migrants from countries such as Italy, Greece and Spain, leaving their countries due to the ongoing economic crisis and the latest waves are the refugees arriving in Germany since 2015. The arrival and settlement of all the above groups, excluding the repatriates since they are viewed as ethnic Germans, has been received and discussed critically in the public and political debate. Strikingly, for many years, the settlement of many so-called guest workers was viewed as only temporary and along with this, the strong believe (or maybe wish) prevailed that the guest workers would return to

their home countries, which in most cases did not materialize. The idea of immigrants in transit prevailed for a long time, which was reflected in a long-standing policy on guest workers. Only in 2010, the German Chancellor Merkel declared that 'foreign workers', despite earlier expectations, are not likely to leave Germany (BBC News Europe, 2010). Her statement underlined the prevailing view that migrants in Germany were simply guests. It took the German government 50 years to acknowledge the permanent settlement of its former so-called guest workers and therewith the fact that Germany has been an immigration country for a long time (Meier-Braun, 2002). The latest federal election results from 2017, which saw the right-wing party *Alternative für Deutschland* (AfD) receive 12% of the vote indicates that parts of the population still struggle with the idea that Germany is an immigration country.

The latest group of refugees arriving in Germany in recent years, and people of North-African and Turkish descent who are former guest workers or their offspring, are the most problematized in the current public and political debate in Germany. There is consensus among the public and politicians that the integration of ethnic minorities has failed (Berlin-Institut, 2009). This is particularly said of ethnic minority Turks, and Muslims in general. In particular, much is made of their alleged unwillingness to integrate into German society, even though the homogeneity and cohesion of German society remains unquestioned (Vassilopoulou, 2011). Moreover, ethnic minorities, particularly ethnic minority Turks and generally Muslims, are held personally responsible for their failure in building the human capital needed for success in the German labour market (Berlin Institut, 2009). According to a report by the Berlin Institute (2009), Turkish minorities are identified as having the lowest educational outcomes when compared to all other minority ethnic groups. More than 30% are reported to have no educational attainment, 8% leave school without secondary school qualifications, only 14% achieve school qualifications to enter university, and the unemployment rate of young Turkish minorities is considerably higher than other ethnic minority groups. The overall educational outcomes and positioning of ethnic minority Turks in the labour market are presented as lagging far behind the majority ethnic German population.

What the above also illustrates is how the topic of religion or belief is not discussed separately from ethnic minority issues in the German context. It also illustrates how the dominant debate connects the topic of religion or belief mostly only to Islam, thereby ignoring all other religions. This is also reflected in organizational instruments pertaining to religion or belief, which mostly only consist of providing praying facilities for Muslims.

Although it remains sorely understated, race discrimination plays a major role in so-called educational 'failure' of Turks. Failure of Turks in education can also be attributed to, for example, racism in education. Several studies point to institutional discrimination as one reason for the 'educational failure' of ethnic minorities and in particular Turks (Boos-Nünning, 2003; Gomolla & Radke, 2002; Haas & Damelang, 2007; Liebig, 2007). Furthermore, the dominant discourse ignores the existence of highly skilled ethnic minority members, people, who constitute a sizeable population (Müller, 2005). By ignoring this group,

the negative stereotypical notion of ethnic difference and of ethnic minority individuals being deficient remains perpetuate in the dominant ideology in Germany (Al Ariss, Vassilopoulou, Groutsis, & Özbilgin, 2012; Al Ariss, Vassilopoulou, Özbilgin, & Game, 2013). Contrary to the original North American framing of difference along the contours of including, embracing and valuing diverse backgrounds, Turkish and other mostly Muslim minority individuals are portrayed in a deficient way. For instance, failure to employ workers of Turkish ethnicity is defended by arguments that this group is deficient across various job criteria, particularly regarding their alleged lack of proficiency in the German language. These negative representations of ethnic minorities support ethnocentric views and stereotypes, which are used to legitimize and normalize discrimination towards ethnic minorities in the German workplace. Additionally, there is a shared belief that policy targeting ethnic minorities needs to focus on 'helping' them to develop skills, rather than on tackling discrimination and including ethnic minorities in diversity policies in positive terms (Al Ariss et al., 2012, 2013; Vassilopoulou, 2011).

However, Euwals, Dagevos, Gijsberts, and Roodenburg (2007) found that the second generation of former guest workers has improved their labour market position relative to their parents echoing Seifert (1997) who notes the social mobility of children of guest workers since the mid-1980s. Of this transformation, Pott (2001, p. 170) noted that:

As examples of success, they contribute substantially to changing the long-standing picture of post-war immigrants as being poorly educated, badly skilled, discriminated against, and therefore fit only for positions in the lower stratum of German society.

While there have been examples of success, the symbolic transformation has not materialized. Instead, highly skilled ethnic minority workers are more likely to be unemployed compared to the majority population (Steinhardt, 2006). For instance, the unemployment rate among ethnic minority academics was 12.5% in 2005 compared to 4.4% among the majority ethnic German academics (OECD, 2007). Discrimination, stereotyping, prejudice and negative attitudes are some of the reasons which have been reported to prevent members of ethnic minorities from fully participating in the labour market (EU, 2009). Considering these insights, it is unsurprising that a staggering 193,000 highly skilled Turkish ethnic minority men and women who were mostly born and raised in Germany, left Germany to live permanently in Turkey between 2007 and 2011 (Sen et al., 2015). The most frequently cited reasons for this emigration were discrimination and high unemployment.

RELEVANT LEGISLATION

Before the implementation of the European directives (2000/43/EC and 2000/78/EC), Germany had signed up to international human rights agreements in the past. Relevant in this context are the UN Conventions: the International Convention on the Elimination of all forms of Race discrimination (ICERD of 1966) and Convention on the Elimination of all forms of Discrimination

Against Woman (CEDAW of 1979). Germany has been obliged to exercise a non-discrimination policy according to its membership in the United Nations, since Article 1 of the UN Charter demands the respect for human rights without any difference as to race, religion, sex or language. Furthermore, Article 3 in the German Basic law of 1949 determined that governmental discrimination on the grounds of race, language and origin, religious belief, religious and political views or disability is not permitted (BpB, 2008, p. 84). In contrast, there was no extensive legal protection against discrimination in the private sector, until the implementation of the German Anti-discrimination law 2006. In Civil law, in specific §611a *Bürgerliche Gesetzbuch* (BGB = Civil Code), there are regulations banning all forms of sex discrimination in employment. Astonishingly, only 119 claims came to courts in 25 years based on §611a. In this light, §611a remained a relatively untapped law (Merx & Vassilopoulou, 2007). The law was particularly ineffective due to its very abstract regulation.

Moreover, the law included no regulations against discrimination on the basis of ethnicity (Will & Rühl, 2004) before 2006, despite the fact that race discrimination has been noticeable in different areas of life for a long time. As a result, victims of race discrimination were not able to start a legal procedure against possible unfavourable treatment. Before the introduction of the General Equal Treatment Act in 2006, all these anti-discrimination provisions together did not provide a sufficient legal framework for the protection against race discrimination. Therefore, it is not surprising that there was also no information available regarding court cases on race discrimination before the implementation of the EU Race Equality Directive 2000/43/EC (Peucker & Bosch, 2007).

Race-related issues only became more significant in political debates due to the European Treaty of Amsterdam of 2 October 1997. The Treaty, which sets out the principles and objectives of the EU, affirms that:

The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms [...] principles, which are common to the Member States. It emphasizes the fundamental importance of non-discrimination and extends this principle to other areas in addition to nationality and equal pay for men and women, which were dealt with before. In particular, it gave the European Union powers to take action against discrimination on a range of grounds. (European Parliament, 1997)

Two European directives 2000/43/EC, the directive on equal treatment between persons irrespective of racial or ethnic origin, and 2000/78/EC, the framework for equal treatment in employment and occupation, are based upon Article 13, which approved as part of the Amsterdam Treaty, provided the EU with a legal basis to act to combat discrimination on grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation. Germany, as a member of the EU, was obliged to implement these two directives into German national law. This was put into practice through the new equal treatment law (*Allgemeine Gleichbehandlungsgesetz*, AGG). Germany, as mentioned above, implemented the directives as one of the last two European countries in August 2006.

In contrast to Article 3 in the German Basic law, which is the constitution of Germany, the new AGG takes now the private sector into consideration. The important difference is that Article 3 of the German basic law only protects against governmental discrimination. Discrimination through private persons or in employment was not included in this law. For instance, victims of discrimination had no rights to proceed against civil persons in the field of employment until the implementation of the German Equal Treatment Law.

Although trade unions and NGOs hoped that the new legislation would potentially contribute to a clear improvement of anti-discrimination approaches in Germany, the significant lack of specific anti-discrimination provisions did not foster any improvement. For instance, the government only set up an 'independently' operating ministerial service under the authority of the Ministry of Family Affairs, instead of an independent Federal Anti-discrimination Agency, as required in the General Equal Treatment Act. Contrary to similar bodies in other European countries, the agency only acts as information and counselling body rather than providing legal support. Moreover, the agency is not empowered to bring about formal discrimination complaints against persons or institutions thought to have engaged in discriminatory behaviour (United Nations, 2010, p. 7). Generally, the agency is criticized of having a weak mandate by civil society organizations. Foremost, the agency is criticized of not being proactive in fulfilling its role. For instance, the agency is not carrying out in-depth research on racism; neither does the agency collect data to assess discrimination in employment. This might be partially explainable by the lack of human and financial resources available to the agency. For instance, the agency does only employ the inadequate number of around 20 full-time employees. A further point of criticism relates to the lack of regional or local structures, including field offices. This is viewed as particularly problematic for the victims of discrimination in relying on the agency. Lastly, the independency of the agency is questioned by many organizations. For instance, the head of the agency is appointed by a ministry, which might make the agency being overly responsive to the majority in parliament (United Nations, 2010). Moreover, there is no data available regarding the impact of the Equal Treatment Act on combating race discrimination in employment in the private sector. On the contrary, the first research carried out by the agency examined the costs for fulfilling the requirements of the Equal Treatment Act for the private sector. Showing therewith clearly whose advocate the agency has chosen to be.

INSTRUMENTS AIMING TO INCREASE THE REPRESENTATION OF MIGRANTS AND ETHNIC MINORITIES AT WORK, BOTH IN THE PRIVATE AND THE PUBLIC SECTOR

Günter Piening, who has been Germany's Integration Commissioner for nearly 10 years, provides a rather critical assessment of the integration policy in Germany. In his farewell speech, he argued that Germany is still far away from

a real recognition of the fact that it is an immigration country. Moreover, he argued that there is no recognition of the need for race equality in the German context (MIGAZIN, 2012). In particular, the long prevailing disinterest in policies regarding race discrimination and race equality has led to an absence of measures targeting such issues in the organizational context. Moreover, in 2010, Chancellor Merkel announced that '[...] the approach [to build] a multicultural [society] and to live side-by-side and to enjoy each other [...] has failed, utterly failed' (BBC, 2010). This is surprising since the German government never declared a multicultural society. The assimilation of immigrants into the dominant culture has always been in the focus of the national agenda (see Berlin Institute, 2009; Esser, 2001, 2003, 2006). Overall, the idea of cultural diversity and the promotion of multiculturalism and race equality have been ignored in the German context (Vassilopoulou, Özbilgin, Tatli, & Jonsen, 2014).

Both the private and public sectors have introduced some instruments to promote ethnic diversity in the workplace. However, substantial differences between approaches must be noted for the two sectors. While the private sector seems to mostly not view promoting and increasing ethnic diversity as pertinent, the public sector has taken a more pragmatic approach. One factor was that the public service no longer reflected the diversity of the German population. In some cities, ethnic minorities made 40% of the population, which made the need obvious for local authority services to include people belonging to ethnic minority groups (Eutin & Dähnke, 2010). In an attempt to open local public services to ethnic minorities and to promote and increase ethnic diversity in the workplace, public services implemented the so-called concept of 'intercultural opening'. This organizational change was often taking place as part of modernization processes, in an attempt to make public services more client-oriented. The public sector has experimented and developed some useful tools, but not enough progress has been made yet. In contrast to the private sector where ethnic minorities make 20% of their workforce, only an estimated 6.7% of the workforce in the public sector belongs to an ethnic minority group. This is low, considering that ethnic minorities make over 20% of the population in Germany. It is relevant to note that many of the 6.7% working in the public sector are overrepresented in less prestigious jobs, such as gardening, kitchen work and waste management. The numbers are even lower when looking at leadership positions in the public sector, with ethnic minorities only holding 1–2% of them (dbb, 2017). The higher education sector is one example for the failure to increase the representation of ethnic minorities in the workplace. While the number of female professors is still rather low compared of men (and that despite gender mainstreaming in university and other policies aimed at increasing the representation of women), the picture for professors and other academic staff belonging to an ethnic minority group is even more bleak. This is surprising since the number of ethnic minority students has increased steadily over the last few decades.

Also, policies and initiatives such as 'intercultural opening' are often not run under the banner of diversity management, but instead they feature as integration measures. Instruments aiding the better integration of ethnic minority individuals and migrants are abundant and are regularly favoured over, for

example, equal opportunity policies. Dälken (2015), in her study titled 'Integration of Employees with Migration Background – Good Practice Examples' illustrates a number of good practice examples in the public sector. These examples can be divided into two groups. One group of instruments targets the individual level, offering, for example, faster recognition of qualifications acquired abroad; mentoring programs for illiterate ethnic minorities, migrants and refugees; German language classes for ethnic minorities, migrants and refugees; and praying faculties for Muslims, public holiday exchange for other national and religious holidays and job adverts specifically targeting ethnic minority youngsters for jobs on the communal and ministerial level. The other group of instruments aims to penetrate the organizational level. For example, in 2010, the federal anti-discrimination agency carried out a pilot project with five private sector companies and three public sector organizations using a completely anonymized application procedure. The pilot showed that particularly applicants belonging to ethnic minority groups had better chances getting a job, when the process was anonymized. The same applied to women. However, since then, the pilot has not been taken further, which is disappointing. Other measures are active networks, that collaborate with local anti-racism initiatives; racism awareness training for trainees and training in intercultural competence and conflict management for employees as well as instruments which aim to prevent exploitation of migrants and refugees and salary dumping.

Looking at the private sector, we can see that diversity policies do not appear as a particularly concrete set of programs or instruments. Instead, they emerge as a general and diffuse value-related category (Bellard & Rüling, 2001; Tatli et al., 2012), with some differences between large and multinational corporation (MNC) and small- and medium-sized enterprises (SMEs). A study from Köppel et al. (2007) surveying 600 companies in Germany has revealed that most organizations in the private sector do not yet include the management of ethnic diversity in their diversity management approaches and policies. According to this study, most companies do not see managing ethnic diversity as pertinent. Also, the smaller the company, the less pertinent ethnic diversity is viewed. An analysis of the web presence and available documents online, such as company reports, of the four big accounting firms, E&Y, Deloitte, KPMG and PWC, reaffirms that there is little evidence for activities aimed at increasing and promoting ethnic diversity at the workplace, since race-related topics are mostly absent in the online presence and documents across the big 4. A company case study, titled 'Diversity as Window Dressing' by Vassilopoulou (2017), draws a similar picture. Investigating a large MNC in Germany, she found that the company under study did not include ethnic diversity or any other social group aside from gender in their diversity policies and activities. A study on the largest companies in Germany found that company reports, and websites use general terms and only rarely mention particular social groups outside men and women (Bellard & Rüling, 2001). Another study surveying 500 companies in Berlin found that companies do take little specific action that could increase ethnic diversity in the workplace. For example, only 8% of companies target ethnic minorities when recruiting and do not make much else regarding ethnic

minorities at work (Anders, 2008). Some best practice examples can be found when looking for so-called intercultural opening initiatives instead of diversity policies and instruments, this applies particularly for SMEs (von Dippel, 2015). However, most of these instruments focus on the individual level and particularly on alleged deficiencies of ethnic minority individuals and migrants. Rectifying such alleged deficiencies lays in the centre of many such instruments. Examples are, offering German language courses, providing support with official matters, further education programmes, offering contracts and other documents in different languages, assistance with networking opportunities (through company and private contacts), coaching and mentoring programme. Conversely, very few instruments target the organizational culture or discrimination at work. Some organizations do offer diversity awareness trainings; however, often this is done with little emphasis given to race-related issues, such as discrimination.

In very recent years, MNCs became considerably more interested in the management of ethnic diversity, while the same cannot be said for SMEs (Köppel, 2013, 2014). The influx of large numbers of refugees since 2015 and increased immigration from Eastern and Southern Europe might be one reason for this. However, one has to wait and see if this increased interest will also translate into concrete organizational practice. Some examples can already be found particularly regarding the integration of refugees into the labour market (see OECD, 2017).

DISCUSSION OF IDENTIFIED INSTRUMENTS PROMOTING ETHNIC DIVERSITY AT THE WORKPLACE

The integration of ethnic minorities, migrants and more recently refugees has been receiving much attention in the last few decades in Germany. However, instruments developed to increase the representation of this group in the workplace seem to have had only little impact so far, in both the public and private sector and that despite the fact that the public sector seems to have a more pragmatic approach, which acknowledges that increasing ethnic diversity is pertinent, contrary to many private organizations that still do not view the management of ethnic diversity as relevant. A plethora of instruments has been developed over the last few decades. However, looking at them closely, it appears that most of them are only targeting the individual level and thereby structural and organizational barriers remain mostly unchallenged. That might explain the limited effect they have had so far. Most of the instruments aim to 'fix' supposedly deficient ethnic minority individuals, migrants or refugees. There seems to be an underlying assumption that inclusion does only require the effort from individuals belonging to these groups and that organizations and structures do not need to be changed for their successful inclusion. Interestingly, instruments aiming to increase the representation of religious diversity in organizations seem not to be separated from instruments aiming to increase the representation of ethnic minorities, migrants and refugees. This might reflect the dominant and political discourse that mostly focuses on Muslims when debating

ethnic minority, migrant and refugee issues. Ethnic minority Turks, North Africans and refugees are the most problematized groups in the public and political debate pertaining to ethnic minorities in Germany. These groups are mostly viewed as problematic (while other ethnic minority groups are simply not discussed) and as lacking educational credentials and sufficient German language skills. This applies for ethnic minority Turks born in Germany as well as for newly arrived migrants and refugees. This approach is problematic since it ignores the diversity and the possible different abilities of these different groups. Instruments aimed to increase ethnic diversity in the workplace seem to be influenced by the dominant debate, since fixing deficiencies is their essence. What is needed is to develop a more diverse set of instruments that takes the diversity of this groups into account. A newly arrived refugee or migrant will have different needs compared to an ethnic minority individual born in Germany, some of which even have university degrees. Such differences can also be found amongst refugees, for example. In Germany, highly skilled migrants and ethnic minorities are often denied access to positions representative of their skills and qualifications, based on a sense of deficiency, which dominates the discourse and undermines their skills and abilities (Al Ariss & Vassilopoulou et al., 2012, 2013). The high unemployment amongst ethnic minority Turks indicates that recruitment agencies and businesses are biased leading to less work opportunities for them (Vassilopoulou, 2015).

The set of instruments aiming to increase the representation of disabled workers in the workplace is the one with the strongest legal foundation in Germany. Unlike the instruments developed for the other social groups, disability policies can be described as the only concrete set of instruments laying a strong foundation for the inclusion for disabled people at the workplace. The strongest instrument is the 5% quota for organizations with over 20 employees. Despite this concrete set of instruments, progress has been very slow and disabled workers remain underutilized in the labour market in Germany, particularly in the private sector. One of the main reasons for the limited progress is that organizations can simply pay a fine when not reaching the 5% mark, which they seem to prefer often. The special protection against unlawful dismissal for disabled workers is used as a further excuse not employing them, since there is a fear that employers cannot dismiss disabled workers if unhappy with their work. While the instruments appear strong at first sight, the government has at the same time provided a welcome loophole. One way of addressing this could be in dramatically increasing the fee that organizations have to pay when not meeting the 5% mark, so that this option becomes less attractive to them. This would most likely force organizations to seriously engage with the better inclusion of disabled workers.

Quotas which are currently only applied for disabled workers in Germany are one of the instruments that need to be discussed further. Although the disability quota is not very successful in Germany, examples from other countries show that quotas can be a powerful instrument for the labour market inclusion of different social groups. For example, ethnic quotas are practised effectively in a number of countries internationally. More often established as means of

diminishing racial discrimination in, for example, employment or education, in countries such as the USA (Bell, Harrison, & McLaughlin, 2000), South Africa (Moodley, 2000) and Brazil (Htun, 2004). Yet, the use of quotas remains controversial. Although controversial quotas are still seen by many as an effective means to, for example, address gender inequality (Tatli et al., 2013). We argue that quotas can be considered as one of the measures to address the problem of untapped potential and to offer a partial response to general talent shortages. In the case of Germany, quotas could be a way forward, particularly in the context of a rather weak anti-discrimination culture. However, quotas alone will not be enough. Interventions at multiple levels are necessary, including proactive state policies, such as quotas, and changes in organizational policies and cultures (Virakul, 2000).

Overall, it is difficult to assess the effectiveness of the implemented instruments and policies, since very little research in Germany has indeed tried to measure their outcomes. One challenge is the ongoing absence of monitoring ethnic diversity in organizations, through, for example, the systematic collection of equality data, which complies with data protection standards, as compared to, for example, the UK (Vassilopoulou, 2009). Without such data, it is difficult to evaluate the track record of organizations in relation to, for example, race equality at work. Since it is difficult to evaluate if such instruments are a success or a failure, it is also difficult to, for example, recommend an instrument used for one group for another group.

Lastly, the management of ethnic diversity and related policies need a more nuanced approach in Germany, one that takes the diversity of individuals into account, meaning their possible intersectionality. Thus far, policies, instruments and measures aiming at the inclusion of different diversity dimensions, such as, for example, sexual orientation, gender, disability and race seem to be working isolated from each other, only focusing their policies and measures exclusively on one dimension. One reason for that can be the fact that different diversity advocates find themselves in competition for resources. Also, the field of diversity management in Germany appears to be not very interconnected. This is apparent when looking at the rare connections between the private sector, public sector, NGOs and welfare organizations and other non-profit organizations.

CONCLUSION

Both the public and private sector have implemented a plethora of instruments and policies fostering ethnic diversity at work and policies aiming to increase the representation of different disadvantaged groups in the workplace. However, diversity policies do not appear as a concrete set of programs or actions in both sectors. Whether such measures are called diversity management, intercultural opening or integration, fact is, that racial inequality and barriers for migrants and ethnic minority individuals still persist. Also, it is difficult to measure the effectiveness of the implemented measures and very little research in Germany has indeed tried to do so. One challenge is the ongoing absence of monitoring diversity in organizations, through, for example, the systematic collection of

equality data, which complies with data protection standards, as compared to, for example, the UK. Without such data, it is not only difficult to evaluate the track record of organizations in relation to race equality at work, but also makes it difficult to evaluate any successes or failures of organizational diversity instruments.

The ongoing resistance to increasing the representation of disadvantaged social groups in organizations in Germany is another topic that needs to be discussed and challenged. The same applies for the still weak anti-discrimination culture in Germany and the unwillingness to connect the notion of diversity management with equality and anti-discrimination, which applies particularly to the private sector. In the same vein, there is a need to educate the public concerning discrimination and anti-discrimination, since there seems to be a lack of knowledge and awareness of the realities that disadvantaged social groups face in terms of barriers and discrimination at the workplace.

The Federal Government endorses and supports diversity policies in organizations. However, currently, this often does not go beyond the discourse level. One example is the weak legal equality framework. Weak, because it is not enforced strongly enough. For example, organizations do not need to fear large monetary penalties when not complying with equality legislation. One such example is the only moderately successful 5% quota for employing disabled workers. The same applies to organizations being brought to court in case they discriminate against workers belonging to disadvantaged social groups. The fines that organizations pay when losing such cases are only a small fraction compared to fines that organizations have to pay in countries such as the USA or the UK. Research in the UK has found that legal obligations (including high fines for misconduct) are the main driver for organizations to seriously engage with diversity and equality in their organization. The government needs to increase the pressure on organizations, which might not only help to erode inequality, but also help organizations with skills and talent shortages.

Organizations need to find a way to open their doors to diverse talent, if they want to meet the challenges of demographic change and an ageing population. For that, instruments need to be developed that tackle the structural level of inequality in organizations and which go beyond instruments only targeting individuals. One of the main problems with the current diversity instruments is that they do not challenge structures and power relations within organization and wider society. Without doing so, it will be difficult for organizations to truly embrace, utilize and increase the diversity in their organization.

Lastly, the management of ethnic diversity needs a more nuanced approach in Germany. One that takes the diversity of migrants and ethnic minority into account. It is unhelpful to have a one for all approach, considering that this approach is then applied to newly arriving migrants who often, for example, don't speak the German language and at the same time to ethnic minority individuals who might be in Germany in the second or third generation. The assimilative notion of integration seems often obsolete when applied to, for example, ethnic minorities living in Germany in the third generation.

Ethnic minorities living in Germany for many generations have different needs compared to newly arrived migrants. However, what all groups, migrants as well as ethnic minorities, have a need for is race equality and equal opportunities at work, which are both currently not part of the agenda of managing ethnic diversity in Germany. There also needs to be an acknowledgement that there are highly skilled migrants and ethnic minority individuals along with more tailored measures that promote race equality and anti-discrimination at work, when considering the diversity of migrants and ethnic minority individuals. Bringing to the fore to emerging or less mediatized issues linked to race equality at the workplace such as the glass ceiling effect for ethnic minorities and migrants would be one first step. This would benefit not only those individuals, but also the German society, which is marked by an ageing population and skill shortages across different sectors. Germany, utilizing their ethnic minority and migrant population, instead of continuing to underutilize them could help addressing such skill gaps.

NOTE

1. The term ethnic minority is used for people who have immigrated to Germany in the past and who have formed significant ethnic minority groups. This includes, for example, the former so-called guest workers. Today, the former guest worker population comprises three generations. The term migrant refers to new and more recent arrivals. However, the term people with migration background is used in the German political and public debate for all non-majority Germans even born in Germany.

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