



UMEÅ UNIVERSITY

***A SOCIO-LEGAL STUDY OF THE SWEDISH
ANTI-DISCRIMINATION POLICY AND ITS
IMPLEMENTATION IN THE LABOUR MARKET***

**Discrimination against
immigrants in the labour market
and its affect**

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ABSTRACT

Background: The point of departure for this study is that people with immigrant backgrounds are discriminated in the Swedish labour market and they are discriminated on several grounds. Discrimination is violation against human rights and it affects gender equality and integration policy negatively. Different studies show that immigrants hold the jobs which are lowest paid and not preferred by the swedes. The studies show also that immigrants from Africa and middle east are those who are discriminated most. This discrimination occurs despite the Swedish clear anti-discrimination policy and its regional and international obligations to combat discrimination. The Swedish discriminations act prohibits discrimination on the seven grounds mentioned in the act. This thesis analyses the Swedish discriminations act, its implementation and efficacy. It sheds some light on Sweden's regional and international obligations in this regard. Finally, the impact of discrimination against immigrants on Swedish gender equality and integrations policy is discussed.

Purpose: The purposes of this thesis are, based on the earlier studies, to highlight the ways in which immigrants are discriminated in the Swedish labour market and contributing to the improvement of the anti-discrimination policy in a long run. To accomplish this task, I have Scrutinized and analysed the efficacy of the Swedish discrimination policy, based on earlier studies, I have analysed different ways in which immigrants are discriminated in the Swedish labour market and discussed the impact of immigration on gender equality and integrations policy.

Method: For conducting this research, qualitative method has been used. For accomplishing this study, both primary sources such as legal documents and legislations and secondary sources such as books, article, newspapers and internet websites have been used. To achieve this task, I have used intersectional analysis, and this is because immigrants are discriminated on multiple grounds and intersectional perspective is the best perspective in analysing such grounds.

Conclusion: Based on earlier studies, the idea that people with immigrant background are discriminated in Swedish labour market is supported. They are discriminated in different ways such as recruitment process, in salaries, working conditions and promotion process. Discrimination can be due to different reasons and based on different grounds. According to the studies, though discrimination affects immigrants in general, immigrants from Middle east and Africa most discriminated. The same studies show that Muslim women who can be identified as Muslims due to headscarves, burqa or niqab are discriminated most and the face harassment in the public areas. Additional findings in this thesis are that discrimination in general is obstacle to gender equality and integrations policy given that it widens the already wide gap between women and men as well as between immigrants and swedes. Besides this, discrimination in the criminal system also leads to discrimination in the labour market. This is because prejudices based on the reports of biased police, judges, prosecutors etc. lead to discrimination against immigrants by relating them to crime. Therefore, though it is not deeply studied, there is a significant correlation between discrimination in the criminal legal system and discrimination in the labour market.

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Abbreviations:

ICERD: International convention on elimination of all forms of discrimination.

DO: The Equality Ombudsman (Diskriminerings ombudsman).

NGOs: Non-governmental organisations.

ECHR: European convention on human rights.

EU: European Union.

ECFR: European charter for fundamental rights.

DA: Discriminations act.

ICCPR: International Covenant on Civil and Political Rights.

ICESCR: International Covenant on Economic, Social and Cultural Rights.

CEDAW: Convention on the Elimination of Discrimination against Women.

CRPD: Convention on the Rights of Persons with Disabilities.

CRC: Convention on the Rights of the Child.

UDHR: universal declaration of human rights.

CRSR: Convention related to status of refugees.

CERD: Committee on elimination of all forms of racial discrimination.

AD: Labour Court (Arbetsdomstol)

SFI: Swedish for immigrants

ENAP: European network against racism

EUMC: European monitoring centre on racism and xenophobia

CHAPTER 1

1. Introduction

Sweden is considered to be among the top countries for its equality policies, especially the gender equality. However, the starting point for this study is that immigrants are discriminated in the labour market on multiple grounds which causes an enormous waste of human resources and can be a threat to the social cohesion¹. Discrimination can be institutional or individual level discrimination, and both affect the society's cohesion and development negatively. Discrimination is a treatment of individuals or group of people worse than others because of their belongingness to certain group and the task of this thesis is to highlight the ways in which immigrants are discriminated in the Swedish labour market and how, based on the studies, it affects the minorities and the society as a whole. Due to time constraint, it will not be possible to make field study about the labour market discrimination against immigrants though it would be very interesting. Thus, by taking existence of discrimination against people with immigrant background and its negative impact on the society as a starting point, I will use the earlier studies to prove my claims. As stated in article 1(1) of international convention on elimination of all forms of discrimination (ICERD), the term "racial discrimination" is "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life"².

Discrimination is violation against human rights and obstacle to gender equality and national development. Although labour market discrimination is not the only discrimination in the society, my focus in this thesis is discrimination in the labour market. This is because it will not be possible to cover all areas where discrimination occurs. Article 23 of the Universal declaration of human rights mentions that "everyone, without any discrimination, has the right to equal pay for equal work"³. In addition to this, the Swedish discrimination act (2008:567) prohibits discrimination in the work place based on different grounds⁴. Despite this act that clearly prohibits discrimination on certain bases mentioned in the act, discrimination against immigrants does not seem to be uncommon. Thus, the task of this thesis is also to study the Swedish discriminations act, and Swedish regional and international obligations towards combating discrimination in the society, in addition to shedding some light on how immigrants are discriminated and its negative impact on the society. It contains six chapters and will deal with how discrimination against immigrants in the labour market affects them and the whole society. Chapter 2: deals with Swedish discriminations act, chapter 3: deals with Sweden's obligations to combat discrimination and chapter 4: discusses different ways in which immigrants are discriminated and how they respond to it. Chapter 5 and 6 deal with discriminations impact on gender equality and integration policy respectively. Finally, chapter 7 is the conclusion part where I sum up the important points discussed in the thesis and end it with some recommendations.

¹ Stockholm's county administration, report 2018:22.

² International convention on elimination of all forms of discrimination, art.1(1)

³ Universal declaration of human rights, art.23

⁴ Swedish discrimination act (2008:567)

1.1 Aims and objectives

There are clear signs that immigrants are discriminated in Swedish labour market and it is determinant factor for their integration in the society. Discrimination can have different forms and affect this group of people differently depending on their country of origin, skin colour, religion, educational background, gender and so forth. There are different studies that show that immigrants are discriminated in Swedish labour market and based on these studies⁵, I will analyse how this discrimination affects Swedish gender equality policy, social stability and overall national development. Generally, any country's development requires cooperation of every individual in the society and discrimination against immigrants can affect how fast the country can develop. In addition to this, Sweden has both regional and international obligation that should be fulfilled and it is important to analyse if these obligations are fulfilled. Unless the ways in which immigrants are discriminated in the labour market are analysed, it is impossible to achieve the equality that Sweden as a country prioritizes. Therefore, the aims of this thesis are, based on the earlier studies, to highlight the ways in which immigrants are discriminated in the Swedish labour market and contributing to the improvement of the anti-discrimination policy in a long run. These aims can be achieved through:

1. Scrutinizing and analysing the efficacy of the Swedish discrimination policy.
2. Analysing the ways in which immigrants are discriminated in the work places based on earlier studies.
3. Discussing the impact of discrimination against immigrants on gender equality and integration policy.

1.2 Methodology and Material

In this thesis I am going to analyse how immigrants are discriminated in Swedish labour market and I believe that the qualitative research method is suitable for this purpose. Thus, I will use the qualitative method in this study.

For achieving this task, I will use both primary materials such as policy documents and legislations and secondary materials such as books, articles, magazines, newspapers etc. Although both secondary and primary sources are necessary in this respect, I will focus more on policy documents and legislation when possible. Policy documents and legislations are the most trusted and original sources because they are usually written by experts and group of people which does not include much personal views. While secondary sources have relatively more personal views, not necessarily written by experts and can be the work of one author which can in one way or the other include personal views. In this respect, among other things, the Swedish discriminations act and its articles related to the labour market discrimination will be analysed and discussed. All policy documents and legislations used are either in Swedish or English. I speak these two languages which makes it easier for me to find the needed sources. In addition to this, different conventions that Sweden is state party have been analysed to see which obligations Sweden as a country has in this respect. I visited different websites to get information about different conventions Sweden is state party to.

There are some studies done in this respect and these studies have been searched in different libraries, websites, Google scholar etc. and they will be used as supportive evidence to the idea that immigrants are discriminated in the Swedish labour market based on multiple grounds or disproving evidence to this idea if it is found. Immigrant women for example,

⁵ Bursell 2012; Englund 2002

face multiple discrimination because they are women, belong to minority groups, some of them are Muslims and so on. These factors intersect each other to make immigrants in general and immigrant women in particular vulnerable to discrimination in different ways than the rest of the society. Therefore, it will be examined if the findings of the studies prove this reality or not.

1.3 Theory

The theory that I have planned to use is intersectional perspective and this theory illustrates that people are discriminated because of not only one factor but intersection of many different factors. I believe that this perspective suits my research topic as people with immigrant background are discriminated because of their race, language, religion and so on. Intersectionality is widely accepted perspective which can be used in the theoretical level as a theoretical perspective as well as an analytical tool for studying and understanding the interactions among different factors which affect the position of certain groups. Studying and analysing the intersections of different factors helps us to deeply understand how and why people are discriminated. If we take one example of multiple grounds for discrimination of one disabled immigrant woman, women with immigrant background can be discriminated for being immigrants, women, disabled and eventually other intersections such as homosexuality. Therefore, it is not enough that laws prohibiting discrimination against disabled women are issued, because other grounds are not covered.

An intersectional perspective focuses on how vectors of gender, class, race and sexuality have pervaded the writing of black feminist scholars.⁶ America is considered to be one of the most heterogeneous societies and the blacks hold the lower position in the society. Intersectionality was coined by a Black feminist scholar Kimberlé Crenshaw in 1989 and it was to show how the intersection of different factors disadvantage the women of colour in America and challenge the homogeneous feminist movement which favoured the white women. She means that problems should be analysed from the position of the disadvantaged groups and the focus on the most privileged group members marginalizes those who are multiply-burdened and obscures claims that cannot be understood as resulting from discrete sources of discrimination.⁷ This resembles the situation of immigrants in Sweden because if we consider that there is discrimination in the society in general and analyse the bases of the privileged groups, that does not necessarily help the immigrants. This is because they have other grounds on which they can be discriminated.

As mentioned by Schömer with the help of intersectionality, we can reach a better understanding of how people in socially vulnerable positions can be given the opportunity to gain power and influence, and how they can avoid the trap of social exclusion constituted by social inequality⁸. As one of the aims of this thesis is to analyse the situation of immigrants, who are minority group in Sweden, in the labour market and suggest how they can be given equal possibility to become productive citizens in the society, intersectional perspective is suitable. Studying the factors behind the disadvantaged position of certain groups is of vital importance in improving it and intersectional perspective helps us to dig deeper in the existing problem. Solving the societal problems is like a medical care that the doctor must diagnose the disease before he/she gives medicine. Solving the societal problem functions in the same

⁶ Crenshaw 1989, Smith 2000, Collins 2000.

⁷ Crenshaw 1989, p. 140

⁸ Schömer 2006, p. 841

way and in order to find everlasting solution, we have to know not only what problems exist but also the intersecting factors behind them.

Because of globalization and migration almost all societies have become heterogenous with different cultures, religions, ethnicity, skin-colour and so on. In this type of heterogenous societies issuing a law that prohibits discrimination based on, for example, gender is not enough for women from the minority groups, because, their discrimination would not necessarily be because of only gender. They can be discriminated and excluded because of their ethnicity, culture, religion, language, skin-colour and so forth. Therefore, it is extremely necessary that the law-makers put these different factors into consideration while issuing a new law. Issuing a law that prohibits discrimination equalizes people on paper but that is not enough, and real equality needs implementation of the laws and some additional measures like affirmative action. In other words, with the help of intersectionality, it is also possible that we might have greater faith in a democratic and inclusive society and that the paradoxical consequences of the law might disappear; it might further be possible to erase the differences between formal and real equality.⁹ Many democratic countries claim that they work for human equality and they issue laws that fight inequality, but, the real equality is not yet achieved in many parts of the world. Using intersectional perspective in all aspects of the society would help in achieving gender and human equalities.

1.4 Limitations

This thesis is limited to the discrimination against immigrants at the labour market and this means that I am going to leave other important areas where discrimination against immigrants is practiced. Discrimination against immigrants is also commonly seen in social service sectors, schools, housing and public places. However, these areas will not be covered in this research due to time and space limit and it is beyond the scope of this thesis. Another limitation is that immigrants are not a homogeneous group and undocumented immigrants are not covered in this thesis. Besides this, launching a field study in the Swedish labour market could provide an additional important information about the situation of immigrants in the Swedish labour market, but, due to time constraint I could not conduct a field study. Choosing labour market discrimination does not mean that other areas where discrimination takes place are less important, but, in my view, it is most common and most dangerous area of discrimination.

The questions that I am going to search answer to in this thesis are:

1. How are people with immigrant background discriminated in the labour market and Why does discrimination continue despite the Swedish anti-discrimination policy?
2. How does this discrimination affect integration's and gender equality policies?
3. What regional and international obligations does Sweden have in combating discrimination?

⁹ Schömer 2006, p. 853

CHAPTER 2

Swedish Anti-Discrimination Policy

2.1 Historical background of development of Swedish anti-discrimination policy

Discrimination is prejudicial treatment that unfairly or unjustly places individuals or group of people at a disadvantaged position based on their group membership. Discrimination is also defined as a differential treatment in which individuals are treated differently because of their race, religion, gender etc or disparate impact in which individuals are treated equally according to a given set of rules and procedures which are constructed in ways that favour members of one group over another¹⁰. Discrimination can exist everywhere and may have different bases. However, this thesis focuses on the discrimination against people with the immigrant background in the labour market. Focusing on discrimination against immigrants in the labour market does not mean that other areas where discrimination occurs are less important. It neither mean that only immigrants are discriminated, nor it means that immigrants are discriminated only in the labour market.

However, covering all areas where discrimination takes place is beyond the scope of this thesis and thus my focus will be on discrimination against people with immigrant background in the labour market. People with immigrant background includes Swedish citizens with foreign origin, immigrants and refugees. Although it may give slight difference in meaning, I will use immigrants and people with immigrant background exchangeably and I mean the same thing. Thus, I am fully conscious about the prevalence of discrimination outside the labour market as well as discrimination against swedes based on different grounds. Discrimination is both violation against human rights and impediment against equality among human beings.

Discrimination does not need to carry hostile or violent behaviour and it is enough that an individual is treated unfairly due to one of the seven grounds mentioned in the discrimination act as grounds of discrimination. According to Shih et al. one reason that workplace discrimination continues is that it does not always manifest in overtly hostile behaviours and discriminatory behaviours are often enacted through subtle behaviours that are ambiguous in their intent to harm.¹¹ This ambiguity makes it difficult to prove discrimination and it makes the job of the judges very complicated in judging some cases that include discrimination of certain form.

By being conscious about these problems, Sweden as country has very clear anti-discrimination policy. The Sweden's anti-discrimination policy came relatively late and the first anti-discrimination act took effect on July 1, 1980 and although the measure had long been called for, its ethnocentric perspective offered few benefits for immigrant women.¹² However, the discrimination policy at its early age did not cover all the discrimination grounds. As Paul Lappalainen (2018) mentioned in the Sweden's country report, up to the 1990s, there was little in the form of discrimination law covering grounds or fields other than sex discrimination in employment¹³. The laws became better and gradually covered more areas. These improvements are partially due to domestic demands of equal treatment and partially due to regional and international development.

¹⁰ Reskin 1998, p 32

¹¹ Shih, Bucher and Young 2013

¹² (Schömer 2006 P. 842).

¹³ Lappalainen 2018

On 1 January 2009, as a result of the gradual improvement in this respect, the seven acts were replaced by the Discrimination Act (2008:567)¹⁴. In this act, the two more grounds for discrimination i.e. age and transgender identity/expression were added as grounds of discrimination. The discrimination act covers various grounds and fields such as education and work life. Grounds of discrimination extended to include inadequate accessibility as a new form of discrimination in January 2015 with exception of the companies having less than 10 employees in the latest calendar year.¹⁵ This law was amended in 2016 to include even the companies having less than ten employees in the latest calendar year.¹⁶ Considering inadequate accessibility as a new form of discrimination increased the possibility of people with disability to get more chances in the work places and other aspects of the society. This is because of the requirement on the employers and social service providers such as schools for adopting reasonable accommodation measures to provide access to them. It also increases the possibility of obtaining the discrimination compensation awards for failures to adopt reasonable accommodation measures in case they are discriminated. It forces employers to adopt the required measures which can increase possibility of getting a job for disabled people or getting compensation for not getting a chance.

2.2 Swedish Discrimination Act and different forms of discrimination

As stated in the discrimination act, the purpose of this act is to combat discrimination or in other words, promote equal rights and opportunities regardless of sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age¹⁷. All humans should have right to equal opportunities and rights and the discrimination act departs from the belief that all should be treated equally and get equal opportunities. People are discriminated in the labour market based on different grounds and to combat this discrimination, the government introduced this act. This act clearly mentions behaviours and treatments which are discrimination, and which are not discrimination. In addition to this, it mentions areas which are covered by this act and areas which are not covered.

Discrimination act describes that there are different forms of discrimination and all forms are prohibited. The first form is direct discrimination and direct discrimination according to the act is “that someone is disadvantaged by being treated less favourably than someone else is treated, has been treated or would have been treated in a comparable situation, if this disadvantaging is associated with sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age”¹⁸. This type of discrimination can be seen in the workplaces and in social services. For example, some employers prefer to employ some one from specific ethnicity, religion or gender and it is discrimination unless there are legitimate bases for this unequal treatment.

¹⁴ Discriminations act, (2008:567)

¹⁵ Prop. 2013/14:198

¹⁶ Prop. 2016/17:220

¹⁷ Discriminations act, chap.1, sec.1

¹⁸ Discriminations act, chap.1, sec.4

One case in which the labour court ruled that it was direct discrimination is the case in which a woman was fired from a job because the employer knew that she was pregnant¹⁹. A woman was employed in a taxi company in Skåne region in November 2017 and was dismissed in December the same year. She had some messages she received from the employer that said that she has to forget working in that company. The case was submitted by DO to the labour court and the court ruled on 19th December 2018 that it was direct discrimination and compensated a woman 100,000 Swedish kronor²⁰. There are some cases in which employers are allowed to prefer some specific groups based on some legitimate grounds and some of such cases will be mentioned later on.

The second type of discrimination is indirect discrimination and it is a form of discrimination where someone is disadvantaged by the application of a provision, a criterion or a procedure that appears neutral but that may put people of a certain groups at a particular disadvantage, unless the provision, criterion or procedure has a legitimate purpose and the means that are used are appropriate and necessary to achieve that purpose²¹. This can be the case when an employer requires specific type of dressing in the work place which some groups are not able to wear for religious or other reasons. These types conditions seem to be legitimate when they are determinant in the work place because of the nature of the work or security reasons otherwise it can be an excuse to exclude some groups.

However, the problem is who decides where the border goes to call it legitimate or not and who controls if these conditions are determinant in specific work place. In most cases, the employers decide the borders and conditions, which makes the situation of an employee at the disadvantageous position. One case law involving indirect discrimination is the case where recruitment process was terminated because a woman applicant refused to shake hand with a man for religious reason during the job interview²². This case was presented to the labour court by DO and it gave its decision on 15-08-2018 ensuring that the case involved indirect discrimination. The company's policy of shaking hands has disadvantaged persons with certain religions. The justification given by court, as stated in the judgment, was that, although the policy has a legitimate purpose, it was neither necessary nor appropriate for achieving the legitimate purpose. The court noted that it would be enough to require equal treatment of men and women in greeting which the woman claimed to do when men and women are together. As a result, the discriminated-against party was compensated with 40,000 Swedish kronor.

The third type of discrimination is inadequate accessibility and it is describe by the act as a person with disability is disadvantaged through a failure to take measures for accessibility to enable the person to come into a situation comparable with that of persons without this disability where such measures are reasonable on the basis of accessibility requirements in laws and other statutes in addition to financial and practical conditions²³. This means that employers and other actors are required to adopt the accommodation of disabled persons so that they will have equal opportunities with others. Extending the discrimination grounds to include inadequate accessibility is not only good for providing equal opportunity

¹⁹ Dom nummer 80/18, mål A41/18

²⁰ <http://www.do.se/lag-och-ratt/diskrimineringsarenen/taxibolag-i-skane/>

²¹ Discriminations act, chap.1, sec.4

²² AD 2018 nr 51 (<https://www.equalitylaw.eu/country/sweden>)

²³ Discriminations act, chap.1, sec. 4

for disabled persons to acquire job and other services, but also makes it possible for them to get discrimination compensation in case these accommodations are not achieved.

Nevertheless, the prohibition of discrimination in the form of inadequate accessibility does not apply to the persons enquiring about work²⁴. This is a problem by itself and people with disability are not getting equal opportunity in enquiring about work. However, this inadequate accessibility as a form of discrimination did not apply to the private persons and businesses that employed fewer than ten employees at the start of the latest calendar year until it was amended in 2016.²⁵ This means that there is a gradual improvement in this respect which gives a hope for including the persons enquiring about work in the future and it is very important to include persons enquiring about work. One case law where the court decided compensation for one person with disability is the case where a student who uses wheelchair was discriminated due to the school's inadequate wheelchair ramps²⁶. In this case, the high court decided that it was discrimination and the student was compensated 75000 kronor. Although this case was neither in the work place nor the case in the labour court, however, the same rule applies to labour market too.

The fourth type of discrimination mentioned in the discrimination act is harassment. Harassment is conduct that violates a person's dignity and that is associated with one of the grounds of discrimination sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age²⁷. Harassment is recorded mostly against women and the people of African origin in Sweden. The problem with discrimination at the labour market is how to prove it as well as how it is interpreted in the labour court. All cases are not judged in favour of the complaints.

One case law in this respect is the case submitted by the Swedish construction workers' union to the labour court where a black smith of Nigerian origin claimed that he was harassed by the employer and co-workers²⁸. The union showed a recorded discussion between the complaint and the employer in which among other came " you look like a slow-motion movie" and "I think it depends on a cultural thing. Not because of your colour". This point was taken by the labour court as criticism but not related to the skin colour and thus, was not discrimination.

Even though the labour union argued that the man was exposed to continuous harassment and should be compensated, the labour court decided on 18-04-2012 that he was not discriminated, and as a principle of the loser pays for the winner, the labour union had to pay the expenses of the legal procedure. Regarding the harassment by the co-workers, the employer is not responsible for harassment that took place before it comes to the attention of the employer²⁹. The employer can be responsible only if he/she does not take measures to stop the harassment after it comes to his/her attention. This is considered to be one of the short comings of the discrimination act, because people can be harassed by co-workers and do not get any compensation.

Sexual harassment is mentioned as a fifth type of discrimination though it is to some extent similar to the fourth one, but, it is a conduct of a sexual nature that violates someone's dignity³⁰. Sexual harassment can be from the employers and/or from the co-

²⁴ Discrimination act (2008:567)

²⁵ Prop. 2016/17:220

²⁶ DOM 2018-05-15 Jönköping, Mål nr T 1773-1

²⁷ Discriminations act, chap.1, sec.4

²⁸ Dom nr 27/12 Mål nr A 197/10

²⁹ Discriminations act 2008:567

³⁰ Discriminations act (2008:567)

workers and it is forbidden in any case. Sexual harassment can be both oral expression or physical behaviour which has sexual connotation. For example, labour court judged that Helsingborg's municipality should pay 35000 respective 25000 discriminations compensation for two women who were ethnically and sexually harassed by a male manager³¹. The case was submitted by DO to the labour court on 19th March 2010 and the court decided on 16th February 2011. The women mentioned that, he harassed them sexual and hanged a picture of a man with erection in their office and sent it to their mail though they told him that they did not want to have such picture in their work place.

The last type of discrimination mentioned in the act is instructions to discriminate. Giving instruction to discriminate is considered as discrimination. Orders or instructions to discriminate against someone in a manner referred to in points 1–4 that are given to someone who is in a subordinate or dependent position relative to the person who gives the orders or instructions or to someone who has committed herself or himself to performing an assignment for that person³². Giving orders or instructions to the subordinate or weaker party is discriminatory practice in which both parties can be held responsible. This form of discrimination takes place when the higher manger orders lower managers to treat specific individuals or groups in better or worse than others based on the discrimination grounds mentioned in the discrimination act. I could not find any case which was submitted to the court or decided by the court in this respect.

2.3 Conditions in which unequal treatment is not prohibited

As stated by the discrimination act, there are some conditions in which unequal treatment is not prohibited. Differential treatment based on a characteristic associated with one of the grounds of discrimination can be allowed if this unequal treatment is due to the nature of the work or the context in which the work is carried out, the characteristic constitutes a genuine and determining occupational requirement that has a legitimate purpose and the requirement is appropriate and necessary to achieve that purpose³³. For example, this can be the case when an employer prefers to employ specific group of people and this can be legitimate if it is determinant for the success of the business. This means that employer can prefer a man to a woman or one religion to another religion, one ethnicity to the other and so on. However, this section of the act can be exploited and misused as employees can be discriminated, and employer can argue that he/she did so for the sake of the success of his/her business. One employer can for example, can employ only men in construction branch and argue that the jobs nature requires it. This condition can also be exploited not to recruit people with an immigrant background arguing that the customers feel uncomfortable with immigrants. Thus, it should either be monitored always, or this condition should be improved.

Another condition in which unequal treatment is not prohibited is when an employer takes measures that contribute to efforts to promote equality between women and men and that concern matters other than pay or other terms of employment³⁴. It is not allowed to pay more for one who is from disadvantaged group or from the minority group but possible to prioritize him/her in the employment. This can result in discrimination against one group in the name of equality. Prioritizing one from the minority may serve the overall national or regional policy to achieve gender or other equalities, but, it is discrimination for the person who is from the majority group. In most cases, being a member of majority group or

³¹ Dom 13/11, Mål nr A 62/10

³² Discrimination act, chap.1,sec.4

³³ Discriminations act, chap.2, sec.2

³⁴ Discrimination act, chap.2(2)

advantaged group is positive, but it can also become negative when an individual is discriminated for being from the majority or advantaged group. In this case, the men with immigrant background who are already disadvantaged in the society can be discriminated again when it comes to choosing between a Swedish women and immigrant men. This is not to oppose the measures taken to ensure gender equality, but, it is to highlight that it can be exploited by those who do not want to employ immigrants. It is possible to scrutinize if discrimination has occurred or not if the case is reported, but it is not always easy to report and prove it. But the main impediment in this respect, in my view, is reporting discrimination because many people with immigrant background do not report discrimination they are exposed to. This can be because of fear of the consequence, lack of knowledge or lack of trust in public institutions.

The third situation in which unequal treatment can be legitimate is differential treatment on grounds of age, if there is a legitimate purpose and the means that are used are appropriate and necessary to achieve that purpose³⁵. For instance, if the ministry of defence sets an older preference by choosing younger people as they suit this work physically, it is not discrimination as stated in the discrimination act. However, this point may face criticism for legitimizing discrimination for the state authorities, and not legitimizing for private companies, what is legitimate purpose in this act and who sets the purpose? If we assume that the purpose of unequal treatment for an employer is to increase the profit, it can be considered legitimate for the employer. Therefore, he/she can employ only young men because they do not become pregnant and do not need to be absent from the job for parental leave for instance. This can be seen as appropriate for the employer but not for the employee or work seeking person or the society as a whole. Therefore, there is a possibility of exploiting this article of the act. Many immigrants come to Sweden after at the age which is not preferred by employers and that can be another source of exploitation.

Apart from lack of implementation and possibility for exploitation of some articles in the act by the employers, Swedish discriminations act does not clearly prohibit harassment by fellow workers in the workplace. This means that if an individual is harassed by the co-workers and this issue is handled by the employer, the discriminated-against party cannot obtain any compensation for the harassment even if the case goes to the labour court. An employer is obliged to take measure after he/she gets the information about the harassment³⁶ but not precautionary measures before the harassment. In addition to this, prohibiting only the discrimination by employer or by the person who represents the employer³⁷ excludes the self-employed people from the protection against discrimination. This is because they do not have any employer that can be responsible for his/her action in case of discrimination. If they are discriminated by ordinary people or other self-employed people, this is not prohibited in the discrimination act. As it will be discussed in the chapter 4 of the thesis, the people with immigrant background use self-employment as a strategy to escape discrimination and as a source of income and in this case, they are not protected enough by the act.

³⁵ Discriminations act, chap.2, sec.15

³⁶ Discriminations act: chap.2, sec.3

³⁷ Discriminations act, chap.2, sec.1

2.4 DO and the legal process concerning discrimination.

Sweden has different courts and different courts have different areas of specialization and cases that they deal with. The legal process for disputes in the labour market is handled by labour court and cases outside the work place are dealt with by the ordinary court. There are three kinds of courts in Sweden: the general courts, which comprise district courts, courts of appeal and the Supreme Court; the general administrative courts, that is to say, administrative courts, administrative courts of appeal and the Supreme Administrative Court; and also the special courts, which determine disputes within special areas, for example the Labour Court³⁸. The labour court deals with any dispute in the workplace. In other words, all disputes concerning the employers, employees and employment are dealt with by the labour court. In contrast, all cases outside the labour market are dealt with by the ordinary court or administrative court and this process begins at the district court and can go to the courts of appeal and the supreme court if not solved at the lowest level.

Though we mentioned that there are different courts, our focus here is the labour court and how cases are dealt with by the court. The Equality Ombudsman (DO) is a government agency that works on behalf of the Swedish parliament and government to promote equal rights and opportunities and to combat discrimination³⁹. The Equality Ombudsman was created in 2009 to ensure that the law is followed, the discrimination act is implemented and to handle complaints. However, the Ombudsman has been accused of not systematically investigating the many cases referred⁴⁰. Its task is to work for a society free from discrimination and it is an agency appointed and funded by the state. Working for a society free from discrimination can be in different ways such as taking cases to the court, awareness-raising among employees and employers and monitoring the implementation of discriminations act. It also has some focus on monitoring the duty to carry out active measures, which include carrying out wage surveys as well as various promotional activities⁴¹.

The DO is the key public institution for counteracting discrimination and promoting equal rights. It has the right to investigate complaints concerning discrimination in relation to all grounds as well as the right to take cases to court on behalf of individuals⁴². DO is led by the authority head and has an advisory council which consists of the Ombudsman, who is chairman, and a maximum of ten members appointed by Ombudsman⁴³. Existence of DO is of enormous importance to those who are exposed to discrimination because without help of DO many discrimination cases will not come to the labour court, because they lack both information and economic capability.

However, its appointment and funding by the government creates some suspicions about how DO would deal with discriminations that may involve government organs. The DO's work should lead to the main goal of anti-discrimination law, which is not that victims can get some kind of redress, but that they are not subjected to discrimination in the first place⁴⁴. Providing information to both employers and employees can be one way of reducing discrimination. As it is going to be dealt with in the next part, DO has an important role in taking discrimination cases and helping the discriminated-against party to get redress.

³⁸ <http://www.domstol.se/Funktioner/English/The-Swedish-courts/>

³⁹ <http://www.do.se/other-languages/english/>

⁴⁰ Andersson and Weinar 2014, p.12

⁴¹ Lappalainen 2018, p.11

⁴² Discriminations act, chap.6, sec.2

⁴³ Ordinance 2008: 1401

⁴⁴ Lappalainen 2018, p.13

However, this is not enough and DO should work hard in the awareness-raising among both employees and employers. Many employees do not have enough information about discrimination policy and employers exploit this lack of knowledge of the employees. Thus, awareness-raising about the impact of discrimination not only on the discriminated-against party but also to the whole society is of vital importance.

2.5 Bringing discrimination cases to the court

The general rule in Swedish legal process is that the loser pays the winning party's legal cost, and this may have negative impact on seeking justice. This general rule disadvantages the immigrants who do not afford to pay the expenses of the legal process and fear of losing the case makes them not complain the discrimination. As stated by the discrimination act, cases concerning the labour dispute can be represented by DO or trade union or NGOs⁴⁵. The priority is always the trade union if an individual is a member of any trade union. If the individual concerned is a member of a trade union, the DO's right to represent the victim is subsidiary to the right of a trade union to represent its member⁴⁶. However, there is also a possibility that an individual brings employment case without the help of DO or trade union to the court. In this case, the case is first filed with and heard by a district court, with the Labour Court functioning as a court of appeal and if the case is not solved at the district court, the individual to the labour court and its decision is final⁴⁷. Although it is possible to appeal against any decision given by the ordinary courts or the administrative court, the decision made by the labour court cannot be appealed against. This is one of the reasons why the labour court can be criticised, because at the first instance unjust decision can be given intentionally or unintentional and it is not fair that the decision is final.

Regardless of who brings them, all cases cannot be brought directly before the labour court. There are two conditions that must be met for a labour dispute to be brought directly before the labour court⁴⁸. The first conditions that must be met is that the claim must be lodged by an employer organisation or employee organisation or by an employer who has entered into a collective agreement on an individual basis. The second condition to be met is that the case must concern a dispute arising from a collective agreement, a dispute relating to the law concerning the right to participation in decision-making (such as disputes relating to the freedom of association or the right to negotiate), a dispute between parties who are bound by a collective agreement, or a dispute relating to a place of work where a collective agreement is in force⁴⁹.

One advantage of representation by the DO or a union as mentioned by Lappalainen is that the DO or the union then takes on the economic risk in cases that are lost⁵⁰. Many Immigrants have economic difficulties as well as lack of knowledge about their rights and duties. This lack of economic capability to fund the legal process is an obstacle and makes them passive recipients of discrimination and cope up with it instead of reporting it. Some immigrants do not know the existence of equality ombudsman and many of them do not know its tasks. Thus, in my view, although DO helps the individuals who face discrimination a lot in order to get their cases processed in the labour court, it needs to work more in providing information about DO and other legal support that is available. Giving information and

⁴⁵ Discrimination act, chap.6, sec.2

⁴⁶ Labour law procedure, act 1974:371

⁴⁷ Lappalainen 2018, p.9

⁴⁸ Arbetsdomstolen.se

⁴⁹ Arbetsdomstolen.se

⁵⁰ Lappalainen 2018, p.10

working for the awareness-raising of the people is needed in the whole society, nonetheless, immigrants are in a tremendous need of this information as they lack knowledge about the legal and other supports they can get. Such information could be given in the workplaces for both employers and employees. In addition to this, having some programmes in the Swedish Radio and Tv about the DO and its duties would give enough information to those who are in need of it.

The issue of taking the case to the court is not the only thing in which the immigrants need help. Of course, it is an important step towards demanding their rights, however, consciousness-raising efforts should go hand in hand with it. All discrimination complaints are not solved in the court and some cases are solved by mediation outside the court. Burden of proof is a main problem in the discrimination crimes and in some cases the weaker party may lose and pay the expenses of the winning party⁵¹. Getting the support of DO may help the discriminated-against party in coming to reasonable compromise if it should be solved outside the court.

One such case in which DO helped to come to reasonable solution outside the court is the case in which a trainee (praktikant) in the Västernorrland's municipality was exposed to harassment based on his religion and DO submitted the case to the labour court on 16th November 2016⁵². Before he contacted DO, he had informed both his manager at the workplace and contact person at the employment agency (arbetsförmedlingen) and they did nothing and harassment continued. After the case was submitted to the labour court, but, before its decision, both sides with the help of DO negotiated and came to an agreement on 29 December 2016 where the trainee got compensation 40000kr. Therefore, the role of DO in helping those who are exposed to discrimination should not be undermined.

It seems that it is more difficult to win a case in the labour court than the ordinary court. Lappalainen mentions in the Swedish country report on non-discrimination 2018, that it is easier to establish a prima facie case and to win discrimination cases, especially, cases of ethnic discrimination in the ordinary court system compared with the Labour Court⁵³. He adds that one possible reason is that the Labour Court applies the rules on shifting the burden of proof under the Swedish Discrimination Act and EU legislation in a more restrictive manner compared with the ordinary courts⁵⁴. This is based on whether the discriminated-against party or the discriminator bears the burden of proof. It makes a big difference if they discriminator should prove that discrimination did not take place, or the discriminated-against party should prove that discrimination took place.

In some cases, similar cases may get different decisions based on who bears burden of proof. In other words, it is based on whether the discriminated-against party should show proof of being discriminated or the discriminator should prove that discrimination did not take place which in both cases is not easy task. For example, there were two identical cases which involved discrimination in religious ground which were brought to district court and labour court in 2016 and 2017. One case was brought to the district court of Stockholm in 2016⁵⁵ and the other case was brought to the labour court in 2017⁵⁶. The judgements were that in the district court the discriminated-against party won, because the alleged party bore the burden

⁵¹ Farkas, L. and O'Farrell, O. (2014), p.76

⁵² ANM 2016/1958 (<http://www.do.se/lag-och-ratt/diskrimineringsarenanden/kommun-i-vasternorrland/>)

⁵³ Lappalainen 2018, p.10

⁵⁴ Ibid

⁵⁵ Stockholm District Court, case T 3905-15 Equality Ombudsman v. The Swedish State through Karolinska institute, date of judgment 16.11.2016

⁵⁶ Labour Court 2017 no. 65, Equality Ombudsman v. Public Dentists of Stockholm County, date of judgment 20.12.2017

of proof of not discriminating while in the labour court it was the opposite because the discriminated-against party bore the burden of proof of being discriminated. This was based on who should bear the burden of proof and who bears burden of proof is a determinant factor in this regard.

However, sometimes it is a problem to convince some judges because as human beings they cannot be free from the prejudicial understanding and some racists consider that immigrants are less credible, less productive and so forth. As argued by Schömer, convincing the court that an individual has been victim of discrimination is difficult, because, black becomes an epithet, one that says, less credible, while the words of a white supervisor carry weight simply because they come from a white man in a position of authority⁵⁷. The labour market is dominated by the whites and the leading positions are in their hands. The difficulty the immigrants face is that their speech may be less credible than the employers who are the whites and may face unjust decision. Another problem is that, labour court's decision is final, and no one can appeal against it⁵⁸. This increases the possibility of giving unjust decision intentionally or unintentionally and no one can appeal against it. In ordinary courts, it is possible to appeal against any decision which any party is not satisfied with and there is a possibility that the decision can be changed in the higher or supreme courts. However, this possibility does not exist in the labour court which in my view is problematic.

Due to this stereotypical image about the immigrants, especially people of colour, how to convince the judges what the immigrants say is true and they are discriminated is a big deal. The stereotypical image about immigrants of African origin in Sweden is evident in the study conducted by Wigerfelt et al (2013) where they interviewed people from African background⁵⁹. The result was that all those who answered said that they faced racial hate and discriminative treatment some time in their lives. They expressed their experiences in their arrival at the airport, crossing border from Denmark to Sweden and how they were treated miserably by the police. They believe that it is related to their race and the way they dressed such as having veil. Labour market is part of the society and the existence of racism in the society affects the whole society including the labour market. Thus, those who are from Africa, especially women face more difficulty than other immigrants because they are discriminated based on the combination of race, religion, gender, possibly sexual orientation, disability etc. and this is why intersectional perspective is necessary in studying cases involving immigrants.

Despite its remarkable contribution to implementation of discrimination act, as mentioned by Lappalainen, DO is decreasing its focus from investigating complaints and taking cases to court or engaging in settlements and focusing more in giving information as a means of improving attitudes and hopefully future behaviour⁶⁰. It seems that DO will focus on using law as direct means of affecting the human behaviour and changing underlying attitude which is a good strategy but investigation of complaints and taking cases to the court is necessary until the law's affect in changing the behaviour becomes tangible.

The supervision of how the laws are implemented in the labour market is important issue that should be prioritized, and this supervision should be followed by actions in case the laws are not implemented. As mentioned by Lappalainen, due to the decreased focus on access to justice, the prospects for the development of case law concerning the effective

⁵⁷ Schömer 2016, p. 851

⁵⁸ <http://www.arbetsdomstolen.se/pages/page.asp?lngID=7&lngLangID=1>

⁵⁹ Wigerfelt et al (2013)

⁶⁰ Lappalainen 2018

prevention portion of discrimination compensation are becoming correspondingly limited.⁶¹ Reduced focus on investigation of complaints and taking cases to the labour court means reduced possibility for those who do not afford the cost of legal procedures to get their cases processed at the courts and increased violations against them.

Even though there is a possibility that some NGOs take individual cases concerning discrimination to the court⁶² their activities seem to be limited. DO discusses with different NGOs such as anti-discrimination bureaus the possibility of cooperation between DO and NGOs as the DO has too much to do. As a result of these, NGOs have started taking some small claims cases to reduce the risk of paying the cost of the winners' legal process and there is relatively increased interest in some NGOs such as the 'Law as a tool for social change' project and the 'From talk to action' project though their focus is more in the field of disability.⁶³ This is a good help to both the DO and those who complain discrimination. However, it is below the expectation and one possible reason for why NGOs are not active in this issue is the fear that they lose the cases and pay for the winners which can cost them a lot of money.

DO has a bulk of cases to deal with as NGOs are not as active as needed and trade unions do not help if the complaint is not a member of the trade union, the state has responsibility to find an alternative. The alternative in this case, can be that the NGOs get budget from the state for actively engaging in investigating the discrimination claims and taking cases to the court in cooperation with the DO. In addition to taking cases to the court, preventive measures are necessary and require cooperation of all parties. In addition to domestic obligations as seen in this chapter, Sweden has regional and international obligations which will be dealt with in the next chapter.

⁶¹ Ibid p.13

⁶² Discriminations act, chap.6, sec.2

⁶³ For example, Law as a tool for social change: <https://lagensomverktyg.se>; "From talk to action": <https://funktionsrattskonventionen.se/om-projektet/>

CHAPTER 3

Sweden's obligations towards combating discrimination

Sweden is one of the countries which work hard for respect of human rights and gender equality. Sweden is signatory to and one of the leading members of several regional and international human rights agreements. Sweden is a dualist state where regional or international agreements need to be approved by the parliament before it is incorporated to the national law. In other words, international treaties and agreements which are ratified do not automatically become part of Swedish national legislation⁶⁴. In order the treaty to be incorporated in the Swedish national law, it needs the approval from the Riksdag and then it becomes part of the national law and consequently applicable in the courts.

However, according to Rebecca (2017) even if the treaty is not incorporated in the Swedish legislation, Sweden should be abided by the ratified treaties and legislations and policies in most cases put into account and are in conformity with the international agreements. All international treaties are not incorporated into Swedish national law and the only international treaty which so far is incorporated fully to the Swedish national law is European convention on human rights (ECHR) which was incorporated in 1995⁶⁵. In some cases, the treaties are in harmony with the Swedish law which is already applied, and no changes are required while in other cases Sweden can be required to introduce changes that are necessary to fulfil the criteria set by international and regional treaties.

3.1 Domestic obligations

Sweden has domestic obligations, in addition to regional and international obligations to make sure that human rights are respected, and minority groups are not discriminated. The domestic obligations come from the Swedish internal laws that advocate gender equality and equal treatment of humans regardless of their origin, colour, religion etc. Every government that comes to power in Sweden claims that it is a feminist government and will work hard for achieving gender equality. These governments and political parties have obligations to issue laws that help in ensuring their promises such as gender equality, proper integration policy and creating a society free from discrimination. The Swedish anti-discrimination policy is a source of such obligation on the shoulders of the Swedish government. In addition to this, the democratic values upon which the Swedish system is built gives additional obligation to the Swedish government to respect human rights, treat all humans equally and ensure that laws that are issued are implemented. As it is clearly mentioned above in chapter 2, the Swedish discrimination act states seven grounds of discrimination as well as six forms of discrimination which are prohibited⁶⁶.

Discrimination is unequal treatment of any individual because of his/her belongingness to specific group. The Swedish discriminations act describes certain grounds of discrimination and they are sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age⁶⁷. These are the grounds where discrimination is prohibited except for legitimate reasons such as, for example, to ensure gender equality in specific work place or school and the means that are used are appropriate and necessary to achieve that purpose as mentioned in the act. Discrimination can have different forms and the six forms of discrimination that are mentioned and prohibited by the discrimination act are

⁶⁴ Rebecca 2017, p. 123

⁶⁵ Law 1994:1219

⁶⁶ Discrimination act (2008:567)

⁶⁷ Discriminations act, Chap.1, sec.1

direct discrimination, indirect discrimination, inadequate accessibility, Harassment, sexual harassment and instruction to discriminate⁶⁸.

In other words, Sweden has proper anti-discrimination policy and has domestic obligations to ensure that this policy is implemented properly, human rights are respected and minority groups are not discriminated. As any other society in the world, Swedish society is not free from discrimination despite its very clear anti-discrimination policy. These different forms of discriminations are briefly explained with some case laws in chapter 2 and re-mentioning them again is only to shed some light on the national obligations of Sweden in respecting human rights. Confining myself to discriminations act does not mean that it is the only act in this respect, rather, my focus is discrimination in the labour market and it currently includes and has replaced the seven different acts. The acts that the discrimination act has replaced are the Equal Opportunities Act, the Act on Measures against Discrimination in Working Life on grounds of Ethnicity, Religion or other Belief, the Act on Prohibiting Discrimination in Working Life due to Disability, the Act on Prohibiting Discrimination in Working Life due to Sexual Orientation, the Act on Equal Treatment of Students at Universities and the Act on Prohibiting Discrimination outside of working life and education⁶⁹. The discrimination act included the above-mentioned grounds and added age and transgender identity as grounds of discrimination⁷⁰. So, I confined myself to the discrimination act in my analysis because it includes all these acts or grounds covered by these acts.

3.2 Regional obligations:

There are several regional agreements that Sweden is State party to, but, it is beyond the scope of this thesis to write about all regional agreements which Sweden has signed and ratified. Thus, I will focus on the agreements that I believe can answer my questions about the Swedish obligations in respecting human rights and encountering discrimination. Sweden is member of European union and has obligation to fulfil the criteria set by the European union. All member countries of European Union (EU) are required to fulfil the minimum requirements in the area of human rights. The European Convention on Human Rights (ECHR) was incorporated into the Swedish national legislation in 1995⁷¹. This incorporation took place under the requirement of dualism and it became part of Swedish legislation through the instrument of the government which states that no laws or other provisions which contravenes with Sweden's undertakings under European convention on protection of human rights and fundamental freedoms are applicable⁷².

This means that Sweden is obliged to implement ECHR as part and parcel of its national legislation. Article 14 of this convention states that people should enjoy their rights and freedom without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status⁷³. Based on this article, Sweden is obliged to ensure that people are not discriminated anywhere in the society including the labour market, social service and so forth based on any of the above-mentioned grounds.

⁶⁸ Discriminations act, chap.1, sec.4.

⁶⁹ Acts 1991:433; 1999:130; 1999:132; 1999:133; 2001:1286; 2003:307

⁷⁰ Discriminations act (2008:567)

⁷¹ Law 1994:1219

⁷² The instrument of government, Chap. 2, art.19

⁷³ ECHR, art. 14

An additional obligation for Sweden comes from the EU charter of fundamental rights which states that any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited⁷⁴. As stated by this article, all member countries are required to take proper measures that make sure that minority groups are not discriminated because of the above-mentioned grounds. However, as shown by several studies, people with immigrant background are discriminated and people of African and Asian origin are the groups most discriminated in the Swedish labour market⁷⁵. They are the most different groups compared to the Swedes and there is lack of acceptance for the differences or at least fear of the differences. This fear is clearly mentioned by some anti-immigrant parties such as Swedish democrats (Sverige demokraterna) and the constant increase in number of supporters of this party is an evidence of this fear. Thus, Sweden has an obligation to protect the rights of minorities in the society including the labour market where minorities are discriminated in different ways as shown in chapter 4. Thus, in my view, Sweden's obligation stated in the above-mentioned conventions is not fully fulfilled yet and this is not because Sweden does not have anti-discrimination policy, rather, in my view, it is because of lack its implementation.

To fulfil the obligation of protecting the rights of minority groups, Sweden needs to pay more attention to intersecting factors that disadvantage the minority groups such as immigrants. Immigrants are discriminated not only because of one reason or based on one ground rather it is based on the several intersecting grounds. For example, many of those who come from Africa and Asia are Muslims and having different religion, in addition to being from different ethnicity and having different skin colour make them more vulnerable to discrimination. Even though both African and Asians are most discriminated groups as mentioned above, Africans are discriminated more in comparison with Asians.

The study conducted by Stockholm's county administration shows that people with African background are discriminated most in the private sectors and they (especially, those who are from sub-Saharan Africa) are paid 25% lower salary than the rest of the population⁷⁶. This shows that immigrants are not equally discriminated, and the skin colour matters a lot. There are some commonalities between Asians and Africans, but there is a difference skin colour which disadvantages the Africans more. Women of African and Asian origin are also the targets of discrimination because they share the above-mentioned characteristics with the men of the same origin and being women and wearing clothes that can identify them as Muslims worsen their situation. This is a prove that issuing laws that prohibit discrimination is not enough, rather, it needs supervision and implementation on which, in my view, the Swedish governments needs to work more.

Discrimination against immigrants include men, women and children. Women are more vulnerable to discrimination because of gender, in addition to other grounds they share with immigrant men and this widens the gap between men and women in that specific group as well as the whole society. Article 23 of EU charter for fundamental rights and European council directive 2004/113/EC state that equality between men and women must be ensured in all areas, including employment, work and pay⁷⁷. There is a pay gap in Swedish labour market between men and women, immigrants and Swedes and among immigrants based on the country of origin or skin-colour as mentioned above.

⁷⁴ Article 21(1)- EU charter for fundamental rights

⁷⁵ E.g. Swedish Integration Board, rapport integration 2001

⁷⁶ Report 2018:22

⁷⁷ Article 23, EU charter for fundamental rights; Council Directive 2004/113/EC, chap.1, art.1

Although there is an attempt to reduce the pay gap between men and women, it seems that Sweden has a long way to go to fulfil the obligation of equal pay for equal work regardless of gender, skin-colour, disability and so on. Studies show that the pay gap between women and men has reduced and this is because of the change in structure of the labour market in a way that reduces the difference and that the agreed wage increases are greater for large women groups than the rate of wage increase that the industry standard corresponds to⁷⁸. This report shows that there is a reduction in the pay gap between men and women and the pay difference in 2014 has reduced to 13.2%, which was a reduction by 0.2% between 2013 and 2014.

However, the pay gap between immigrants and Swedes has not yet attracted much attention and discrimination against immigrants in general, and immigrant women in particular, is an obstacle to gender equality. The gap between men and women increases due to increased number of women who become unemployed due to discrimination in the labour market in addition to low salaries for those who work. This discrimination results not only in widened economic gap between men and women but also unequal power relations where men have more power than women. Generally, economic power leads to social and political power and women who are economically disadvantaged are disadvantaged socially and politically as well. Thus, the Swedish government has an obligation to work hard to eliminate any type of discrimination in the labour market as well as outside the labour market with special focus on women.

One aspect of gender equality which is focused in many human rights agreements is equal pay for men and women. Equal payment can be a precondition for equal influence and power which are the main components of Swedish gender equality policy⁷⁹. If women do not have a source of income which they can live on, they will depend on men which makes them vulnerable to unjust treatment and unequal influence in the society. In addition to the Swedish government's policy of equal pay, article 119 of the treaty of Rome to which Sweden is party state, also mentions that each member State shall take all possible measures to ensure and subsequently maintain the application of the principle that men and women should receive equal pay for equal work⁸⁰. There are measures taken by the government to reduce the pay gap between men and women and it has given some good results. However, equal pay has not yet been achieved, and women got only 86.8% of men's salary in 2014⁸¹. There is a pay gap between men and women as well as between immigrants and Swedes in Sweden today and this can be an impediment to create a society where all enjoy their rights equally.

Another agreement that gives Sweden an additional obligation in elimination of discrimination is the "roadmap of the European gender equality" which outlines six priority areas for EU action on gender equality for the period 2006-2010⁸². The priority areas according to the action plan are equal economic independence for women and men; reconciliation of private and professional life; equal representation in decision-making; eradication of all forms of gender-based violence; elimination of gender stereotypes; promotion of gender equality in external and development policies. These goals cannot be achieved so long as part of women are discriminated in and excluded from the labour market.

The current situation of immigrant women is in no way consistent with achievement of gender equality. Many of them are unemployed and those who are employed are employed

⁷⁸ Medlingsinstitutet 2015

⁷⁹ <https://www.government.se/feministgovernment>

⁸⁰ The Treaty of Rome 1957, art. 119

⁸¹ Medlingsinstitutet 2015

⁸² Roadmap of European gender equality: COM(2006) 92

in the lowest paid jobs which makes the Sweden's path to fulfilment of the equal pay obligation and gender equality longer. Women of immigrant origin are discriminated more than the men of the same origin. One aspect that I believe is positive in this action plan is that the action plan recognizes that women members of disadvantaged groups are often worse off than their male counterparts and they suffer from double discrimination⁸³. Having lower paid jobs or being unemployed affects the life of immigrant women not only now but also later on when they are retired because the amount of pension they get depends on how long they have worked and how much money they earned⁸⁴.

Discrimination in the labour market does not affect only men and women of immigrant origin. Their children are also affected physically or mentally. Article 24(1) of EU charter for fundamental rights states that children shall have the right to such protection and care as is necessary for their well-being⁸⁵. Women and men who are discriminated in the labour market go through very difficult situation and they are not expected to contribute to the well-being of their children. Discrimination in the labour market affects the men and women directly and the children indirectly. Hence, eliminating discrimination in the labour market means improving the lives of men, women and children and the state should fulfil its obligation of preventing discrimination in every aspect of the society by taking special measures that favour the disadvantaged groups. Such measures can be the so-called "an affirmative action or positive discrimination" where immigrants, especially immigrant women, are prioritized in the employment process so that the gap between men and women and immigrants and swedes is reduced, if not removed.

All member countries in the EU are required to ensure suitable work environment where no one is discriminated due to his/her belonging to certain group. The EU charter of fundamental rights states that "every worker has the right to protection against unjustified dismissal, in accordance with Community law and national laws and practices"⁸⁶. As it will be dealt with in chapter four, immigrants are discriminated in different ways such as lower salaries, harder working conditions, vulnerability for dismissal and so forth.

Swedish discrimination act and equality ombudsman have an important role for fulfilment of Sweden's obligation to protect the rights of workers in the labour market. Although the Swedish equality ombudsman (DO) which was established in 2009 to supervise the discrimination act⁸⁷, is an important organ that helps discriminated people to get their rights, it is not always easy to get the expected result. This depends on different factors such as lack of evidence that the persons are discriminated or unwillingness to report the discrimination due to fear of its consequence.

It is not uncommon that people are dismissed from their jobs without knowing the reason for their dismissal and this is more common among immigrant people who do not have good knowledge of the Swedish language and Swedish system. This dismissal happens despite that the discrimination act prohibits any discrimination against workers and job-seekers including dismissal, payment, promotion and so on⁸⁸. Therefore, existence of law that prohibits discrimination is crucially important, but, it's follow-up and implementation is more important. If the existing laws are not implemented, no one benefits from their existence.

⁸³ (COM(2006) 92) p.2

⁸⁴ <https://www.pensionsmyndigheten.se/ga-i-pension/planera-din-pension/pensionalderns-betydelse->

⁸⁵ EU charter for fundamental rights, art. 24(1).

⁸⁶ EU charter for fundamental rights, art. 30

⁸⁷ <http://www.do.se/om-do/>

⁸⁸ Discriminations act, chap. 2 Sec. 1

To have a work is an important factor in economic improvement and integration in the society. Immigrants who have some jobs are more integrated to the society than those who do not have jobs. However, even those who have some jobs are exploited when they are employed. They work longer hours than the swedes especially in the restaurant branch, they get lower payment and mostly they work in a work which is not preferred by the swedes which can affect their health both physically and psychologically. This is contradictory to the racial equality directive 2000/43/EC which requires the member countries to implement the principle of equal treatment between people regardless of racial or ethnic origin⁸⁹.

In addition to this, Sweden has an obligation that every worker has the right to working conditions which respect his or her health, safety and dignity⁹⁰. The condition of immigrants in the Swedish labour market shows that Sweden has still a long way to go to fully fulfil the obligations that it has signed to fulfil. So, in my view, there is a need of wider study that includes all branches to investigate how the working conditions of immigrants look like. It is common that people who work in the restaurants work longer and do not get payment for the extra hours they work, and this should be studied and solved.

Race is removed from the grounds of discrimination in the discriminations act⁹¹ and this is considered by many as a good step forward. The justifications behind the removal of race from this act is that all human beings are the same race and it should not be a ground for discrimination. However, this can be exploited by discriminators and the victims may not get justice. It should not be ground for discrimination does not mean that it is not ground for discrimination. There are people who feel that they are discriminated on the ground of race. Thus, this removal of the word 'race' may in turn feed into the more general denial of racism as a Swedish problem and thus confuse judges, lawyers and others in implementing the discrimination act⁹². This idea is also supported by many authors who say that swedishness is connected to appearance and not talking about race has led to difficulties in addressing problems such as racism and hate crime⁹³. If Swedishness is connected to appearance, the immigrants of non-European origin cannot be Swedish even if they obtain citizenship and discrimination against them continues.

It is important to mention the difference between having anti-discrimination policy and implementing the policy properly. The Swedish anti-discrimination policy includes the main grounds on which minorities could be discriminated except the race which was removed from the act, but it is doubtful that the policy is supervised and implemented properly. The Swedish discrimination act⁹⁴ includes the seven grounds of discrimination and it is in conformity with EU minimum requirement but issuing the laws by itself is not enough. The law issued should be implemented and its implementation needs cooperation of different actors such as labour union, DO, courts and other non-governmental organizations (NGOs).

In addition to cooperation of these organs, the knowledge about the applicable laws is necessary. As argued by Englund the labour union's knowledge of legislation is insufficient and this is particularly harmful as they have such an important role in the work against discrimination, both in general prevention and in the specific cases of complaint⁹⁵. Thus, knowledge about the applicable legislations is necessary and trade unions should have experts in applicable legislations in order to be able to help their members. Besides this, it is important that the employees get enough information about their rights and duties. Knowledge

⁸⁹ Racial equality directive 2000/43/EC

⁹⁰ 2000/43/EC; art. 31 of ECFR

⁹¹ DA 2008:567

⁹² Lappalainen 2018, p.41

⁹³ Wigerfelt et al, 2013, p.9

⁹⁴ DA 2008:567

⁹⁵ Englund 2002, p. 34

about the applicable laws in addition to knowledge about their rights and duties can enable them to ask for their rights and report discrimination or ill-treatment against them.

Ethnic discrimination affects all immigrants but not equally. The difference in the scope of discrimination against immigrants can be based on different factors and there are ethnic hierarchies in the societies. Ethnic hierarchy has been defined as a ranking of different minority groups in the country, in which a minority group's position is determined by factors such as perceived cultural characteristics of the group, its socioeconomic status and the perceived threat that it poses to the national in group⁹⁶. For example, immigrants from former Yugoslavia and Greece are well established in the society and have relatively higher status. The components in an ethnic hierarchy that fosters discrimination, subordination, and exclusion according to Reyes (2006) are unequal conditions of employment, racism in the workplace, exclusion from the job market or confinement to menial and low-paying jobs, preconceived notions of incompetence and stigmatization⁹⁷. Immigrants are confined to low-paying jobs and jobs that require physical strength which are not preferred by the Swedes and their confinement in these types of jobs is due to preconceived notion of incompetence as well as racism.

Discrimination in the labour market is based on the preconceived notion of incompetence, unproductivity and racial inferiority of immigrants. The Swedes who are dominant group in the labour market consider that immigrants are less productive, less competent and in some cases racially inferior. It is unscientific and inhuman to relate ethnicity with productivity and productivity is individual based, not group based. Bursell (2012) also opposes this idea of relating productivity with ethnicity and argues that ethnicity is unrelated to productivity and is hence an irrelevant criterion in the evaluation of applicants⁹⁸. There are many immigrants who are highly competent and productive, but, they do not get recognition for their competence and productivity. This can also be because of some employers with racist background believe that Swedes are superior to immigrants, especially blacks by relating them to slavery and slave trade where the whites violated the rights and dignity of the black people by buying and selling them like animals. Therefore, although Sweden has good anti-discrimination policy which could enable it to fulfil its regional and international obligations in this regard, due to lack of implementation people are still discriminated in the Swedish labour market.

3.3 International obligations

Sweden is state party to different international treaties and human rights instruments which obliges it to respect human rights. It is beyond the scope of this paper to write about all treaties and conventions related to human rights and therefore I will mention only few which I consider have direct relation with the aims of this thesis. Sweden has signed and ratified various human rights instruments such as the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights ("ICESCR"), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of Discrimination against Women (CEDAW), the Convention on the Rights of Persons with Disabilities (CRPD),

⁹⁶ Pepels & Hagendoorn, 2000

⁹⁷ De los Reyes 2006, p. 17

⁹⁸ Bursell 2012, p. 12

Convention on the Rights of the Child (“CRC”), Convention Relating to the Status of Refugees and a number of relevant ILO conventions⁹⁹.

Dealing deeply with all these conventions is not possible due to time and space limit of this thesis and I will focus on some articles which deal with labour market and human rights related to it. Article 23 (1) of universal declaration of human rights (UDHR) mentions that everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment¹⁰⁰. As mentioned above, immigrants in Sweden are subjected to exploitation and they have worse working conditions than the swedes and it is violation of this article. There is a discrimination act which prohibits discrimination, but it seems that it is not implemented properly or has not been as effective as expected.

There is a pay gap between immigrants and swedes as well as between men and women as mentioned earlier in this chapter. This gap exists despite that Sweden has signed several conventions that prohibit pay gap and it has discrimination act which prohibits discrimination in the salary. UDHR states that everyone, without any discrimination, has the right to equal pay for equal work¹⁰¹. The work situation of immigrants in Sweden seems not to be in conformity with this article. Therefore, Sweden needs to work harder to eliminate or at least reduce the pay gap between men and women and between swedes and people with immigrant background.

Another convention which in Sweden is a signatory and active member, is convention on elimination of all forms of discrimination against women (CEDAW). This convention obliges member states to take all possible measures to ensure that women’s rights are respected, and they are not discriminated in the society. This convention states that all states parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights to work as an inalienable right of all human beings, the right to the same employment opportunities, and the right to free choice of profession and employment and the right to promotion¹⁰². This article speaks about women in general and this means that women with immigrant background are included. Discrimination against immigrants reduces women’s the possibility of getting a job. Those who have jobs have also problem in the issue of promotion which is to a large extent confined to the swedes and immigrants are disadvantaged in this regard. Although Sweden is considered to be one of the top countries in gender equality issues, discrimination against immigrant women exists and should be combated in all areas of the society by taking especial measures to fulfil the obligations.

Another important treaty is International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) which was signed by Sweden in 1966 and ratified in 1971. This treaty was adopted by the united nations in 1965 and it mentions in the introductory party that the doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination¹⁰³. Article 5 (i) of this convention states that the rights to work, to free choice of employment, to just and favourable conditions of work, to protection against

⁹⁹ ICCPR, Sweden signed 1967 and ratified 1971, ICESCR, U.N. Doc. A/6316, 993 signed by Sweden 1967 and ratified in 1971; ICERD, 660 U.N.T.S. 195; Sweden signed it 1966, CEDAW, U.N. Doc. A/34/46; Sweden signed it 1980, CRPD A/RES/61/106, Sweden signed it in 2007, CRC, U.N. Doc. A/44/49, Sweden signed it in 1989, CRSR 189 U.N.T.S. 150, Sweden signed it in 1954

¹⁰⁰ UDHR, art. 23(1)

¹⁰¹ Ibid, art. 23(2)

¹⁰² CEDAW, art. 11(1)

¹⁰³ ICERD

unemployment, to equal pay for equal work, to just and favourable remuneration¹⁰⁴. This article prohibits any discrimination based on race and the Swedish government's obligation to ensure that people are not racially discriminated seems to be below the expectation. The removal of the term "race" from the discriminations act is considered by some people as problematic as it does not recognize discrimination based on race and it is violation of this convention. Removal of the term race from the grounds of illegal discrimination does not mean that discrimination based on race does not exist.

What is interesting in this convention is that it covers rights of not only of individuals but also of collectives, as indicated in the convention that each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions. The Committee on Elimination of all forms of Racial Discrimination is a committee that monitors the implementation of ICERD and all member countries are obliged to take actions that enable them to fulfil their obligation¹⁰⁵. This committee periodically reviews the legal, judicial, administrative steps taken by individual states parties under ICERD to fulfil their obligations to combat racial discrimination¹⁰⁶. Racial discrimination is not yet eliminated in the Swedish society. The report submitted by civil rights defenders to the committee on elimination of all forms of racial discrimination in 2018 (CERD) criticizes Sweden for failure to fight racial discrimination and having inadequate legislation against hate crimes¹⁰⁷.

Another convention which Sweden has signed is the UN convention on the rights of persons with disability (A/RES/61/106), which was signed by Sweden in 2007 and ratified in 2008¹⁰⁸. Article 4(e) of this Convention mentions that the States parties should take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise¹⁰⁹. Disabled immigrants face multiple discrimination on different bases and their possibility of getting a job is very low. The Swedish Women with disability face double discrimination for being women and disabled while women with immigrant background and disability face triple discrimination in addition to other possible intersecting factors. They are discriminated for being women, for having an immigrant background and for being disabled. If they are Muslims, religion is added to the above-mentioned discrimination grounds. The Swedish discrimination act also prohibits discrimination against disabled persons and inadequate accessibility is considered as discrimination. Employers are required by the discrimination act to ensure that people have the opportunity to apply for jobs without regard to sex, ethnicity, religion or other belief, or one of the other grounds, the Equality Ombudsman may, in accordance with Chapter 4, Section 5, ask the Board Against Discrimination, the DO can order for taking these measures¹¹⁰.

Despite existence of this convention and the Swedish discrimination act, which prohibit discrimination of disabled persons, there is lack of monitoring for the implementation of them and people are discriminated in the labour market. Article 6 of the UN convention on the rights of persons with disability pays especial attention to women with disability and requires that the states parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal

¹⁰⁴ ICERD, art. 5 (i)

¹⁰⁵ Ibid, art. 2 (a)

¹⁰⁶ Tanaka 2001

¹⁰⁷ Civil rights defenders report to CERD, 2018

¹⁰⁸ SÖ 2008: 26

¹⁰⁹ UNCRPD, art. 4(e)

¹¹⁰ Lappalainen 2018, p.47

enjoyment by them of all human rights and fundamental freedoms¹¹¹. There is no doubt that Sweden is one of the countries that struggle for ensuring human rights domestically and internationally. However, these conventions are not fully implemented in Swedish labour market and people are discriminated. Therefore, the Swedish government needs to be more active in supervising and implementing the conventions it has signed and its internal discriminations act. The different ways in which immigrants are discriminated in the Swedish labour market and how they respond to discrimination will be dealt with in more details in the next chapter.

¹¹¹UNCRPD, art.6

CHAPTER 4

Discrimination against immigrants and how they respond to it

4.1 Theories of Discrimination

Before proceeding to how immigrants are discriminated in the Swedish labour market, I will try to answer a general question “why are people generally discriminated in the labour market”? and see if the same thing is applied to the Swedish labour market. The answer to this question will be general and at the theoretical level. There are different theories about why people are discriminated in the labour market. The first theory is the “taste” theory which was developed by Gary Becker (1957) which explains that people can be discriminated in the labour market when the employers, the customers and the employees from the advantaged group are distasted with certain groups and ready to make economic sacrifice when needed¹¹². Even when the employer knows that certain individual from certain group (minority group) is more productive or more qualified than others, he/she does not want to annoy the mainstream employees and discriminate the one from the minority group. This type of discrimination can take place in the work places where for example, men are majority and do not want to have women in the work place or when the native majority do not want to have immigrants in the work place and this can be the case in Swedish labour market.

Discrimination occurs when those who have power will control those who have no power and the subordinated groups seek to redefine their placing in the hierarchy and carry out actions that no longer confirm the hegemonic group’s supremacy that hate crime becomes a resource with which to punish those who test the boundaries¹¹³. This means that if the subordinated groups look for the lowest paid jobs and not challenge the power of the suppressor, they do not face much problem, but, if they cross the borders set by the suppressors they face problem. This type discrimination can be through different ways such as discriminative recruitment process, discouraging salaries, unfair work distribution and so on. This can be a case in some Swedish workplaces where the employers have xenophobic feeling or majority of the employers have such inclination.

The second theory is “statistical discrimination theory” forwarded by Phelps (1972) and Arrow (1973), which explains that discrimination takes place when employers have incomplete information about applicants and they generalize about the labour force characteristics of various groups as a screening device in order to minimize the costs of information acquisition in the hiring process¹¹⁴. This discrimination occurs, for example, when immigrants among the applicants for the job are excluded by employers from the recruitment process based on prejudicial thinking of unproductiveness or unwillingness to work. This generalization disadvantages the minority groups by relating them to certain negative characteristic and they are discriminated as such. This is the case in Swedish labour market and as it is going to be dealt with in the coming parts, immigrants are discriminated by relating them to certain negative characteristics such as lack of productivity and terrorism for instance.

The third theory is the theory of social distance¹¹⁵ and this theory explains that employers prefer those who have the same culture with them. This does not mean that they believe that those who have the same culture with them are more productive, but, they believe that recruiting this group of people creates the positive atmosphere in the work place. Some

¹¹² Gary Becker, 1957

¹¹³ Perry 2003

¹¹⁴ Phelps 1972; Arrow 1973

¹¹⁵ Bursell 2007, p. 8

people may argue that the positive atmosphere and productivity go hand in hand. However, according to this theory the choice is not done for the sake of productivity but for social reasons¹¹⁶. Others also argue that the theory of social distance minimizes the profitability because the prejudicial thinking of the employers employ people of their culture instead of most productive applicants. This can be a case in Swedish labour market because many employers prefer to employ those who have similar characteristics by fearing that otherwise it can cause conflicts and of course immigrants are disadvantaged in this case.

I add a racial superiority theory, which explains that the minority race (eg. Blacks) are discriminated by the whites based on the belief that blacks are inferior to the whites. This is because some whites believe in the superiority of the white colour and the black colour is related to slavery. This is a common phenomenon in the west, for example, in USA because many of the people of colour are descendants of slaves that became free and stayed in America after the abolishing of slavery. As shown in the survey conducted by Robert Wood Johnson, Harvard and national public Radio on discrimination of African Americans in America regarding the institutional forms of discrimination, half or more of African Americans say they have personally been discriminated against because they are Black when interacting with police (50%), when applying to jobs (56%), and when it comes to being paid equally or considered for promotion (57%)¹¹⁷. This case can fit to less extent the Swedish labour market; however, the immigrants of African and Asian origin are most discriminated, and one may wonder if that is related to this racial superiority theory. All these theories do not need to fit the Swedish society, but some theories do.

3.2 Different ways in which immigrants are discriminated

Immigrants are discriminated in different ways such as recruitment process, in salaries, promotion, work condition and these points will be explained in the coming parts. Immigrants face difficulty in integration process in the Swedish labour market and this depends on several factors. As argued by Shih et al. (2013) examining discrimination in the workplace is of utmost importance for several reasons. First, workplace discrimination is common and difficult to combat because it is often subtle. Second, there are significant costs associated with workplace discrimination. Finally, workplace discrimination affects almost everybody¹¹⁸. Discrimination in the workplace is harmful not only to those who are discriminated but also to the rest of the society. It affects the society's development, security, gender equality policy and integration. Therefore, it is very important to examine the applicable legislations and analyse the studies on labour market discrimination and the impact of labour market discrimination on integration and gender equality will be dealt with in chapters 5 and 6.

¹¹⁶ Ibid

¹¹⁷ Robert Wood Johnson foundation, Harvard and National Radio 2017

¹¹⁸ Shih et al. 2013, p. 146

4.2.1 Discrimination in a hiring process in Swedish labour market.

Despite the discrimination's act's prohibition of ethnic discrimination, people with immigrant background are discriminated in the labour market in different ways at different stages. Moa Bursell found in her field experiment which was conducted between March 2006 and September 2007 that included 3552 applicants applied for jobs, that people with immigrant background have approximate two times less chance to find a job than the Swedes even if they have the same qualification¹¹⁹. This is due to discrimination in the hiring process which can be due to intentional discrimination or unintentional discrimination which results from fear and lack of knowledge. The existence of discrimination in the society is a proof that discrimination act as well as other anti-discrimination laws are not implemented properly, and immigrants are discriminated in the society in general and the labour market in particular. They are discriminated in the recruitment process as well as after they are recruited. Due to this discrimination, their possibility of getting jobs is low compared to the swedes and as a result of this, their socio-economic situation is affected negatively.

Discrimination in the labour market does not only deny immigrants an important access to resources such as salary increasing and loss of employment, but also carries serious psychological and other health costs¹²⁰. Discrimination at the labour market begins in the recruitment process and is a main factor in immigrant's deteriorated economic as well as health situation. Economic situation and health situation affect each other directly or indirectly. Those who have economic difficulties do not afford to pay for their medical care and nutritious food which results in serious health problem. At the same time, health problem affects the economic situation negatively as a person cannot work as needed.

In my view, discrimination mostly depends on lack of knowledge and fear of people who are different from them and it may sometimes be unconscious. Existence of discrimination in the Swedish labour market is evident in Englund's report to European monitoring centre on racism and xenophobia (EUMC) where she mentions that the possibilities in obtaining an employment in the Swedish labour market depend to a large extent on a person's origin, nationality and religion. These factors also influence which branches people are working, on how much they earn and the working conditions¹²¹. This means that swedes are prioritized in employment process compared to the immigrants regardless of their qualifications. Therefore, although it is not fair to generalize and conclude that all employers follow the same way in the employment process, in many cases, the first criteria to be fulfilled in order to get an employment is not a personal merit or qualification rather it is being a Swede or not. In some cases, immigrants are required to have higher qualification than the Swedes in order to get employed in the same job with the Swedes.

Discrimination in the hiring process is also proved by the result of another experimental study done by Bursell where applicants of exactly the same merits and the same CV but Swedish and African or Arabic (traditional, not Muslim) names were sent to approximately 1,700 employers in 16 occupations. The result was that the Swedish-named applicants were called back twice as often as foreign-named applicants with equal merits and she found discrimination in 14 of 16 occupations¹²². Finding discrimination in 14 of 16 occupations is extremely dangerous for the wellbeing of the immigrants and the society's integration policy. Language proficiency is used by some employers as an excuse to

¹¹⁹ Bursell 2007

¹²⁰ Williams, Neighbors, & Jackson, 2003, p. 200

¹²¹ Englund 2002, p.3

¹²² Bursell 2012, p.30

discriminate and exclude the minority groups. In some jobs good knowledge of Swedish language is needed while in other sectors it is enough that a person can communicate and understand instructions. However, employers who are unwilling to employ immigrants demand perfect Swedish language even for cleaning jobs and this makes the situation of immigrants' unaffordable.

There is discrimination in the recruitment process and the way the recruitment process takes place in the Swedish labour market makes the discrimination institutionalized. It is very common that people are hired through their friends or relatives in the workplaces and this process disadvantages those who do not have wide network in the labour market. I believe that network recruitment which has been institutionalized in Sweden disadvantages immigrants. This idea is supported by Bursell and Englund that mention that hiring practices which are institutionalized and lead to unequal opportunities for immigrants are the network recruitment and an ethnocentric bias in the evaluation of merits¹²³.

The first point is that as immigrants do not have wide network in the labour market and they are not able to compete the Swedes who have wider network of friends, relatives and other people they know. The second point is that ethnocentric bias results in evaluating the same qualifications differently and favouring the Swedes as we saw above. Thus, in both cases immigrants are disadvantaged and have difficulty in getting jobs that suit their qualifications. Another institutionalized discrimination in the labour market is the requirement of reference in the recruitment process. Having a good reference is determinant factor in getting a job in the Swedish labour market. Thus, people prefer not to report that they are discriminated or any thing which annoys the employer due to fear of getting bad reference. In addition to the network recruitment, the so-Englund calls for "cultural distance" is obstacles in getting jobs¹²⁴. This means that those who are considered to be more different from the Swedish society are discriminated more.

It has been estimated that only 30 percent of all new employments are mediated by "Platsbanken", the main employment site¹²⁵. This means that 70% of the jobs are not announced in the platsbanken. Though it is possible that some of these jobs can be announced in other job announcement websites, many jobs are mediated through networks where the immigrants are disadvantaged.

Discrimination in recruitment process is a common phenomenon, but, it is not easy to prove it. The feature of the recruitment process that makes proving the existence of discrimination complicated, is its almost complete lack of transparency and only the recruiters know how many applicants apply for a position, what their credentials are, and exactly what the recruiters themselves are looking for in an applicant¹²⁶. This lack of transparency about the requirements and how the recruitment process is done, makes it almost impossible to know if discrimination has taken place or not. It is very rare that the discrimination is performed or expressed explicitly which makes it difficult to prove.

¹²³ Bursell 2012:15; Englund 2002 p. 12

¹²⁴ Englund 2002

¹²⁵ Harkman 2003

¹²⁶ Bursell 2012:18

4.2.2 Discrimination in the salaries

Discrimination in the labour market is not confined to hiring process rather it exists even after getting employed. There is discrimination in salaries between the Swedish-born and immigrant born people. The foreign-born residents have lower salaries than those with Swedish-born parents, even if both groups have received their highest education in Sweden¹²⁷. The median monthly earnings in 2008 for a native-born amounted to 17,900 SEK, and for an immigrant 12,700 SEK¹²⁸. It is very big gap between the native's salaries and immigrants' salaries. There are several factors that play a role in getting lower salaries than the swedes of the same qualification and one such factor is immigrants' lack of knowledge about the law and how it functions in Sweden, which leads to their exploitation by some employers.

When an individual gets a work, he/she receives salary suggestion from the employer and the employer usually try to convince him/her to accept the lowest possible salary. In most cases the last salary depends on the person's ability to bargain. Wage-setting is generally considered an issue for the social partners to agree upon through collective bargaining; and the Swedish National Mediation Office plays a special role in this field, as it is charged with reporting and analysing pay differentials between women and men (the Gender Pay Gap) on a yearly basis¹²⁹.

People with immigrant background, both men and women, do not have other alternatives than accept any job and salary or do not know that there is such possibility for bargaining to increase the salary. This was proved in our experiment at my work place (SFI of Municipality of Vetlanda) where we tested if the students knew who decides the salary at the workplace. The alternatives where the government, the employee, the employer and both employee and employer. From the whole class with about 20 students only 2 students said that the salary can be decided by bargaining between the employer and employee, one student said the government and all the rest answered that the employer decides the salary. This means that they do not know that it is possible to bargain and influence the salary and they either accept the first suggested salary or miss the chance which may not come again. Therefore, in my view, deciding the salary by bargaining is again institutionalized discrimination because it disfavors those who cannot bargain, do not have other alternative or do not know that is such possibility for bargaining. Salaries should be fixed based on qualification or work experience not by ability to bargain. Talking about salary is a taboo in Sweden and this increases the possibility of salary discrimination by the employers because many employees do not know the salaries of other workers in the same workplace.

Discrimination in a salary affects immigrants in general, however, some groups are discriminated more than others. The Swedish integration board shows that the most low-paid groups in the Swedish labour market are the African- and the Asian born migrants¹³⁰. This report shows that many immigrants with university graduation work in occupations that are far below their competence and are not employed according to their qualifications and thus get lower salary. Language proficiency is used by some employers as an excuse to discriminate immigrants in the salary.

Discrimination of immigrants in Swedish labour market is not confined to the new comers to Sweden. It also affects those who came as young children and studied in Sweden. They have the same language fluency and educational background with the Swedes, but,

¹²⁷ Katz and Österberg, 2013:27, see also Wadensjö 1997, Martinsson 2002, Nordström Skans and Åslund 2010).

¹²⁸ Statistics Sweden 2010

¹²⁹ Numhauser-Henning, 2015, p.12

¹³⁰ Swedish Integration Board, Rapport Integration 2001, p.104

different ethnic or religious background which discredits them. People with immigrant background from Africa, Asia and south America who came to Sweden as young children and educated in Sweden have 5-10% lower wages than the Swedish people of the same qualification¹³¹. This is about the people having the same qualification and doing the same work. This unequal payment for equal work in the Swedish labour market violates several treaties and agreements which Sweden is party to¹³². Besides unequal pay for equal work, as Cecilia mentions the Swedish labour market is rather segregated with the majority of migrants working in low-qualified and low-paid professions, e.g. the caring and the service sectors¹³³. This is because these sectors are not preferred by the natives as they are low-paid jobs and there is relatively higher demand for employees and this opens a chance for immigrants.

4.2.3 Discrimination in working conditions

The working conditions is another area of discrimination and exploitation of immigrants. Sweden has long been a receiving country of labour migrants and refugees and as argued by Bursell that the labour migrants in Sweden were primarily recruited to fill the bottom layer in the labour market hierarchy¹³⁴. This bottom layer can be the work situation, the salaries and other promotions. The foreign-born more often have physically strenuous and monotonous jobs, which lead to higher absence due to illness¹³⁵. There is significant difference between Swedish-born and foreign-born in the working conditions. Immigrants are usually employed in jobs that require physical strength and low-paid and jobs which are not preferred by the Swedes. This idea is supported by Wadensjö who suggests that the positions in which the immigrants are employed are those rejected by the native population i.e. those with the lowest wages and the worst working conditions¹³⁶.

Discrimination against immigrants affect all regardless of their educational background, though the degree may differ. Studies show that among highly educated men of African origin, only half of them have professions that normally required high school education after they have lived in Sweden 5-15 years while the corresponding among men born in Sweden was nine out of ten¹³⁷. There are different factors that play a role in this difference, but discrimination is one such factor. Newly arriving migrants suffer from a temporary lack of “country-specific” human capital and this concept refers to language proficiency and other skills that it takes some time in the new country to acquire, such as knowledge about the society and the understanding both explicit and implicit norms and traditions¹³⁸. I agree that it is possible that people coming to a new country and a new system may have difficulty in getting jobs that fit their qualification from the very beginning, but, living 5-15 years is enough to know the system of the country and the language to get good jobs. Therefore, although it varies very much from person to person, this cannot be justified as their lack of knowledge about the country’s system and language.

Many of the immigrants are professionals with high educational background and long work experience. However, it is very difficult for them to find jobs which suit their competence. Of course, it is true that skills in Swedish language and the so- called social

¹³¹ Abdullahi 2016, p. 18

¹³² Art.23 of EU charter of fundamental rights; art. 119 of the treaty of Rome; EU Action Plan 2017-2019: Tackling the gender pay gap

¹³³ Englund 2002, p.32

¹³⁴ Bursell 2012, P.7

¹³⁵ Swedish integration board, Rapport Integration 2001, p.104

¹³⁶ Wadensjö 1973

¹³⁷ Ekberg and Rooth 2006

¹³⁸ Bursell 2012, p.7

competence are important factors that affect the chances of obtaining a job. However, these demands may sometimes be exaggerated or used as an excuse for not employing immigrants¹³⁹. This means that, the problem is not only that they do not get the jobs that suit their competence but also their professional competence may perish if they are not utilized rapidly. Many immigrants come with high professional competence and discrimination in the society leads them to either unemployment or work in the sectors which do not suit their competence. This affects their health both physically and psychologically leading to deterioration of their competences.

Another problem is that immigrants do not get permanent job easily and this means reduced rights for them and higher risk for unemployment. As shown by the report of the Swedish integration board, 20 percent of the migrants that are working have time-limited employment, compared to 12 percent among the Swedes¹⁴⁰. The employer can fire them from the job and they cannot defend their rights as they have time-limited employment. Not having permanent job also affects their salary because there is a salary increase every year and they may not get this increase if they change their job every year or six months as it is the case for many immigrants.

Even though discrimination in the labour market affects all immigrants, they are not affected equally. Apart from their educational background, their country of origin is determinant factor in getting or not getting a job. Those who are considered most different are the most discriminated groups. The African and Asian-born migrants are the groups most likely to be unemployed or subjected to discrimination in the Swedish labour market¹⁴¹. Muslim women who have headscarves or other religious signs are discriminated more than women of the same origin and religion without headscarf. This is because of the stereotypical thinking about Muslims in the society and they are easily identifiable and related by some racists to terrorism. For example, as noted by the government's integration report, immigrants and refugees from the Middle East (especially Iraq and Iran) and from the Horn of Africa (especially Somalia), have had a much worse employment outcomes than other groups¹⁴². The above mentioned three countries are predominantly Muslims and worse employment outcome for them may implicate, among other things, that Muslims are discriminated more than other minority groups.

4.2.4 Discrimination in promotions

Immigrants are also discriminated in promotions compared to the swedes in the labour market. There can be many factors such as language proficiency that affect the promotion of workers but there is also an ethnocentric bias in the promotion of the employees. A study done in 2004 for the highest managerial employees of the country showed that of the 20 000 senior managers within Swedish society in all areas, only a total of 183 persons (0.9%) had some background in South America, Africa and Asia¹⁴³. Although managers of non-Swedish European background are excluded from these statistics, immigrants are yet underrepresented in the managerial positions. The newly arriving immigrants may not have the language proficiency and knowledge about the social codes of the society that are needed for the managerial position. Nevertheless, there are immigrants born in Sweden or came at

¹³⁹ Englund 2002, p.12

¹⁴⁰ Swedish Integration Board, Rapport Integration 2001, p.84.

¹⁴¹ Englund 2002, p.3

¹⁴² Government 2010: 19

¹⁴³ Göransson 2005

their young age and are highly educated who could hold these managerial positions. However, due to ethnocentric bias and discrimination they do not get a chance to hold the managerial positions. Their competences and qualifications are evaluated differently compared to that of the natives.

4.3 Strategies to cope up with or escape discrimination

As mentioned above, immigrants are discriminated in different ways in the Swedish labour market. Some immigrants are forced to find some strategies which may enable them to cope up with the discriminatory activities. These different strategies do not end discrimination against them, but, it may reduce their suffering to some extent. Some immigrants change their names in order not to be identified by their non-Swedish names while others choose the strategy of opening their private businesses (self-employment) as a source of income. Some others try to prove that they are not worse than the natives through hard work and higher education. Although it is not easy to assess which strategy is successful and which one is not, it seems that they have at least some benefits to the immigrants. More detailed explanation of these strategies and their impact both on immigrants and the society as a whole follows.

4.3.1 Self-employment as a response to discrimination

Immigrants who are discriminated in the labour market try to find an alternative source of income and self-employment is one such alternative. Self-employment can be an alternative source of income as they can help themselves economically, but, as Saeid Abbasian mentions, it leads to segregation of immigrants and it conceals, strengthens and justifies the already existing discrimination in the labour market¹⁴⁴. Self-employment reduces the possibility of being integrated in the society and it affects their knowledge of both social codes of the society as well as the Swedish language which makes it difficult for them to be integrated.

As shown by different studies, immigrants, especially those coming from the middle east were overrepresented among those who chose entrepreneurship as a way out of unemployment and this is because of discrimination in the labour market¹⁴⁵. There are discriminatory aspects regarding migrants' self-employment, because, they do not have the same possibilities as Swedes to obtain bank loans and not being able to obtain bank loan means they have limited resources which makes them unable to open competitive business. In my view, this lack of possibility is accompanied by some immigrants' unwillingness to take bank loans for religious reasons and it makes their situation in self-employment more difficult.

The study done by Aldén och Hammarstedt shows that entrepreneurs with foreign origin get more rejection in the applications for the bank loans and in case they get loan they pay higher interest than the Swedes¹⁴⁶. Getting loan with high interest reduces the profitability of the business as they must pay their loan and its high interest. Other Studies show that many entrepreneurs fail to continue after they have started their business due to low income and high expenditure¹⁴⁷. Their business' dependence on minorities, added to this high interest and low income may lead to bankruptcy and unemployment. These two studies are inter-related because not getting a loan or getting high interest loan reduces their profit and low profit and high expenditures make it unaffordable for them, leading to discontinuation of their business.

¹⁴⁴ Abbasian 2004

¹⁴⁵ e.g. Pripp 2001, Abbasian 2004

¹⁴⁶ Aldén och Hammarstedt (2014b)

¹⁴⁷ eg. Andersson-Joona 2010

Although entrepreneurship may be an employment strategy, it is not a way out of poverty and immigrant entrepreneurs, especially non-Western immigrants, have much lower incomes than native-born entrepreneurs¹⁴⁸. This means that immigrants that work in the entrepreneurship work only to cover their daily expenses and the main reason behind this is the discrimination. Alund (as cited by Englund 2002) calls self-employment among migrants “neo-slavery”, as it constitutes the new economy’s insecure and low-paid service-sector within a hierarchy of branches of professions. She adds that this type of work creates difficult alternatives for them and promotes segregation¹⁴⁹. Clarifications given to why they have low income compared to Swedish entrepreneurs are that they are discriminated from both customers and banks as mentioned above. With all these difficulties, when they decide to open their own business they have to open in the area where more immigrants live, because, their customers will be mostly immigrants and they feel more secured in the areas where more immigrants live. This denies them a chance to get customers from non-immigrant population which reduces their economic benefit and chance to be integrated to the society.

4.3.2 Name change as strategy against discrimination

Another strategy is change of names from non-Swedish to Swedish names and this strategy aims in not being discriminated by the names. Some scholars suggest that this strategy has helped to reduce the possibility of being discriminated based on names and it has positive impact on the name changers. Arai and Skogman Thoursie suggest that name change is a successful anti-discrimination strategy, as they find a positive earnings effect of immigrant name change already a year after the name change¹⁵⁰.

These authors found that immigrants in Sweden who changed their surnames during the 1990s had a larger increase in yearly earnings compared to immigrants with similar characteristics who had not changed their name. This change of name is not an easy choice and people choose it due to lack of other alternatives and Bursell calls the name changes *as a destigmatization strategy or response against stigma and discrimination*¹⁵¹. This is a clear evidence that immigrants are discriminated because they are considered to be different. This changing of names can break the fear that they are different from us and it can also result in sympathy with them for being assimilated in the society. In addition to this, in my view, it can give those immigrants a chance to come to job-interview and show their qualifications and competences which otherwise would not be possible for them.

4.3.3 High education and hard work as a strategy

The third strategy used by immigrants to cope up with discrimination, racism and xenophobia as suggested by Bursell is climbing up the socioeconomic ladder through high education and hard work and religious faith of being equal before God¹⁵². Social power and economic power go hand in hand and the one influences the other. Those who have good economic situation are usually in a socially higher position and those who have bad economic situation are in socially lower position. Thus, working hard and studying higher level education can improve both economic and social position to certain extent.

The experimental study where the Arabic named men and women have one to three years more work experience than the Swedish men and women was launched by Moa Bursell. The result shows that Arabic-named women can compensate for employer stereotypes if they have

¹⁴⁸ Andersson Joona (2009)

¹⁴⁹ Alund (as cited by Englund 2002)

¹⁵⁰ Arai and Skogman Thoursie 2009

¹⁵¹ Bursell 2012, p.24

¹⁵² Bursell 2012,p.24

higher qualifications than the Swedish-named female applicants and no discrimination was observed, but Arabic-named male applicants cannot compensate it and discrimination persists¹⁵³. In my view, this can be arguable, because it may be true for Arabic-named women who do not wear headscarf or long clothes, or it is only calling them back for the interview. This study does not put intersection of for example, religion and ethnicity in to consideration. The Arabic named women with headscarf may not compensate employer stereotype against them for higher qualification because the stereotype has nothing to do with their qualification, rather, it is related to their ethnicity and religion.

4.3.4 Switching into the perpetrator's identity as strategy

Other strategies used by immigrants to reduce their sufferings are deemphasizing the targets identity, recategorizing with the more positive identity and emphasize with the dominant groups identity by switching into the perpetrators identity so that they would be not discriminated or discriminated less¹⁵⁴. Although these strategies may reduce the scope of discrimination among these discriminated groups, as mentioned by the authors, it may lead to disidentification with social identities and groups which can result in disappearance of their cultures and traditions. This means that some socio-cultural groups may disappear through time and in my view, this is disadvantageous to both the discriminated groups and the whole society.

Long-term use of identity switching can also elicit an unstable sense of self and individuals with a less stable sense of self tend to experience poor psychological well-being¹⁵⁵. Thus, it can affect the health of the individuals who switch their identity and try to resemble the majority in all possible ways. Health problem for immigrants who are discriminated in the labour market costs the society a lot in addition what it costs the discriminated-against immigrants. The cost of the medical treatment and the cost of work that had to be done by them costs the society a lot of money in addition to the lack of fulfilment of Sweden's obligation to protect the minorities. Difference is not always negative and different groups may have different ways of benefiting the society and different cultures need to be preserved. As we have seen above, immigrants are discriminated in the Swedish labour market despite the existence of discriminations act which prohibits discrimination. The main reason why discrimination continues in spite of this discriminations act, in my view, is that those who are discriminated are not daring to complain discrimination. This is due to different reasons and such reasons will be discussed in the coming parts.

¹⁵³ Ibid, p.31

¹⁵⁴ Shih et al. 2013, p.149

¹⁵⁵ Campbell, Assanand, & Di Paula, 2003

4.4 Reasons behind not reporting the discrimination

As shown above there is discrimination in the labour market, and the main reasons why discrimination continues, in my view, are that those who are discriminated do not claim discrimination and DO does not follow up the implementation of the discrimination act in the labour market. Sweden has very clear anti-discrimination policy and many of the bases of immigrants' discrimination are included in the discrimination act. However, as noted by Englund, though there has been a dramatic increase in the number of complaints filed to the DO during the past few years, it is yet below the expectation. She adds that this increase can be due to the public's increased awareness of the authority and the tasks of DO or it can also be due to an increased number of discriminations in the labour market¹⁵⁶. This increased number of complaints is a positive development because knowing the task and responsibility of equality ombudsman can motivate those who are exposed to discrimination report discrimination to it. This can contribute to encountering discrimination and discriminated people can get justice through getting their case processed in the legal process.

However, an increased complaint can also be a sign of increased discrimination which should get more attention. Many immigrants do not report discrimination as claiming discrimination can be costly for them and many of them prefer to cope up with the discrimination rather than reporting it. Despite this, there is increased number of discrimination complaints to DO. According to Shih et al, the targets of discrimination at work often have a difficult time escaping the context in which the discrimination occurs because they perceive that the costs of claiming discrimination may be high¹⁵⁷. The cost of claiming can be anything from isolation to firing from the job and as mentioned by Kaiser & Miller, 2003 confronting prejudiced behaviour may result in costs to social and professional relationships¹⁵⁸.

There are many reasons why immigrants are not daring to report discrimination and one of them is fear of losing the job. Many workers decide to cope up with the discrimination due to fear that they may lose their job in case they report the discrimination. This idea is supported by Leslie & Gelfand who mention that immigrants may fear losing their jobs or experiencing retaliation for fighting back against discriminatory behaviour¹⁵⁹. Retaliation from employers is not the only problem they may face. Those who claim discrimination are often viewed as troublemakers, and they do not receive sympathy from co-workers¹⁶⁰. They can face social isolation in the work place, in addition to the possibility that they lose their jobs. This isolation can result in stress and other psychological problems.

Targets of prejudice and discrimination might consider such factors as whether making discrimination complaints will change how they are treated, affect their interpersonal relationships, or influence the perceptions and attitudes of others toward them¹⁶¹. In other words, they do not report the discrimination they face, because, they do not believe that making discrimination complaint can change anything in how they are treated, discriminated and looked upon. This is also evident in the result of the study conducted by Wigerfelt et al (2013) where the respondents said that they do not report harassment and racism to the police because they feel that nothing will change¹⁶². Not challenging the discrimination may reduce

¹⁵⁶ Englund 2012

¹⁵⁷ Shih et al. 2013, p.46

¹⁵⁸ Kaiser & Miller, 2003, p.229

¹⁵⁹ Leslie & Gelfand, 2008

¹⁶⁰ Kaiser & Miller, 2003 p.228

¹⁶¹ Kaiser & Miller, 2003 p.228

¹⁶² Wigerfelt et al 2013

the risk of losing their jobs, however, they may be just as unhappy as those who do challenge it. The only difference is that those who do not claim may assess the costs and benefits of complaining differently¹⁶³. Therefore, not complaining discrimination is partly due to fear of its negative consequence and believe that nothing will change even if they complain.

Another reason why discriminated people do not report discrimination is that they do not know whom they can contact to complain. Englund notes that though there is improvement in number of complaints to the equality ombudsman, it is below the expectation and this can be because of discriminated people's lack of knowledge about DO and its responsibilities or lack of trust in the authority¹⁶⁴. This is because the immigrants, especially, the newly arriving ones do not have enough knowledge about what DO is and how they can reach it in case of discrimination. Some employers give information about discrimination act and DO very rarely and this can be because they will have control over their employees and exploit them.

Apart from the lack of knowledge there is lack of trust in government authorities and there is a feeling of "we and they". Generally, immigrants do not trust public institutions and these public institutions are considered to be at the "they" side in their perception. The result of the study done by the Swedish integration board concerning reporting ill-treatment in the society shows that only 11 people out of the 90 respondents who claimed their exposure to ill-treatment replied that they have reported the incident to any instance¹⁶⁵. The reasons why they did not report this ill-treatment and discrimination to concerned authorities as expressed by them is that they felt it would not make a difference whether or not they report their experiences of discrimination, they do not trust the authorities, did not have knowledge about the law, did not know about the existence of DO and they could not be bothered¹⁶⁶.

Lappalainen (2005) agrees with the findings of the integration board that people with roots outside Europe have less confidence in the police and courts than native Swedes¹⁶⁷. This feeling of "we and they" also results in what I call the "lack of sense of belongingness to the society" which in return leads to coping up with the discriminative treatments by saying it is not our country and we have no rights and duties. This type of feeling can create reckless individuals who do not care about the well-being of the society. Discrimination becomes a social problem when the accumulated discriminatory acts of many individual employers and managers as well as employment office staff produce and reproduce unequal access to resources, positions and opportunities for career development¹⁶⁸. Therefore, discrimination is an obstacle to gender equality, national development and social stability. It is dangerous not only to those who are discriminated-against, but also to the rest of the society. The impact of discrimination against immigrants in the labour market on gender equality and integration policies will be dealt with in the coming two chapters.

¹⁶³ Swim & Hyers, 1999

¹⁶⁴ Englund 2002, p. 34

¹⁶⁵ Integration board 2006

¹⁶⁶ Integration board 2006

¹⁶⁷ Lappalainen 2005

¹⁶⁸ Bursell 2012, p.12

CHAPTER 5

Discrimination in the labour market and gender equality

Swedish government has long been active in gender equality policy and gender mainstreaming has been used as a main strategy to ensure this equality. It is one of the countries with highest gender equality in the world. According to the latest EU gender equality index Sweden comes out as number one in gender equality, scoring 74.3% as compared to the EU average of 54%¹⁶⁹. As part of continuous effort to ensure gender equality, a specific policy consisting of five parts was adopted in 2011, to be implemented at different levels: (i) a strategy in the Government Offices, (ii) a development programme for government agencies, (iii) support at regional level, (iv) quality assurance in municipalities and county councils, and, (v) initiatives to gather and share experience and knowledge about practical implementation of gender mainstreaming¹⁷⁰. Many strategies are taken by the state to achieve gender equality and some positive actions have been taken in recruiting women though it has been below the expectation.

These positive actions are based on the employment Ordinance which states that in addition to merits and abilities, account must also be taken 'of objective reasons consistent with the general aims of policies relating to the labour market, equality, social matters and employment'¹⁷¹. However, the situation of immigrant women has not gained much attention when it comes to positive action. They face discrimination in the labour market which makes them either unemployed or employed in low-paid jobs increasing the gap between them and their men. Thus, for achieving real gender equality, special attention needs to be paid to immigrant women and non-immigrant women with disabilities and other minority groups like Sami group who are historically discriminated-against. These groups face discrimination based on intersection of different factors such as gender, disability, ethnicity etc. and they are usually excluded from the labour market.

5.1 Social insurance and gender equality

Another strategy followed by the government to ensure gender equality is equal parental leave for both parents. Both parents have 480 days together i.e. 240 days for each and 90 of these 240 days are not transferable to another parent even if they want that¹⁷².

Reconciliation of family and professional life is one important aspect of the gender equality policy and this emphasizes on equal division of unpaid work such as child and elderly care. Equal division of unpaid work gives women a chance to get some paid job by spending more time in studying or doing some other things that can increase their possibility of getting a job or developing their career in the job. Statics show that women spend more time than men in taking care of children and elderly, in other words, doing unpaid-work¹⁷³.

In addition to this, though there is an improvement in sharing parental leave days between fathers and mothers, it is not yet equally divided between them. How much parental leave is taken by fathers depends on different factors such as educational background, older, nature of work, workplace and so on but, generally men take less parental leave than women.

¹⁶⁹ European Institute for Gender Equality, Gender Equality Index Report, 2013 p. 109

¹⁷⁰ Governmental Offices Fact Sheet U14.001, February 2014, Gender Mainstreaming

¹⁷¹ Employment Ordinance, Section 4 of the 1994:373

¹⁷² https://www.forsakringskassan.se/privatpers/foralder/nar_barnet_ar_fott/foraldrapenning

¹⁷³ social insurance report 2013:8

For example, fathers took only 24.4% of parental leave in 2012¹⁷⁴. Equal parental leave is a good strategy from the gender equality perspective, but, still majority of men transfer their days to their wives and this is more common among immigrant parents.

In general, the social insurance is based on the principle of income loss such as parental leave, illness, retirement etc. and inequality and unequal opportunities for immigrants in the labour market are reflected in social insurance. As they generally have a weaker labour market attachment, they often get lower compensation levels¹⁷⁵. Although immigrants are disadvantaged in this respect as the insurance they get depends on the income they had, the existence of guarantee level reduces their sufferings. The social insurance compensation depends on the person's income and immigrants get low compensation which may not cover the expenses of the family. This is one of the reasons why immigrant men do not take much parental leave as they cannot compensate the financial loss if the man takes parental leave.

The studies conducted by Social Insurance Board (2002d) and social insurance in Sweden (2005) showed that fathers with immigrant background take less parental benefit than the men with Swedish background and women with immigrant background take more parental leave than Swedish women¹⁷⁶. Many men with immigrant background transfer their transferable days to their wives and in my view, there are two main factors that play a vital role in this regard. The first factor is the cultural aspect, as they come from countries where women do mostly domestic work and child-rearing while men are responsible for providing all the necessities to the family. It takes quite long time to understand and follow the Swedish system where both men and women work almost equally. Even in Sweden it is not uncommon that women do more unpaid-work than men, for instance, women spent about 30 hours per week in unpaid-work including child and elderly care while men spent only 18 hours¹⁷⁷. However, in my view, the gap between men and women among immigrant pares in unpaid-work and care-taking is wider.

The second factor is that immigrant men have easier to find a job compared to immigrant women and it seems reasonable that women take more parental leave days than the fathers. This is because the financial benefit they get if the fathers stay at home will not cover their expenses as the mothers do not have other source of income. As shown by earlier studies the most determinant factor in the division of parental leave is the father's income¹⁷⁸. The parental leave goes with income and when fathers have good earning, they can cover the loss of the income anyways and therefore they take more leave than those who have low income.

In addition to this, the mothers' income is also determinant factor, because, if the families get income from mothers' sides, it is easier that the father takes more parental leave as their financial loss can be covered by the mother's income. It is also possible that the mothers with high earning will come back to their jobs earlier¹⁷⁹. Therefore, immigrant men get jobs easier than immigrant women and this widens the gap in parental leave and unpaid works where women take more leave and do more domestic work as they do not have a job, they do not afford the financial loss which can result from the parental leave. This widens the gap between men and women in all aspect which can be obstacle to gender equality.

Apart from this, educational background of the parents also plays an important role in dividing parental leave as well as unpaid job. The parents who are highly educated have

¹⁷⁴ social insurance 2013:8

¹⁷⁵ social insurance in Sweden 2005

¹⁷⁶ Social Insurance Board 2002d; social insurance in Sweden 2005

¹⁷⁷ SCB 2013

¹⁷⁸ Nyman & Pettersson, 2002; Sundström & Duvander, 2002

¹⁷⁹ Sundström & Duvander, 2002

more egalitarian division of unpaid jobs and they have relatively similar work situation which motivate the fathers to take more parental leave with out any negative consequence from the job¹⁸⁰. The gender equality perspective in the immigrant families is at the stake in this regard, because men and women do not have the same educational background which also affects their work possibility and situation. In many countries from which Sweden receives immigrants, men have more opportunity to study than women and this educational background affects their lives in Sweden too. Therefore, women do more unpaid-work such as taking care of children and elderly and of course taking more parental leave in Sweden too.

Besides this, the study conducted by the Swedish insurance agency shows that men that work in the public sector and women-dominated jobs take more parental leave than those who work in the private sector or men-dominated work place¹⁸¹. Immigrant men are predominantly employed in the industry and private sectors which discourages fathers' parental leave. Why immigrant men are predominantly employed in private sectors and industry branch (i.e. men-dominated) is that these sectors require relatively low language proficiency and educational background and are not preferred by the Swedes. Their employment in the private sector and men-dominated workplaces affects their share in parental leave negatively. This means that women take more parental leave and more unpaid-work, they have less time for their career development or education, economic dependence on men and all these things result in gender inequality. This can affect women's lives negatively in salary increase, pension and health¹⁸².

It is undeniable that there are some improvements in the issue of gender equality. For example, a new party called "feminist initiative" with gender equality as its core value was formed in 2005 and it is present in the EU parliament since 2014. But is not represented in the Swedish parliament (riksdag) and the party got only 0.46% of the votes in the recent election held in 2018¹⁸³, which raises doubt about Swedish population's believe in gender equality. Another possible reason why this party did not yet get enough support is that every government that comes in Sweden calls itself a "feminist government" and it works hard for gender equality. Thus, a good part of the population thinks that this newly formed party will not bring any thing more than what other established parties do.

Despite all these attempts to ensure gender equality, the real gender equality has not yet ensured in the Swedish labour market. Women in general and immigrant women in particular are discriminated in the labour market. Discrimination has direct or indirect affect on the lives of women and gender equality policy. Immigrant women are discriminated not only for being women but also for other reasons such as ethnicity, religion etc. and these factors intersect each other to create a disadvantaged position for women. Immigrant women are discriminated as women and as they are different from the majority society i.e. ethnic discrimination. Ethnic discrimination affects people in the same ethnicity differently, for example, women and the poor are affected most. Sweden is one of the countries with high gender equality and this is mostly about the Swedish men and women. The situation of women of immigrant background is not as good as that of the women of Swedish origin. The situation of women should be analysed from the life condition of immigrant and other disadvantaged women.

When we talk about women's right and gender equality, it should concern all women and should be analysed from the situation of disadvantaged groups. If analysis of women's

¹⁸⁰ Working Papers in Social Insurance 2005:2

¹⁸¹ Ibid

¹⁸² Social insurance report 2013:9

¹⁸³ <https://www.val.se/valresultat/riksdag-landsting-och-kommun/2018/valresultat.html>

situation does not depart from the situation of disadvantaged women, it will be difficult to achieve gender equality. Mohanty agrees with this idea and says that if we pay attention to and think from the space of some of the most disenfranchised communities of women in the world, we are most likely to envision a just and democratic society capable of treating all its citizens fairly. Conversely, if we begin our analysis from, and limit it to, the space of privileged communities, our visions of justice are more likely to be exclusionary, because privilege nurtures blindness to those without the same privileges¹⁸⁴. This means that the situation of women should be analysed and measured from the space of disadvantaged women and improve their situation to achieve real gender equality. Thus, the situation of immigrant women needs especial attention in this respect.

Studies show that discrimination against immigrants in the west varies and some studies show that women are discriminated more, and some other studies show that men are discriminated more. For example, Petit et al. (2011) conducted a study in France in which the authors found that Moroccan and Senegalese women were discriminated against more than Moroccan and Senegalese men and more than native French men and women¹⁸⁵. This may not be the same everywhere, but this study shows that women are disadvantaged. whether or not women are discriminated more than men of immigrant origin differs from country to country.

The study made by Leibkind et al. in Finland to see if discrimination affects men and women equally or not, shows that Russian men face more discrimination compared to Russian women¹⁸⁶. This study is based on experiment with names that show masculinity and femininity as well as the ethnicity of the person. However, other intersecting factors such as religion are not put into consideration. Thus, it is not possible to generalize and conclude that immigrant men are discriminated more than immigrant women in Finland.

5.2 Stereotype against Muslims and its impact on gender equality

Studies show that Muslim women with headscarf are discriminated-against more than the Muslim men and Muslim women without headscarf as well as other immigrants. Maimuna Abdullahi suggests in her report published by ENAR 2016, that Muslim women are treated less favourably, are subjected to harassment, and that experiences of discrimination are often related to the labour market¹⁸⁷. This report shows disproportionate impact of islamophobia on the Muslim women and this in my view, can be partly because the Muslim women are more easily identifiable than the Muslim men due to their dressing and partly that the men can respond to harassment in the same way or more. Thus, women are more vulnerable to harassment. As shown in the statistics from the National Crime Prevention Council, there are Islamophobic crimes and assault and harassment against Muslims and the most common types of Islamophobic crimes and 18 percent of the cases occur in a public place. Many of those affected are precisely Muslim women wearing headscarves¹⁸⁸. It is impossible to separate labour market from the rest of the society and the existence of assault and harassment in the society means existence assault and harassment in the labour market which results in social exclusion of immigrants.

¹⁸⁴ Mohanty 2006, p. 231

¹⁸⁵ Petit et al. (2011)

¹⁸⁶ Liebkind et al 2016

¹⁸⁷ Abdullahi, 2016, p.7

¹⁸⁸ BRÅ, 2015a

The Muslim women are easy targets for verbal as well as physical abuse from people who are complete strangers to them and it is mainly women who by wearing the headscarf can be identified as Muslims who become clear targets of racist slurs, violence and discrimination¹⁸⁹. This is violation against human rights and violation of religious freedom which is protected by both Swedish national and international laws¹⁹⁰. Sweden as a signatory and state party to both universal declaration of human rights and the EU charter of fundamental rights in addition to the internal obligations has a responsibility to make sure that religious minorities get their religious freedom respected. In addition to this, discrimination is violation of human rights which should be encountered by all possible means.

Freedom of religion has been claimed in Sweden since 1951, however, the real freedom of religion is not yet achieved, especially, for some religions. As stated by Abdullahi (2016), the interviews with the 45 women in their report reveal stories of being verbally and physically abused. The nature of the verbal and physical abuse varies from being called “terrorist”, “Muslim whore”, to having one’s headscarf removed¹⁹¹. Relating women with headscarves with terrorism is common phenomena and some women are forced to remove their headscarves because of harassment and abuse in their daily life. This verbal and physical abuse of women based on religion results in isolation of immigrant Muslim women from the society including the labour market which increases the gap between men and women and it is violation against freedom of religion.

Apart from relating headscarf with terrorism, it is also considered by many Swedish people as a sign of oppression. Sentiments towards the headscarf among men who themselves are not Muslims for instance, range between a sense of scepticism, feeling sorry for women who wear the headscarf, or descriptions of the headscarf as "tragic"¹⁹². Wearing a headscarf is a personal choice and women should not be forced to wear or not to wear what they want including the headscarf. There are different cultures in the world and all see their cultures best and this should be respect as long as it does not contradict with the basic human rights.

Immigrants have different cultures than the majority in Sweden which some time create a conflict. Difference is not always negative and being different does not mean being worse. The study conducted by Håkan Hvitfelt shows that about 65% of Swedes had negative views about Islam¹⁹³. This study mentions that about 88% of respondents felt that Islam could not be compatible with Swedish democracy and about 65% of respondents felt that Islam oppresses Muslim women. However, for the Muslims headscarf (Hijab as it is also called) is part and parcel of their religion and hijab is meant to protect women from sexual harassment as they argue.

The negative view about Muslims is reflected in the labour market and in my view, it is mainly due to lack of knowledge about Islam and Muslims. The Swedish people did not have deep contact with Muslims and what they know about Islam is what is disseminated by the mass media. The role of the mass media and how it affects our understanding will be dealt with in the coming part.

¹⁸⁹ Abdullahi 2016, p. 22

¹⁹⁰ Art. 18 of UDHR; art. 10 of ECFR; Swedish constitution

¹⁹¹ Abdullahi 2016

¹⁹² Songur and Englund (2007)

¹⁹³ Hvitfelt, 1991, p. 100

5.3 The role of the mass media in stereotyping the Muslims

The word “terrorism” is understood for the ordinary people in the west as it is related to Islam. According to the oxford dictionary terrorism is “the unlawful use of violence and intimidation, especially against civilians, in the pursuit of political aims”. Although I agree with the definition, in my view, the aim behind terrorizing civilians can be political, economic or social and it should be called as “terrorism” regardless of who stands behind it or who implements it. For example, a terrorist attack against the Muslims in two mosques in the city of Christchurch in New Zealand in 15th March 2019 which took the life of 50 innocent people and many more were injured was not called in the west as a “terrorist attack” except for few mass medias such as the Swedish mass media which named it as a terrorist attack (terrordådet)¹⁹⁴. Generally terrorist attacks launched by non-muslims is justified as mental problem or intoxication. This gives a wrong image about Islam and Muslims. This in return results in excluding Muslims from the labour market which can also lead to increased gender inequality.

Unfortunately, mostly the western mass media presents only the negative aspects of Islam and Muslims. This idea is supported by the study made by Morey and Yaqin on the role of the media in the west and how it presents Islam and Muslims. Their findings show how the western mass media stereotypes Islam and Muslims especially after the terrorist attacks of September 11, 2001 and presents a petition that repeatedly appears in media, a representation that politicizes Islam and Muslims' inclination for extremism and violence¹⁹⁵.

This does not mean denying the existence of some terrorists that claim their belongingness to Islam as there are terrorists in other religions or cultures. Nevertheless, those who translate Quran in the way it serves their personal interest or misunderstand it, do not represent all Muslims or the Islamic faith that says “ if you kill a single innocent person, it is as if you kill the whole of humanity and if you save one person, it is as if you save the whole of humanity¹⁹⁶. Therefore, putting all Muslims in one basket and calling them as terrorist cannot serve the national interest and the gender equality policy. It rather, results in Islamophobia which includes attitudes such as fear, hatred, and disapproval for Islam and Muslims and close out this group of people from public life in a society, which leads to general discrimination in the form of harassment and anti-Muslim prejudices¹⁹⁷. This exclusion and discrimination against Muslims can give birth to extremism and terrorism among Muslims. These attitudes affect all Muslims; however, they affect women especially women who can be identified as Muslims by wearing headscarf, veil, niqab, burqa and so forth substantially more and exclude them from the labour market

Mass media influences our lives very much and many people believe anything, and everything disseminated by the mass media. Mass media plays an increasingly important role in our daily lives and can influence us both negatively and positively. The way in which medias report influences our beliefs about ethnic relations in our society, they both reflect and

¹⁹⁴ <https://www.svt.se/nyheter/utrikes/detta-har-hant-terrordadet-i-nya-zeeland>

¹⁹⁵ Morey & Yaqin, 2011: 18.

¹⁹⁶ Quran, Surat Almaidah, Aya 32

¹⁹⁷ Conway, 1997: 1).

influence values, norms and social groups in society¹⁹⁸. Giving all these examples is to analyse the impact of relating Muslims to terrorism on women's life and gender equality. Relating Muslims with terrorism means reducing the Muslim women's opportunity to get jobs and this in return results in increased gap between men and women. This stereotype against Muslims can lead to discrimination against them both in the recruitment process as well as in the workplace after they are recruited.

5.4 Employment and the gender equality policy

The easiest way in getting integrated to the Swedish society is considered to be through getting a job and discrimination against immigrants due to stereotypical view of the employers is an obstacle to getting a job. Lack of work leads to women's dependence on their husbands or fathers or brothers for economic support and this may lead to men's violence against women believing that women have nowhere to go. This creates unequal power relation between men and women in contrast to the goal of the Swedish gender equality policy which states that women and men shall have the same power to shape society and their own lives¹⁹⁹. One of the sub-goals of gender equality policy is elimination of gender-based violence, but, it is impossible to be achieved if economic independence of women is not achieved. Economic independence can be achieved through equal division of unpaid-work, elimination of discrimination in the labour market and taking some affirmative action in favour of women that are in need of it.

The government focuses on six sub-goals to achieve the main goal i.e. women and men have the same power to shape the society and their own lives. These sub-goals are equal division of power and influence, economic equality, equal education, equal distribution of unpaid housework and provision of care, equal health and men's violence against women must stop²⁰⁰. However, all sub-goals that the government has focused on are directly or indirectly affected by having or not having a job and discrimination in the labour market against women of immigrant backgrounds makes achievement of these sub-goals impossible. Gender equality cannot be achieved unless discrimination against immigrants is eliminated, socio-economic gap between men and women is abolished and women become the owners of their decisions.

5.5 Labour market discrimination and Gender-based violence

Economic dependence of women on their men is resulted, among other things, from labour market discrimination against immigrants and this leads to violence against them. Eliminating all kinds of gender-based violence is a priority both in national and international politics and in 2007 an 'action plan against prostitution and human trafficking for sexual purposes' identifying five priority areas was launched. These areas are greater protection and support for people at risk, more emphasis on preventive work, higher standards and greater efficiency in the justice system, increased national and international cooperation, and a higher level of knowledge and awareness²⁰¹. Discrimination in a labour market affects immigrant

¹⁹⁸ Lövheim, 2006: 14

¹⁹⁹ <https://www.government.se/feministgovernment>.

²⁰⁰ <https://www.government.se/feministgovernment>.

²⁰¹ Numhauser-Henning 2015, p. 6

women more than immigrant men and this results in unemployment of women. Unemployment means women's economic dependence on men and this can result in gender-based violence.

However, many immigrant women do not report violence they face at home because of different reasons. In my view, the main reasons for not reporting the violence are, for example, the culture which considers things that happen at home should be kept private and no stranger should interfere in it. In many non-democratic countries, even the state is considered as stranger which should not intervene in internal affairs of families and this thinking exists with them in Sweden too. This can be because the governments are not elected by people and do not represent the people and it is not strange that it is considered stranger. This feeling continues with them after they come to Sweden and it takes quite long time to change their mentality.

Another reason why they do not report violence is that they depend on their men economically and this idea is supported by the study of Crenshaw at the battered women's shelter in Los Angeles where those who seek shelter are unemployed, underemployed and good number of them are poor. She adds that women of colour are burdened by poverty, child care responsibilities, and the lack of job skills²⁰². The case in Sweden may not be exactly the same with the American case as Sweden has well established and functioning welfare system where even the poor people have basic necessities. However, lack of alternative and more unpaid work for women can be the case in both countries and affect women's lives negatively. These increased responsibilities hinder women from getting a job or making a career in the job. This describes also the situation of many immigrant women in Sweden and reporting the violence against them is absolute last choice. In addition to lack of economic alternative, in my view, immigrant women suffer from fear of the hostile environment outside the home. They compare the seriousness of domestic violence with the discrimination and harassment in the public and prefer to stay with the violent men (partner, father, brother etc.) whom they may consider less violent

Many immigrants also suffer from lack of knowledge about the legal support they can get and do not claim violence due to fear of the consequences. As mentioned by Crenshaw and I share with her the idea, many of immigrant women depend on their husbands for information and can be exploited²⁰³. The last reason is that reporting this violence may end in divorce which they believe may affect their honour and child custody. Because of all the above-mentioned reasons in addition to some unmentioned reasons women prefer to live in violence than report it. This widens the gap between women and men in all aspects. One of the ways to end gender-based violence is ensuring economic equality between men and women. The economic equality is one of the key components of gender equality and it cannot be achieved as long as immigrant women are discriminated in the labour market and abused at home. Why I mention the reasons behind not reporting violence is that, unless these obstacles are removed, women will not be able to get rid off the men's violence against them and this means that gender inequality continues. Discrimination in the labour market and unemployment are examples of such obstacles which must be combated in order to achieve economic equality between men and women.

²⁰² Crenshaw 1993, p. 1246

²⁰³ Crenshaw 1993, p. 1246

5.6 Other factors that affect women's position in the labour market

Despite the supportive evidence that immigrant women are discriminated more than immigrant men in the Swedish labour market, it may be premature to consider that it is only discrimination that creates a gap between the immigrant women and men in the labour market. Discrimination plays an important role especially for women with Islamic dressing, however, there are other factors too. Based on my experience in some of these developing countries, men and women do not have equal opportunity to education in many developing and underdeveloped countries from which Sweden receives many immigrants and men are usually higher educated than women. Having good educational background, in my view, makes it easier for the men to learn the Swedish language and get some jobs even if it is lower than their qualification while women with lower educational background have difficulty in learning the language and getting a job.

Beside the difference in educational background, there is a big difference in the work experience also. In many developing countries where there is patriarchal system, it is men who are responsible for providing the whole families' necessity and women work at home and raise children. This results in lack of work experience which disadvantages women when they come to a country where men and women work equally. In addition to work experience, the cultural aspect plays a big role getting a job or not. It is not common that women work in the industry sectors in their countries and this is due to work nature that requires physical strength and it is considered as men's work. In Sweden, the sectors where majority of immigrants get chance to work is the industry sector and immigrant women do not apply for it as it is considered as men's job and difficult. Some awareness-raising efforts are needed in this respect because it is not very difficult as they think thanks the technological development and help equipment.

Another disadvantage for women which, in my view, is institutional discrimination based on gender is, that even though women do a lot of work at home that can be considered as experience, it is not recognized. This is a problem a majority of immigrant women face, and it is necessary that women's hard work at home and taking care of children and elderly is considered as a work experience and get recognition. I believe that, unless we recognize women's work at home as work experience, we cannot claim that we are working for gender equality because we are disadvantaging the already disadvantaged group (women) and widening the already wide gap between men and women.

Another problem for some immigrant women (and men also), especially, the followers of Islam, in my view, is the relatively deteriorated possibility of getting a job in some branches such as restaurants. This is due to two reasons: the first reason is that the restaurants require specific dressing which may not suit their religious belief and the second reason is that Muslims do not work with things related pork and alcoholic drinking and it is

considered as Haram (taboo) in the Islamic faith. Most restaurants in Sweden sell either one or both of the so-called Haram according to them, which reduces their possibility of getting job in the restaurant branch and this reduces their possibility of getting the job in the whole labour market.

Specific dressing as a requirement is considered by some people as discrimination against followers of some religions while others argue that it is not discrimination because it is determinant for the success of the restaurants. The point that needs further discussion is whether the customers of restaurants should see the quality of service given by the restaurant or the way the women dress in the restaurant. In my view, requiring specific dressing, especially dresses that show greater part of the body of the women in the restaurant is seeking profit on the expense of the women's dignity. If the women wear this type of clothes by their will, it is not a problem at all, but, to be forced to wear them as part of the job is problematic. Thus, if the restaurants require specific dressing, it should only be for the sake of security and sanitation and this does not require short dresses or not having a veil for example.

The discrimination act (2008:567) allows some unequal treatment if it is determinant for the success of the business²⁰⁴. However, this article is exploited by those who do not want to recruit people with immigrant background especially those who have religious signs such as headscarf or veil. In my view, the societies' wellbeing should be prioritized instead of private individuals who want to increase their profit at the expense of individuals or the society. Excluding this group of women from the labour market means economic dependence for those who are discriminated-against, increased taxes for those who work and widened gap between men and women. Therefore, the way this article is used in the labour market does not promote gender equality and should only be used in extremely necessary cases.

Sweden has become one of the most heterogenous societies in the world thanks the globalization, immigration and Swedish generous immigration's policy. Based on the statistics on 31 December 2015, a total of 2,911,881 inhabitants of the Swedish population has a foreign background and this means that 29.54% of all residents in the country are either born abroad or are born in Sweden but have one or two foreign-born parents²⁰⁵. when we talk about discrimination against people with immigrant background, we are talking about almost 30% of the Swedish population of which about half are women and it affects not only the life of the immigrants but also non-immigrants.

The Swedish statistiska centralbyrå mentions that there are more women with foreign background than men in Sweden²⁰⁶. Discrimination against this group of people reduces the possibility of having gender equal Sweden in recent future. There can be different reasons why immigrant women are more than immigrant men. In general women live longer than men and may be women have easier to get residence permit in Sweden. Another reason in my view, is that men who get residence permit have easier to get jobs and bring their families than immigrant women especially in the last two years when the persons who wants to reunify with their family in Sweden are required to have a house and work to supply his or her

²⁰⁴ discriminations act, Chap.2, art.(2)(1)

²⁰⁵ Abdullahi 2016, p.16

²⁰⁶ SCB Rapport 2016:1

family²⁰⁷. This is to say that the men bring their wives and children, but women have difficulty in getting jobs and bringing their husbands and their families which lead to increased number of women in Sweden.

Mentioning the shortcoming should not hinder us from mentioning the positive aspect of the Swedish gender equality. Sweden is considered as one of the top countries in the gender equality policies and measures. As a result of this constant struggle for gender equality, about half of the Swedish parliament members and more than half of the ministers in the government are women²⁰⁸. However, women are minority in managerial position in the company board. According to a recent survey women's share in the company board was only 29% in 2016²⁰⁹. They are minority in the company board which means we have long way to go to have gender equal society. This is the situation of women in general and the situation of immigrant women is worse than this. The relatively low representation of women in the company board is a clear evidence for existence of discrimination against women in the labour market.

Women are discriminated because they become pregnant, they give birth to children and take more time in taking caring of the children. Discrimination against them starts in the recruitment process where men are prioritized, especially in the private sectors, and continues in the promotion process. Apart from discrimination in the recruitment process, women are not promoted as the men do, because, they spend much time in care-taking and other unpaid work. Therefore, in order to achieve gender equality where women and men are equally represented and equally influential in all aspects of the society, we need to change the societal system which disadvantages women. As mentioned earlier women in general and immigrant women in particular spend much time in unpaid-work and do more caring work than their men. Spending much time in unpaid work is always on the expense of paid work and career making. Thus, women should be given equal opportunity in making their career and men should be given equal responsibility in care-taking and other unpaid work. In this respect, immigrants need much more consciousness raising effort than the swedes. In addition to this, there should be an affirmative action in favour of women (especially immigrant women) to reduce the gap created throughout centuries. Discrimination in the labour market affects not only the gender equality policy, but also the Swedish integration policy and the impact of discrimination in the labour market on integration policy will be discussed in the coming chapter.

²⁰⁷ Law 2016:752, 9 §

²⁰⁸ <https://sweden.se/society/gender-equality-in-sweden/>

²⁰⁹ SCB, 2017

CHAPTER 6

Swedish integration policy and Discrimination in the labour market

6.1 Historical background of Integration policy

Sweden has been known for its relatively generous immigration policy and has been receiving labour immigrants and refugees from different parts of the world. Sweden has also a generous asylum system compared with other EU countries, taking large numbers of refugees from countries in conflict such as Iraq and Somalia²¹⁰. This generosity was partly for humanitarian reasons and partly the need to meet rapidly expanding industry's demands for working force as a result of the economic development which the Swedish workforce could not meet. Sweden signed the Geneva Convention in 1951 and the Aliens Act in 1954, which implied an increased possibility for refugees to obtain residence permit²¹¹. In 1954, an agreement on a common Nordic labour market was made²¹². This opened the Swedish borders to large groups of labour immigrants from the Nordic countries and other countries in the world. The number of immigrants increased, and demand for their rights increased too. This means increased responsibility for Sweden to make sure that rights stated in the above agreements are respected.

In addition to labour migrants from the Nordic countries, a large number of labour migrants arrived at Sweden from the Mediterranean countries, such as Greece, former Yugoslavia, Italy and Turkey, through a system for organised collective labour immigration, which was instituted by the Swedish Labour Market Board²¹³. The increased number of immigrants and signing these agreements increase the Swedish governments' responsibility towards immigrants and different attempts were done to ensure equality. Migration was not confined to labour migrants from neighbouring countries, but it included refugees and people coming to Sweden as a result of family reunification. This increased the number of immigrants dramatically leading to demands for basic rights.

With this constantly increasing number of immigrants and increasing national obligation to protect the immigrants, Sweden increased its efforts to ensure equality between immigrants and Swedes. During early 1960s, the road to equality was considered to be through assimilation of immigrants into Swedish society and the state assisted the immigrants

²¹⁰ Andersson and Weiner 2014, p.7

²¹¹ Rooth 1999 p. 20

²¹² Charles Westin 2006

²¹³ Rooth 1999 p.20

in the assimilation process²¹⁴. Assimilation is an absorption of people or culture into a wider society or culture and this means that people were required to give up their cultures in order to live in Sweden. Assimilation attempt was not successful and the reason behind the failure, in my view, is that people had and still have difficulty in giving up their cultures and adopt a new culture.

After realising the failure of the assimilation policy, the Swedish government introduced new policy as a path to equality. This new policy was the result of improved respect towards human rights and as part of this improvement, between 1968 and 1975, the Swedish Parliament formulated three goals for the Swedish immigration policy i.e. the principles of equality, freedom of choice and cooperation²¹⁵. Equality in this regard means that the migrants have the same rights, obligations and opportunities as the Swedish citizens do and freedom means that immigrants have a choice to how much they will assimilate or preserve their own cultures, religions, languages and so on. Cooperation in this context means collaboration between the migrants and the Swedes in development of the society. This means an improvement in the rights of immigrants as well as possibility of getting productive individuals who can contribute to the country's further development.

This means that the policy of creating a homogeneous society ceased and was replaced by multiculturalism. Thus, in the mid-1970s, the assimilation approach to immigrant incorporation was abandoned and multiculturalism was officially incorporated into the Swedish political model²¹⁶. In other words, immigrants were allowed to preserve their cultures, languages and so forth while becoming part of the society. These changes came because the Swedish government realized that assimilation policy could not give any positive result and it was violation of human rights too. Besides this, development of any society needs cooperation of the whole population (immigrants and citizens) and in order to ensure this cooperation, it was necessary to give immigrants some basic rights as those mentioned above.

Abandoning the assimilation policy was followed by introduction of a new policy in this respect. The Swedish parliament decided on a new policy concerning immigrants and introduced an integration policy which replaced the former assimilation policy in 1997²¹⁷. Integration is a process of becoming part of the receiving society and participating in all aspects of it without needing to be assimilated. In principle, this policy gives immigrants equal rights, duties and possibilities with some exceptions which disappear when they obtain citizenship. One such example is that immigrants cannot participate in the parliamentary election until they obtain the Swedish citizenship²¹⁸. Integration policy was meant to reduce the feeling of social exclusion and making the immigrants productive members of the society.

6.2 The goals of integration policy and how they are affected by discrimination.

Integration is a top priority for the Swedish government and it has been one of the most important issues in the election campaigns. Almost all parties campaign that they will have a better integration policy and it is always high on the agenda of political parties. The ministry of employment is in charge of this integration process and it cooperates with different ministries and public agencies. The main organs which this ministry cooperates with are ministry of justice, migrations board, public employment agency, municipalities, county

²¹⁴ Bursell 2012 p.5

²¹⁵ Rooth 1999

²¹⁶ Hammar and Lindby 1979, p. 10

²¹⁷ Written Government Communication 2001/02:129, p. 6-7

²¹⁸ <https://www.val.se/att-rosta/vem-har-rostratt/rostratt-och-rostlangd.html>. Accessed 25 march.

administration board and so forth. The integration policy as mentioned in “social insurance in Sweden 2005” has three broad goals and they are:

1. Equal rights and opportunities for everyone, irrespective of ethnic and cultural background.
2. A social community based on diversity.
3. Social development characterized by mutual respect for differences within the limits that are compatible with society’s basic democratic values, which everyone, regardless of their background, should participate in and take responsibility for.

The principle of equal rights, obligations and opportunities for all, regardless of ethnic or cultural background and having a community based on diversity and mutual respect is very important. The work of the integration policy should be aimed at supporting individuals with economical support and participation in society, as well as protecting the fundamental democratic values, working for equal rights and possibilities for men and women and counteracting discrimination, xenophobia and racism.²¹⁹ Some immigrants are from countries where dictators rule without any consideration to human rights and democracy. As a result of this, they do not have enough knowledge about human rights, gender equality and democracy. Therefore, the aim of integration policy is to make these people part of the society by creating multicultural society where democratic values are the cornerstone.

However, as mentioned in the chapter 4, immigrants in general and those who are considered to be most different in particular, are discriminated in the Swedish society and implementation of anti-discrimination policy is not yet realized. In order to achieve the goals integration, the government identifies seven areas that are especially important to work on. These are: Faster introduction for new arrivals, more in work, more entrepreneurs, better results and greater equality in school, better language skills and more adult education opportunities, effective anti-discrimination measures, Development of urban districts with extensive social exclusion and Common basic values in a society characterised by increasing diversity²²⁰.

Although all areas are important, the government focuses and allocates more resources to employment. For example, the government gives economic support such as step-in jobs or new start jobs to the employers that recruit immigrants or even Swedes who have been long from the labour market²²¹. The focus on the employment is because employment is believed to be the easiest way to integrate new comers to the society. However, integration policy has not been very successful despite this effort. In general, labour market integration for immigrants has fallen short, not least due to discrimination in the workplace and in society as a whole²²². Unemployment is still higher among people with immigrant background than the swedes and this raises doubt about the successfulness of the Swedish integration policy.

Discrimination is one reason behind unsuccessful integration in the labour market and in the society as a whole. Immigrants are discriminated in the labour market regardless of their educational background or work experience and this results in unsuccessful integration policy. Highly-qualified migrants and refugees cannot exercise their professions in Sweden as their qualifications are not recognised and as they lack language skills and as a result of this,

²¹⁹ Written Government Communication 2001/02:129, p. 6-7

²²⁰ Government office 2009, Swedish integration policy

²²¹ <https://www.arbetsformedlingen.se>

²²² Andersson and Weinar 2014, P.9

large groups remain under-employed, or employed in sectors far below their skillsets²²³. Not recognizing the work experience and education of the immigrants, in my view, is institutional discrimination and people with tens of years of work experience take work training (Praktik) in the same occupation for months and no guarantee that they will get a job. This institutional discrimination is an obstacle to integration policy and immigrants have difficulty in getting suitable jobs. There is a general trend of not recognizing the work experience outside Sweden and this affects lives of immigrants and the integration policy negatively.

This system disadvantages immigrants in general and women in particular, because women's work at home is not recognized at all. Lack of labour market integration for often very highly-educated foreign-born residents remains a particularly serious problem²²⁴. Integration process for those who have low educational background could be time consuming, because, they need longer time to learn the Swedish language and get a job. However, highly educated people would not have that huge problem in learning the language and getting a job. But, unfortunately even those who are highly educated have serious problem in getting a job and become part of the society and this is partly because of discrimination in the labour market.

Apart from the fact that this exclusion is violation against human rights, this feeling of exclusion has a serious impact on their health, integration policy and the society's overall development. Immigrants can feel that they have no rights and duties in the society where they are excluded, and this can lead to unemployment, crimes and increased gap between the Swedes and immigrants. The categorisation of certain groups as *invandrare* (immigrants) and the stereotypical associations that this category invokes may have contributed to their 'outsider' status in different aspects of Swedish society, not least in terms of employment²²⁵. Many employers prefer the swedes to the immigrants due to the society's connection of the immigrant groups to terrorism, unproductiveness, aggressiveness and so forth and this reduces the chances of immigrants to get integrated in the labour market.

6.3 Other impediments to the integration process

Examining the discrimination in the labour market does not mean that discrimination is the only obstacle in the integration of immigrant in the labour market. There are other reasons which make integration policy difficult. According to Bursell (2012) there are two characteristics that affect the immigrants' integration to the labour market and they are: their skills in relation to the population in the country of destination such as educational background, and migrants' desire to Move²²⁶. I add one more point to the above-mentioned problems, i.e. immigrants coming to Sweden do not get recognition for their work experience outside Sweden and this is another obstacle to immigrants' integration in the labour market. They are mostly required to go new courses and that may not be easy for them especially if they are new in Sweden and the main obstacle in this respect is the Swedish language.

Regarding the first point, all immigrants do not have low educational background and they can be divided into three groups based on their educational background: highly educated, middle educated and low educated. Immigrants with very low educational background need quite longer time to learn Swedish language and get jobs. In comparison with the lowly educated group, the highly educated and middle educated groups have easier to find jobs.

²²³ Andersson and Weinar 2014, p.9

²²⁴ Andersson and Weinar 2014, p.9

²²⁵ Ibid

²²⁶ Bursell, 2012, p.7

However, due to discrimination in the labour market, even the highly educated people are not getting jobs, or they get jobs which are below their qualification. As mentioned by Bursell, xenophobic employers are unwilling to employ immigrants or ethnic minorities, regardless of their credentials²²⁷. This means that, immigrants can be discriminated regardless of their education background or professional qualifications.

Another point is that immigrants have different reasons of moving to Sweden such as labour immigrants, refugees and temporary residents who want to go back to their countries²²⁸. These different backgrounds and reasons of moving affect how fast one can be integrated. Nevertheless, the societal structure, employers' stereotype against immigrants and the effectiveness of the integration policy play also an important role in integrating the immigrants. Thus, hard work in the aspect of awareness-raising should be directed to the whole society, because xenophobia rises from lack of knowledge about others' cultures and fear of others. Awareness-raising even among the immigrants about their rights and duties and encouraging all to think about the overall interest of the society than individual interest is of a vital importance. In addition to this, how fast they are integrated may also depend on how effective our integration policy is.

6.4 Integration policy and its importance

One reason why integration policy is an important issue is the growing political role and media presence of the far-right Sweden Democrats, which are becoming a crucial force in the Riksdag (parliament) owing to the split between the mainstream political blocs²²⁹. Swedish politics has shown a constant increase in supporters of Sweden democrats who are right extremists and have anti-immigrant politics. The "Sweden democrats" (Sverige demokraterna) joined the Swedish parliament for the first time in the history of Sweden in 2010 by getting 5,70% of the total votes. This result was doubled in 2014 to show the constantly increasing support for this party by getting 12,86% of the votes and it increased to 17,53% in the last election in 2018 to have substantial influence in the Swedish politics²³⁰. Therefore, the integration policy has political, economic and humanitarian importance for many parties. Increased support for the Sweden democrats is on the expense of the two traditional blocs of which one used to win the election and both blocs will attract as many supporters as possible from both people with the immigrant background and the swedes. In addition to this, Sweden is state-party to many international and regional human rights instruments and is obliged to ensure that immigrants are not discriminated, excluded or mistreated as a result of the increased influence of this party.

An increased support for the Sweden democrats can affect the immigrants politically, socially and economically. This party has gained support from about 18 percent of the population that participated in the election and there is a cooperation attempt between Sweden democrats and some other parties, for example, Christian democrats (kristdemokraterna)²³¹. This increased influence of this party may open a way for new immigration policy which may be different from the generous one for which Sweden is known. It may also lead to withdrawal of Sweden from some human right's treaties which it has signed, and this may result in increased discrimination against immigrants in the society. If this party with its

²²⁷ Ibid, p. 13

²²⁸ Shih et al.2013

²²⁹ Andersson and Weinar 2014 p.7.

²³⁰ <https://www.val.se/valresultat.html>

²³¹ <https://www.svt.se/nyheter/inrikes/kd-utesluter-inte-att-regera-med-sd-stod>

supporters comes to power or its influence increases, it may also lead to issuing new laws which require the immigrants to be assimilated instead of to be integrated to live in Sweden. Forcing a person or group of people to be assimilated violates the Swedish constitution in which the fundamental rights such as freedom of religion and other freedoms are enshrined²³².

Constantly increasing support for this party may lead to social exclusion or at least a feeling of social exclusion for immigrants by believing that an increased support for anti-immigrant party means increased support for anti-immigration. Those who have racist ideas which seemingly support this party, believe that immigration is a threat to the Swedish society and should be stopped by any means. One such example is the Nordic front which has anti-immigration ideas and want to encounter immigration to the west in general and to the Nordic countries in particular²³³. This increased support may give a possibility to Swedish democrats to issue at least some local regulations that confine or exclude the immigrants in the municipalities they have won the election. Besides this, when the immigrants see this increased support for the party which has anti-immigrant policy, they may feel that they are not part of this society and are socially excluded. In both cases, the chances of getting integrated in the society is reduced.

Among the reasons why this party is gaining increased support is the stereotypical thinking about immigrants, because, immigrants are usually related by those who have anti-immigrant inclination to terrorism, crimes and unwillingness to work. However, the study conducted by the Swedish National Council for Crime Prevention (Brå) in 2005 showed that the majority of those suspected of crimes were born in Sweden with two Swedish-born parents²³⁴. Nevertheless, the most recent studies show that there is a dramatic change in this respect and people with foreign backgrounds are 2.5 times more likely to be suspected of crimes than people born in Sweden to Swedish-born parents²³⁵. It is not easy to assess whether the immigrants' criminality has increased or the stereotypical ideas which lead to the overrepresentation of immigrants in the criminal process, however, there are two theories.

The first theory is that the Swedish criminal system is dominated by the Swedes and the increasing stereotype against immigrants makes them suspect and stop immigrants more often than the Swedes. This theory is supported by the several studies that show that having a minority background can play a significant role in relation to whether or not you are suspected or stopped and searched by the police²³⁶. The material from both the Ombudsman against ethnic discrimination and the justice system professionals further contains descriptions of a large number of cases where individuals from a non-Swedish or other minority background have been subjected to deprecatory, brusque, disrespectful, arrogant or disdainful treatment by police officers, prosecutors, defence lawyers or judges²³⁷. This provides a clear evidence that immigrants and other minority groups are discriminated in the Swedish criminal system. This discrimination creates a stereotype against immigrants which reduces their possibility of getting a job leading to reduced possibility of getting integrated in the society.

The study conducted by National Council for Crime Prevention (BRÅ) shows that immigrants in general and Muslims and blacks in particular are discriminated in the criminal system and they are suspected and stopped more than the Swedes²³⁸. This stereotypical view and discriminatory treatment in the criminal justice system by the judges, the police, the

²³² Swedish constitution chapt.2, art.1

²³³ <https://www.nordfront.se/varfor-vasterlandet-kommer-att-ga-under-smr>

²³⁴ <https://www.government.se/articles/2017/02/facts-about-migration-and-crime-in-sweden/>.

²³⁵ Ibid

²³⁶ Ekman, 1999; Granér, 2004; Pettersson, 2005; Brå 2008:4).

²³⁷ Brå 2008:4

²³⁸ BRÅ 2008:4

prosecutors and so on which increases criminal cases involving immigrants. This in return leads to stereotype and discrimination against immigrants in the labour market by considering them as criminals. The consequence of this stereotype can be bad working conditions or unemployment. To discuss deeply how immigrants are discriminated in the Swedish criminal justice is beyond the scope of this thesis. However, I mentioned discrimination in the criminal justice only to show how this discrimination leads to discrimination in the labour market. Immigrants are related to crime, aggressiveness and unwillingness to work based on the statistics presented by the biased criminal justice professionals and they face stereotypical treatment in the labour market too.

The second theory is that the immigrants engage in criminal acts more often than the swedes due to discrimination and exclusion. This theory is supported by the study conducted by researchers at Stockholm University in 2013 which showed that the main difference in terms of criminal activity between immigrants and others in the population in Sweden²³⁹. The reason behind this difference in crime involvement between swedes and immigrants according to the study is due to differences in the socioeconomic conditions in which they grew up. Economic difficulties and social isolations can lead to criminal acts and this socio-economic difficulty is the result of discrimination against immigrants in the society. Discrimination in any part of the society including the labour market ends up in the immigrants' unemployment and exclusion. Those who are unemployed can face stress and anxiety which can lead to criminal acts such as stealing, drug dealing, looting and so forth. This creates instability in the society and in order to solve this problem, the root of the problem, which in this case is discrimination, should be eliminated. However, arguing that discrimination can lead to these problems does not mean that it is only discrimination which is behind these criminal acts and related consequences. There can be many other reasons that lead to immigrants' involvement in criminal acts (if they really are involved in it) and it should be further researched.

This discrimination in the labour market leads to economic difficulty and difficulty in getting integrated in the society in general and in the labour market in particular. As mentioned above, there is constant increase in support of the party with anti-immigrant policy and this means that there is increased risk for increased discrimination in the labour market and other areas of the society. This is not only because the anti-discrimination laws may not be implemented in the society but also discrimination against immigrants can increase. The employers that have anti-immigrant ideas do not want to recruit immigrants though they do not openly express it due to Sweden's clear anti-discrimination policy. If the anti-discrimination laws are not implemented, they will explicitly discriminate immigrants which can lead to unemployment and dependence on the society's economic support. It affects the non-immigrants as well, because their taxes will go to people who do not have jobs and it can also lead to instability in the society.

Migration is not as some racists consider a threat to the Swedish society rather it is a resource that needs to be utilized. The government stresses that immigrants benefit the society and it states in its 2014 migration policy factsheet, "the Government's guiding principle is that immigration helps to revitalize the Swedish society, the labour market and the economy as immigrants bring new knowledge and experience from their countries of origin²⁴⁰. The number of elderly people is increasing in Sweden and the demand of the Swedish labour market cannot be met without the integration of immigrants and giving them a possibility of becoming productive citizens. Therefore, discrimination against immigrants in the labour

²³⁹ Government.se

²⁴⁰ Government Offices of Sweden 2014

market affects the whole society directly or indirectly and encountering this phenomenon needs cooperation of the whole society.

6.5 Establishment plan and Establishment programme.

Establishment programme (Law 2017:584) and the former establishment plan: law (2010:197) are plans where newly arriving immigrants and refugees get support to learn Swedish language, take short courses and enter the Swedish labour market. This introduction programme (as it is also called) is a program that consists of individually designed efforts and support, combined with the fact that they actively seek jobs. The goal is for them to learn Swedish language as quickly as possible, find a job and manage their own livelihood and it is 24 months long with introduction benefit²⁴¹. In other words, it is a way in which immigrants are guided and supported in integration into the Swedish society. In order to be integrated, immigrants need to know the Swedish language, get information about the Swedish society and get a job.

Participants in this programme/plan, participate in different activities which can increase their possibility to get jobs. There are things which are considered to be obligatory while other things are not. For example, Svenska för invandrare or Swedish for immigrants (SFI) and civic orientation are compulsory courses which all immigrants who participate in this program/plan should take²⁴². Those who participate in establishment programme/plan (introduction programme) go activities equivalent to full-time job (40 hours per week). They may have different activities depending on their needs, but they must include Swedish for Immigrants (SFI), employment preparations (e.g. traineeships or validation of their education and work experience) and a civic orientation course intended to give them a fundamental understanding of Swedish society²⁴³.

Integration policy is a shared responsibility among different actors of which the biggest ones are the public employment agency and the municipalities. In principle, the focus of the public employment agency is helping them to get a job through going relevant courses and training while municipalities organize schools and housing. However, housing problem today is the serious problem for many and it affects the lives of immigrants remarkably, because it is one of the criteria to be fulfilled if one wants to make family reunification for his/her family members abroad. Besides this, it is also a problem because if one may get a job in certain place but cannot get a house, the job chance is also missed. In my view, lack of enough houses in the country is one reason behind not getting houses and discrimination against immigrants in the housing is another reason.

Before 2010 the municipalities had more responsibility in this regard, but, since the Public Employment Agency took charge of the new introduction plans, the role of municipalities in labour market integration has been reduced. However, they still provide the civics element of the introduction plan, carried out with central state funding and also continue to provide Swedish courses (Svenska för invandrare, SFI) and other educational opportunities; housing support; and other initiatives targeting youth and children²⁴⁴.

As mentioned above this programme is given to certain groups who have right to this programme and are between 20 and 65 years old²⁴⁵. It is equal for all regardless of age,

²⁴¹ Arbetsformedlingen.se

²⁴² Ibid

²⁴³ Helena Holmström and Talieh Ashjari 2018, p. 14

²⁴⁴ Andersson and Weinar 2014 P.10

²⁴⁵ law 2010:197; Law 2017:584

gender and educational background. Generally, immigrant men have easier to get a job than immigrant women and this is because of different educational background, work experience and the nature of Swedish labour market. Women's difficulty in getting jobs is due to many different factors such as their low educational background, short or no work experience, gender and discrimination in the labour market.

Women are disadvantaged in the establishment programme/plan, because of their lack of good educational background and work experience which make it uneasy for them to learn the language and get a job. It takes longer time for them to study the Swedish language which has an important role in getting jobs. Good jobs which women often lack, are determinant for women's lives, the gender equality policy and the integration policy. Not having a job widens economic gap between men and women, increases gender-based violence, widens unequal distribution of power between men and women and leaves women unintegrated. Thus, in my view, the length of the establishment programme should be different based on the participants educational background, age, gender and so on. In other words, those who need longer time to be integrated get longer time and those who need shorter time get shorter time.

There are immigrants who do not have right to this establishment programme and it affects their lives, gender equality and integration policy negatively. Immigrants who come to their partners as a result of family reunification do not have this right if the partners who live in Sweden have been Swedish citizens when they applied for family reunification²⁴⁶. Not having the establishment programme means a lot for women who become totally dependent on their husbands and face gender-based abuse at home. This dependence can be economic or social as they lack any source of income except their husbands and lack of information. This widens unequal power division and influence between men and women in the society and has negative impact on both gender equality and integration policies.

As new comers to Sweden, they do not know the Swedish language in which all information is written and disseminated. This means that abusive men continue in abusing them as women do not have any alternative and do not have much knowledge about their rights. In addition to this, those who have temporary residence permit as the result of family reunification risk deportation if their relationship ends before probationary period of two years is over²⁴⁷. There is a slight possibility to get the renewal of the residence permit even the relationship ends before the probationary period of two years, but those who are abused must prove that the relationship ended because of an abuse and lack information about this possibility is also another problem. These women accept any work condition to get some sort of source of income and they are exploited extremely. Therefore, women are disadvantaged in the establishment programme or plan as they are disadvantaged in the rest of the society and they lack the needed language level as well as courses that the labour market requires.

How good Swedish language they have learned affects their work possibility and those who lack good Swedish language are exploited and discriminated by the employers. The exploitation and discrimination in the labour market are related to the fact that this group of women lack good knowledge of Swedish language, lack knowledge about the law and they lack alternative. They accept any working condition which may affect their dignity and health. For instance, they may engage in prostitution as a source of income which is prohibited in Sweden since 1999²⁴⁸. Undocumented immigrants are abused and exploited in the labour market as well as in other parts of the society. However, it is beyond the scope of this thesis to

²⁴⁶ Lag 2017:584

²⁴⁷ <https://www.migrationsverket.se/Privatpersoner/Flytta-till-nagon-i-Sverige/Forlanga-tillstand/Om-forhallandet-tar-slut.html>

²⁴⁸ SFS 1998:408; Swedish penal code chap.6, sec.11

study the Sweden's obligation towards protecting these undocumented (illegal) immigrants and their rights.

The idea with discussion the integrations policy and establishment programme here, is that discrimination in the labour market and the integration policy and related programs are interrelated. Discrimination in the labour market constrains the integration of immigrants into the Swedish society. At the same time, the problems in integration policy and related programmes such as the introduction programme as shown above, leads to disparity between men's and women's possibility to work. Both the disparity between men and women in possibility of getting a job and discrimination lead to gender inequality. Immigrant women are disadvantaged in their homelands and they are again disadvantaged in the integration policy as it is difficult for them to study the Swedish language and take the course necessary for the getting good jobs in the labour market.

The situation of immigrant women in the Swedish society is very complicated, because, their earlier low educational background is a constraint in learning the Swedish language in a given period of time. Thus, those who have good educational background have easier in learning the Swedish language while women, who in most cases low educated, have difficulty in learning the Swedish language. Speaking good Swedish is an important factor in getting a job and Swedish language is also needed for taking courses necessary for getting suitable job. To be integrated in the society, they need at least Swedish language and work. How good job they get depends, among other things, on how good Swedish they speak, what educational background they have, which courses they have taken, and these things affect how fast they get integrated in the society. From this point, we realize that immigrant women are in disadvantaged position compared to immigrant men.

Besides the lack of educational background, most women do not have enough time to study at home as they do more unpaid work at home than their husbands²⁴⁹. This reality was proved when we had evaluation for the course (SFI) and we asked students if they have enough time to study at home. Almost all women answered "no" and they justified it by saying that they have to cook, wash and take care of children and all men (except few that said they have long lecture hours) answered "yes I have enough time". This implicates that equal distribution of unpaid work which the Swedish government works for is yet far from realization.

In addition to Swedish public employment agency (Arbetsförmedlingen) and municipalities, there are different NGO and immigrant association that actively engage in the integration process and play an important role in integrations policy. There are immigrant associations that fight against discrimination, xenophobia and intolerance, for instance, Assyriska riksförbundet (Assyrian union) and Turkiska riksförbundet (Turkish union). These associations help their members to be integrated in the society and be part of the society. They provide them with information about their rights and duties in the new country which can help them to be integrated easily. In my view, having such support from the people that speak the same language and have the same origin facilitates the integration processes. This is because immigrants can be sceptical about the aims of the integration policy when it is presented by the Swedes. This is not something special to immigrants, but, related to human nature, that we humans trust the one that has something in common with us such as language, origin and so forth. Thus, these types of associations should be given more attention, because, supporting and encouraging such associations would accelerate the integration process.

²⁴⁹ social insurance report 2013:8

CHAPTER 7

Conclusion and Recommendations

7.1 conclusion

Discrimination is a prejudicial treatment which puts a person in a disadvantaged position because of his/her belonging to certain group. Discrimination can be intentional or unintentional and it can also be direct or indirect. Generally, people discriminate each other in the labour market because of different reasons. There are different theories about why people are discriminated in the labour market and I add one theory to the established theories. Some of these theories are “taste theory”, social distance theory and “the statistical theory”. For example, the majority groups will not have minority groups in the work place or the employer lacks complete information about the minority groups and considered to be less productive in order to reduce the cost of obtaining information about the individuals from the minority groups. The racial superiority theory explains that people are discriminated because the white majority in the labour market have the idea of racial superiority and consider the black or other minorities undeserving to work with the whites. Some of these theories do not necessarily fit the discrimination in the Swedish labour market, but at least some fit.

Discrimination in the labour market affects the whole society though differently. Immigrants are discriminated more than the swedes and some immigrants, especially, immigrants from the middle east and Africa are discriminated most. This is because they are considered to be different from the majority in Sweden. Immigrant women in general and the Muslim women with headscarves in particular, face multiple discrimination. This is because they face discrimination on different intersecting grounds and they are easily identifiable and are related by some people with terrorism. Immigrants face discrimination in different aspects of the labour market such as hiring process, working conditions, promotion and so on. This leads to immigrants’ health problem and unemployment which affect not only the immigrants but also non-immigrants in the society. The increased unemployment for immigrants means increased taxes for those who work, and it can lead to criminal acts and social instability in the whole society. However, those who are discriminated by employers are unwilling to complain discrimination due to fear of its consequence such as missing the job or getting bad reference which may lead to unemployment. Lack of information about what discrimination is and what is not is another problem besides lack of knowledge about the support they can get.

Discrimination is violation of human rights and Sweden has regional and international obligations, in addition to, of course, the domestic obligation to protect the rights of people living in its territory. Sweden is state party to different regional and international conventions that oblige member states to make sure that minorities are not discriminated. Sweden has good anti-discrimination policy and has discriminations act which fulfils the minimum requirement of European Union (EU). However, in my view, the problem is not that Sweden does not have anti-discrimination legislation, rather, it is lack of implementation and monitoring of the anti-discrimination legislations. Sweden is one of the countries with best gender equality policy and other equality policies. Although issuing laws is important step, but, it must be followed by monitoring and implementation.

Discrimination in the labour market affects the integration’s and gender equality policies negatively. Integration policy aims at making the immigrants productive members of the society by providing them with what they need to be able to get a job. For example, introduction programme is one such programme where immigrants learn Swedish language,

civic orientation and other short courses that can enable them to get a job and be integrated in the society. In this programme most immigrants get financial help for the approximately 2 years and they have right to go courses that enable them to get a job. The easiest way to be integrated in the society is considered to be through getting a job. Discrimination in the labour market deteriorates the possibility of getting a job which in return leads to difficulty in getting integrated in the society.

Sweden is known for its gender equality policy and one of the most gender equal countries in the world. In Sweden about half of the parliament members and more than half of the government ministers are women. However, gender equality is not achieved in all sectors. There are still men dominated or women dominated occupations which is resulted from occupational stereotype. In addition to this, the managerial positions in companies are dominated by men. Though there is an attempt to increase number of women in company board, it is not yet realized. This is because of discrimination against women in certain occupations for centuries and this cannot be easily abolished by issuing some anti-discrimination laws. In my view, affirmative action in favour of women, especially, immigrant women is necessary to achieve the real gender equality. Women are discriminated in the whole society as they do more unpaid work and this makes it difficult for them to compete the men who have less unpaid work compared to women. Therefore, gender equality needs change of the societal values and norms that disadvantage women. In this respect immigrant women are more disadvantaged than the Swedes. This is because of the cultural background they come from and their educational background and work experience in addition to stereotype and discrimination in the society. Discrimination in the labour market in addition to the cultural values that women do more unpaid work widen the gap between the men and the women. It widens the economic as well as the social gap between men and women and women's influence in the society reduces. This makes women vulnerable to gender-based violence which is an obstacle to gender equality.

7.2 Recommendations

After explaining how immigrants are discriminated in the Swedish labour market and dealing with different obligations that Sweden must fulfil, I would like to give some recommendations about how discrimination in the labour market could be encountered.

- There should be constant follow-up of the discriminations act and its implementation. As we saw above, Sweden has anti-discrimination policy which fulfils the minimum requirement of EU, but the problem seems to be in the implementation of the policy. Thus, more effort in the monitoring and implementation of the act is necessary.
- There should be continues awareness-raising programmes in the society in general and for the employers and employees with immigrant background in particular. In this respect, employees need information about their rights and duties and what discrimination is, while employers need information about their duties towards their employees and the society as a whole and how discrimination affects the society negatively. In addition to this, as mentioned above, immigrants do not trust the public institutions and hard work is needed in this regard.
- The state should guarantee that those who claim discrimination will not be retaliated-against and will get their rights. This is because many immigrants do not claim discrimination due to, among other things, fear of retaliation which may cost them their job or more than that.
- The articles in the discriminations act which allow the employers to discriminate if it is determinant for the success of their business or if it has some legitimate purpose should be used only if it is extremely necessary for the society. This is because these articles are exploited by the employers who do not want to employ the immigrants because of any reason.
- There should be special measures in favour of reducing the gap between immigrants and swedes as well as between men and women. This can be through affirmative action in favour of disadvantaged groups or punitive action against those who discriminate others. In addition to this, the establishment programme should be longer for women and those who have low educational background.

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