# Trade union responses to diversity management in France, Sweden and Germany

By

**Emma Stringfellow**

A thesis submitted in partial fulfilment of the requirements for the degree of Doctor of Philosophy

University of Warwick, Industrial Relations Research Unit

June 2014

# Contents

**Chapter 1    Introduction**

**Chapter 2    Trade unions and diversity management in Europe: Open**
**               questions from the literature**

**Chapter 3       Institutional insights into trade unions and diversity management**

**Chapter 4       Methodology and research methods**

**Chapter 5    Trade unions and diversity management in France**

**Chapter 6    Trade unions and diversity management in Sweden**

## Chapter 7      Trade unions and diversity management in Germany

## Chapter 8      Trade unions and diversity management in France, Sweden and Germany compared

**Chapter 9     Conclusion**

# Acknowledgements

# Declaration

This thesis is the product entirely of my own work and has not been submitted for a degree at another university.

Emma Stringfellow

June 2014

# Abstract

'Diversity management' (DM) has come to dominate human resource equality policies in Anglo-Saxon and many EU countries. However, analysis of trade union responses to DM in continental Europe is strikingly underdeveloped, although there is good reason to suspect that unions may play some role in shaping DM due to their institutionalised roles in issues of equality. This thesis has shown that unions' influence over DM and their responses to it vary by country, but in ways that are not generally expected.

Using a qualitative research design based on documentary data analysis and semi-structured interviews and a discursive institutionalism (DI) approach, the study compares how DM has been presented in France, Germany and Sweden, and how this affects the extent of social dialogue on DM and union responses to it. It examines unions' influence on diversity discourses and the implications of these responses for equality agendas.

The research has contributed to knowledge and theory of DM and to the field of industrial relations by: applying the recursive DI approach to analysing how national contexts shape DM and *vice versa*; by combining theories of institutionalisation with Gumbrell-McCormick and Hyman's (2013) conceptualisation of types of trade union power to reveal models of underlying mechanisms for when, where and why a social dialogue approach to DM is more likely; by analysing the impact of a social dialogue approach on DM; by providing empirical evidence for Gumbrell-McCormick and Hyman's (2013) proposition that moral and discursive power, rather than structural, associational, organisational and institutional strength, are more important for unions in the 'battle of ideas'. The research also demonstrates the value of the DI concepts of actors' 'background ideational' and 'foreground discursive' abilities for critically evaluating unions' responses to diversity management in a manner which seeks to avoid both ethnocentrism and cultural relativism.

# Abbreviations

| | |
|---|---|
| AA | Affirmative action |
| ADS | Federal Anti-Discrimination Agency (Germany) |
| ANDCP | National Association of Personnel Directors and Managers (France) |
| ANDRH | National Association of HR Managers (France) |
| ANI | National inter-professional agreement (France) |
| BDA | Federation of German Employers |
| Byggnads | Union of Construction Workers (Sweden) |
| CARSED | Alternative Commission of Reflection on 'Ethnic Statistics' and Discrimination (France) |
| CDU | Christian Democratic Union (Germany) |
| CFTC | French Confederation of Christian Workers |
| CFDT | French Democratic Confederation of Labour |
| CFE-CGC | French Confederation of Management - General Confederation of Executives |
| CGPME | Confederation of SMEs (France) |
| CGT | General Confederation of Labour (France) |
| CGT-FO / FO | General Confederation of Labour–Workers' Force (France) |
| COMEDD | Committee for the measurement of diversity and the evaluation of discrimination (France) |
| CNIL | National Council for Information and Freedom (France) |
| CRAN | Representative Council of Black Associations (France) |
| CSU | Christian Social Union in Bavaria |
| DE | Germany |
| DGB | Federation of German Trade Unions |
| DI | Discursive institutionalism |
| DM | Diversity management |
| EEO | Equal employment opportunities |
| FAI | Network of immigrants active in the union (Sweden) |
| FFB / Finansförbundet | Financial Sector Union of Sweden |
| FDP | Free Democratic Party (Germany) |
| FR | France |
| HALDE | High Authority for the Struggle against Discrimination and for Equality (France) |
| Handelsanställda | Union of Commercial Employees (Sweden) |
| HBT | Homosexual, bisexual, transexual |
| HI | Historicalinstitutionalism |

10

| | |
|---|---|
| HR / HRM | Human resources / Human resource management |
| HRF | Hotel and Restaurant Workers' Union (Sweden) |
| IFM / IF Metall | Union of Industrial and Metal Workers (Sweden) |
| IGBCE | Industrial Union of Mining, Chemicals and Energy Workers (Germany) |
| IGM | Industrial Union of Metal Workers (Germany) |
| INSM | New Social Market Economy Initiative (Germany) |
| Kommunal | Municipal Workers' Union (Sweden) |
| LGBT | Lesbian, gay, bisexual, transexual |
| Licra | League against racism and anti-Semitism (France) |
| LO | Swedish Trade Union Confederation |
| Medef | Union of French Employers |
| MEP | Member of the European Parliament |
| SACO | Swedish Confederation of Professional Associations |
| SAF | (Former) Swedish Employers' Association |
| SE | Sweden |
| SI | Sociological institutionalism |
| SME | Small and medium sized enterprises |
| SN | Swedish Employers' Association |
| SPD | German Social Democratic Party |
| SUD | Federation of Solidaristic, Unitary and Democratic Unions (France) |
| TCO | Confederation of Professional Employees (Sweden) |
| Unionen | Union of professional employees in the private sector (Sweden) |
| UNSA | National Union of Autonomous Trade Unions (France) |
| Ver.Di | United Services Union (Germany) |

# Tables and figures

# Chapter One

# Introduction

## 1  Rationale for the thesis

The rhetoric of 'diversity' and 'diversity management' has dominated human resource equality policies in the US since the 1990s and has diffused from there to the UK, several European countries, and EU institutions, with the European Commission championing diversity management as an example of good practice and offering funding for projects which promote 'the business case for diversity' (European Commission 2007). There is a now vast amount of literature critiquing this shift to a 'new and improved approach' to equality, the principal message of which, in the prescriptive Anglo-American literature, is that a diverse workforce is good for company performance and should be harnessed to this end (Fischer 2007).However, there is a shortage of comparative studies and a strikingly underdeveloped analysis of trade unions and diversity management in continental Europe, where unions have statutory collective bargaining rights on issues of equality. There is therefore good reason to suspect that trade unions may be playing a significant, or at least some, role in shaping the discourses and practices of diversity management.

The topic is also an important one for industrial relations research given the 'ethical turn' which the field has made "to a new engagement with questions of equality, race and social exclusion/inclusion" (Martínez-Lucio and Connolly 2010:19), albeit one which has so far focussed on the importance of these issues for union renewal by

fitting people to established institutions rather than re-imagining "the purpose, identity and meaning of trade unionism in a context of a changing workforce" (ibid p.22). Dickens (1999) points out that joint regulation of equality agendas presents a considerable challenge to existing trade unionism throughout Europe as "trade unions historically have helped shape the contours of inequality" (ibid). Several authors (e.g. Hyman 1992, 1994, Dickens and Colling 1998, Dickens 1999, Greene and Kirton 2006, Gumbrell-McCormick and Hyman 2013) have discussed how traditional forms of trade unionism (i.e. based on the non-immigrant heterosexual able-bodied male breadwinner working full-time in the manufacturing sector) have been called into question by the demographic diversification of the labour force. As Zanoni (2004:2) puts it "unions face the challenge of attracting, keeping, and satisfactorily representing workers with increasingly different genders, cultural backgrounds, ages, sexual orientations, and levels of ability, within a labour market context widely characterized by segmentation, dispersion, flexibility, instability and individualization."

Union action for equality and diversity management are neither substitutes nor entirely separate. Dickens (1999) argues the case for a 'three-pronged approach' in which the business case, equality legislation and social (joint) regulation form the three mutually reinforcing prongs of a tripod, which "is likely to provide a sounder basis for supporting equality action than balancing on a single pole" (16). She argues that a three-pronged approach, however, social regulation makes up for the limitations of voluntary employer action by extending beyond employer-determined equality agendas. Unions can, for example, help to "ensure that flexibility initiatives are designed to take account of the needs of workers and not simply to meet the operational needs of employers" (14).

Unions can also increase the cost for employers of not taking equality action and "can help define what is in the employer's business interest" by making equality a political and organising issue rather than simply an economic one (ibid). They can also limit employers' ability to abandon equality measures when labour market conditions change, and provide workers with a voice mechanism so that collective bargaining potentially enables marginalised groups to play an active role in defining, developing and sustaining equality initiatives, which "might open the way for longer equality agendas and more transformative approaches" (ibid). Social regulation also addresses the limitations of legal regulation by providing a mechanism for unions to police and enforce the law, "translating formal legal rights into substantive outcomes" (15). Trade unions' involvement in and responses to discourses and policies of diversity and diversity management are therefore worthy of exploration.

Various studies (e.g. Kamp and Hagedorn-Rasmussen 2004, Boxenbaum 2006, Omanovic 2009, Kalonaityte 2010, Klarsfeld 2010) have addressed the way that diversity management is translated into different cultural contexts so that the meaning and the discourse assigned to it, and the way it is implemented in practice are influenced by the local and societal cultural context. It is therefore conceivable that unions in different countries will respond differently to diversity management because they are responding to different things. It is also conceivable that union responses to diversity management may be affected by the extent of their involvement in translating and operationalising the discourse. A comparative cross-national study is therefore justified as it can shed light on the reasons for unions' differing responses.

The contribution of my research is therefore to provide a contextualised cross-national comparison, which also takes into account the role of unions as actors in the construction of discourses of diversity by:

1) Examining how diversity management has been presented in each country (i.e. what unions are responding to) and why,

2) Assessing to what extent (and why) trade unions have been involved in a social dialogue approach to diversity management and how their involvement may influence their responses,

3) Examining in what ways unions may be influencing diversity discourses, and with what potential implications for equality agendas.

The focus of this research is on the specific engagement of trade unions with diversity management while the broader body of actions and strategies on equality remain outside the realm of this thesis.

## 2 Locating the thesis

The thesis aims to build on the work of Greene et al. (2005) who provide the only cross-national comparison of trade union responses to discourses of diversity management. Greene et al. found Danish unions responded enthusiastically to diversity management whilst the responses of UK unions were far more sceptical, and suggest that these differing responses are explained by various institutional factors (the nature of relations between unions and employers, political and societal contexts of multiculturalism and assimilationism, histories of equality policies). For

example they suggest that the positive responses of the Danish unions are partly explained by the consensual and cooperative relations between social partners whereas the more critical stance of the UK unions is explained by the more adversarial UK industrial relations climate. Greene et al. (2005) also argue that diversity management was popular with Danish unions because of its positive message about multiculturalism which countered the strongly assimilationist political discourse at the time. According to Greene et al. (2005) the UK's longer history of immigration through colonialism has meant a longer history of policies and measures to combat ethnic discrimination. In this context, diversity management was perceived by UK unions as a backward step which undermined previous achievements by introducing a soft law approach. On the other hand Denmark's more recent experience of immigration meant that diversity management was perceived by Danish unions as a new way forward in an area they had little experience of.

A problem with this comparison is that we do not know if diversity management is defined in the same way elsewhere as it is in Anglo-Saxon countries. For example, Greene et al. (2005) argue that for UK unionists, diversity management is typically perceived as a purely managerialist approach, and that British unions were suspicious of the way that diversity approaches in the UK are wrapped in the discourse of human resource management, as they felt that racism and discrimination should be "combated, not managed". Greene et al. imply that the Danish unions uncritically accepted the version of diversity management put to them (it is not clear by whom) due to the consensual Nordic tradition of industrial relations. They have arguably not taken into account that the Nordic tradition of industrial relations is also

one of negotiation and compromise which may have changed the meaning of diversity management to something more acceptable to the unions. In their study of a public sector department in Denmark, Kamp and Hagedorn-Rasmussen (2004), for example, found that the Danish unions were involved as significant actors in translating and operationalising the diversity management discourse.

## 2.1    The four dimensions of diversity management

Greene et al.'s (2005) comparison of UK and Danish unions' responses to diversity management is based on a definition of the diversity management discourse as being characterised by four elements (elsewhere, e.g. Kirton and Greene 2004, 2010, these are described as essential dimensions of the Anglo-Saxon diversity management discourse). These dimensions are: an emphasis on an individualised approach rather than social groups, the prioritisation of the business case over social justice arguments, an emphasis on a unilateral managerial approach rather than social regulation which threatens to marginalise unions, and an emphasis on valuing differences which threatens to depoliticise and neglect the realities of discrimination. Fischer (2007) agrees that whilst there is no single, authoritative definition of diversity management, there is a consensus in the literature that diversity management refers to a management strategy to enhance the effectiveness and/or productivity of organisations by recognising, valuing, promoting and utilising differences between individuals in the workforce (ibid). Both Kirton and Greene (2004) and Fischer (2007) cite Kandola and Fullerton's (1998) definition as the most influential:

"The basic concept of managing diversity accepts that the workforce consists of a diverse population of people. The diversity consists of visible and non-visible differences which will include factors such as sex, age, background, race, disability, personality and work style. It is founded on the premise that harnessing these differences will create a productive environment in which everybody feels valued, where their talents are being fully utilised and in which organisational goals are met" (Kandola and Fullerton 1998:8)

According to Fischer's (2007) analysis of the various uses and definitions of diversity management in the Anglo-Saxon prescriptive literature, different authors place different emphasis on different elements of the definition provided above (presumably in order to differentiate their personal approach). However, Fischer (2007) also points out that there is confusion in the prescriptive literature between the terms 'diversity' and 'diversity management'; 'diversity' can refer to heterogeneity, or to denote different characteristics, or to describe an attitude that values diversity, or it can be used as shorthand for diversity management. I would add that these varying uses become even more confused in everyday organisational use, as well as in the media and political discourses. Moreover, as I discuss in more detail below, it would appear that the foci of the critiques of diversity management in the Anglo-American literature are different to those in the European literature, which raises the question for a comparative study of whether the significance of the four dimensions identified by Kirton and Greene (2010) varies in different cultural contexts.

The critiques in the Anglo-Saxon literature seem to have focussed on diversity management along the lines of the Kandola and Fullerton (1998) definition cited

above, and in particular on the first three dimensions identified by Kirton and Greene (2010) (i.e. the emphasis on individual differences, the business case, and voluntarism), with US and UK critics arguing that these three dominant elements make diversity management inseparable from the parallel ascendancy of neo-liberalism (e.g. Humphries and Grice 1995, Litvin 1997, 2006, Ogbor 2001, Jones and Stablein 2006). These critiques can be understood as arising from the origins of diversity management in the US as presented by Kelly and Dobbin (1998). They argue that equal employment opportunity (EEO) and affirmative action (AA) specialists in the US reinvented themselves as diversity management specialists in the late 1980s and early 1990s in order to ensure their institutional survival when the Reagan administration dramatically curtailed enforcement of AA laws. As government support for affirmative action continued to wane in the Bush and Clinton administrations, diversity management consultants transformed their strategy into an anti-affirmative action approach whose rhetoric emphasised the inclusion of all individuals (including white men) rather than the promotion of certain groups. "They downplayed legal compliance and emphasized first the goal of rationalizing human resources and later the goal of increasing profits by expanding diversity in the workforce and customer base" (ibid 961-962). The European critiques on the other hand are often more concerned with the other uses of the term 'diversity' identified by Fischer (2007) above, and are concerned in particular with an emphasis on ethnic rather than individual differences. The following sections explore in more detail how the significance of the four dimensions varies between the Anglo-Saxon critiques of diversity management and the European critiques and then discusses what

implications this has for the location of my thesis and the design of my research questions.

## 2.2 The business case

The priority accorded to the business case, and the commodification of labour which this implies, has been the major focus of criticisms of diversity management in the Anglo-Saxon literature (e.g. Humphries and Grice 1995, Kelly and Dobbin 1998, Dickens 1999, Edelman et al. 2001, Jones 2004, Kaler 2001, Litvin 2002, 2006, Kirby and Harter 2003, Noon 2007, Kirton and Greene 2010). Dickens (1999) argues that business case arguments are inevitably partial and contingent as they depend on changeable labour and product markets, giving rise to 'fair weather' equality action and even business cases against equality action. Moreover, "organisations can and do obtain cost benefits from, for example, …the undervaluing of women's labour and the exploitation of women and some ethnic minority workers as a cheap flexible workforce" (p.10). This in turn reinforces occupational segregation and stereotypes (Kirton and Greene 2010). Dickens (1999) argues that the partiality and contingency of the business case can be balanced out by combining unilateral employer initiatives and legislation with social regulation (i.e. joint regulation) in a "three-pronged" approach. According to Dickens social regulation can provide checks and balances in the practical implementation of diversity policies, performing the role of limiting employers' ability to abandon equality measures when labour market conditions change.

Dickens (1999) and others (e.g. Gagnon and Cornelius 2002, Kirton and Greene 2010) also argue that social justice and business case arguments can coincide when

21

the business case is all about being seen as an ethical and socially responsible organisation rather than about improved performance or the 'bottom line'. It therefore seems that some business case arguments are less contingent and partial than others and the question arises of whether a social dialogue approach can impact on the type of business case arguments used in discourses of diversity management.

The business case does not appear as so much of a threat in the European critiques of DM either. Kamp and Hagedorn-Rasmussen's (2004) and Boxenbaum's (2006) analyses both substantiate Holvino and Kamp's (2009) assertion that the business rationale aspect of diversity management is weak in Denmark, but for different reasons: Kamp and Hagedorn-Rasmussen (2004) found little support for business case arguments for recruiting more ethnic minorities, and only social justice reasons for doing diversity were felt to be valid: "the win-win situation where diversity implies an attractive and stimulating work environment and results in a more efficient organization does not seem to have much resonance" (542). This was explained by the perceptions of immigrants as a 'weak' group in need of help. For Boxenbaum (2006) on the other hand, Denmark's "dominant norms and values conflicted with the [American] managerial practice" of diversity management (939). She argues that the translation of diversity management was necessary because Danish managers were suspicious that the emphasis on differentiated treatment of individuals would undermine the highly valued principle of democracy in which everyone is treated equally. "This democratic value was so engrained in Danish mentality that it carried higher priority than financial performance" (943). The business case was thus reframed as corporate social responsibility, which fitted within the Danish institutional logic, whereas talk of the 'bottom line' was

considered unacceptable. Greene et al. (2005) on the other hand found that the Danish unions were enthusiastic about business case arguments, but as Dickens (1999) has argued (see above), a social dialogue approach can allow unions to contain the risks of an over-reliance on contingent and partial business case arguments and thus see them as a tool to be used pragmatically rather than as a threat.

Zanoni and Janssens (2004), on the other hand, did find strong evidence of the contingent and partial nature of the business case. They analysed the discourses of Flemish HR managers and found that they were either creating a business case against diversity by describing the difficulties of having to integrate 'deficient' workers (e.g. immigrants, disabled people), or presenting diversity as the added value of integrating workers from groups who are inherently more flexible, docile, compliant and cheap. Zanoni (2011) found that the construction of diversity in a Belgian car factory deviated from the classical business case rhetoric because, rather than diversity increasing the company's competitiveness by creating additional value through additional competences, diversity was intended to increase the company's competitiveness by devaluing work and lowering the cost of labour. This suggests that there may indeed be significant differences between countries, as well as between sectors and workplaces, regarding the types of business case arguments which are considered acceptable.

## 2.3    The individual-based approach

Greene and Kirton (2009:35) claim that the focus on valuing and utilising individual differences - encompassing not only all visible differences such as gender, disability, race, age but also an infinite number of invisible differences such as sexual orientation, religion, life-style, family status, work style, etc. - is now the main strand of the diversity debate "at least in the UK, but probably beyond". This is also supported by Özbilgin and Tatli's (2011) empirical study. The individual-based approach is heavily criticised in the Anglo-American literature for the way it depoliticises discrimination by treating all differences as equally significant. For example, Edelman et al. (2001) demonstrate how the construction of diversity in the professional management literature tends to equate differences based on geography or taste in sports or dress style with differences based on race or sex, thus supplementing the purely legal categories protected by civil rights law, which are "grounded in moral efforts to right historical wrongs, with a managerial vision of diversity, which is grounded in the notion that organizations must adapt to their environments in order to profit" (Edelman et al. 2001:1626). Edelman et al. therefore see the focus on individual differences in diversity management as a move towards the "managerialization of law". For Kirton and Greene (2010) the individual-based approach trivialises diversity so that no organisational change (for example to tackle the under-representation of minority groups or the 'glass ceiling') is considered necessary. It also undermines collective identities "with shared political interests which could mobilize around issues of social justice" (Jones and Stablein 2006:154,), removing attention from discriminated social groups, so that the burden of being discriminated has to be borne by the individual alone isolating the weakest

and most disadvantaged (Kirton and Greene 2010, see also Humphries and Grice 1995).

The criticisms of the focus on a voluntary approach and on individual differences rather than social group differences in the UK literature are also to be seen in the light of criticisms of the individualisation of employment relations in Britain and successive UK governments' preference for voluntary workplace dispute resolution to statutory rights enforcement (e.g. Pollert 2007, Tailby et al. 2009). It is argued that in the UK context where non-union employment is the norm, this approach fails to deliver satisfactory results for low-paid workers who are left extremely vulnerable (Pollert and Charlwood, 2009) and dependent on the underfunded voluntary advice sector (Tailby et al. 2009). Given the better record for unionised workplaces in dispute resolution, it is argued that easing collective organisation is the most effective antidote to worker vulnerability (ibid).

Although the discourse of diversity management prescribed by the professional management/consultancy literature insists on an individual approach (e.g. Kandola and Fullerton 1998), there are many empirical-based critiques of the practical difficulties of implementing such an approach (e.g. Liff 1999, Healy et al. (2004), Foster and Harris 2005, Tatli 2010), as well as the difficulty of making a viable business case based on individual differences (Woodhams and Danieli 2000, Kirton and Greene 2010). This has led to the criticism that diversity management merely represents old wine in new bottles, although the diversity discourse may have served to revitalise jaded policies and debates about equal opportunities (Liff 1997).

Tatli (2010) disagrees, arguing that although practices have not really changed, the shift in discourse to a business case and individual-based approach represents a significant ideological redefinition of these practices. She suggests there are various possible explanations for the gap between discourse and practice: One explanation is that diversity champions simply do not know how to translate the discourse into progressive and inclusive actions because a concept of difference defined as "all the ways in which people differ" provides no framework for designing policies. Another explanation is that the gap represents an ongoing power struggle between competing approaches. A third explanation is that diversity discourses are being used as a tool to create an illusion of inclusion whilst avoiding implementing progressive and costly change programmes.

Critiques of individualism in diversity management discourses have been far less significant in the European literature. For example, Boxenbaum (2006), Kamp and Hagedorn-Rasmussen (2004) and Holvino and Kamp (2009) argue that diversity management lost its individual emphasis when it came to Denmark. Holvino and Kamp (2009:396-397) argue that "several studies point out how DM with its focus on difference is difficult to translate to a context which is strongly permeated by equality as a norm connected to the rise of the Danish welfare-state, particularly when equality is equated with sameness" and that what happens when the diversity management discourse travels to Scandinavia "is that the stress on individual differences, which is new in this context, (…) tends to disappear". Greene et al. (2005:188-189) on the other hand found that the Danish activists in contrast to the UK unions "expressed no fears about the individualized focus of diversity management", although they admit this may be because the Danish unions had no

experience of its individualising forms. However, it may also be the case that an individualised discourse of diversity is seen as less problematic by unions where diversity management is associated with a social dialogue approach in which unions feel they can implement the diversity policy as they see fit. Kamp and Hagedorn-Rasmussen (2004) for example, found that Danish unions did not object to the discourse of valuing individual differences but nevertheless replaced it when implementing the diversity policy with discourses which emphasised sameness and positive action measures aimed at ethnic minorities as a group.

It also seems possible that an individualised discourse of diversity may be seen as less problematic by unions where diversity management is associated with positive action measures aimed at combating discrimination of social groups, and where these measures are seen as the prerequisite for the recognition of individual differences, in the sense of the 'safer option' to integrating equal opportunities and diversity approaches recommended by Kirton and Greene (2010) and Liff (1999). However, Kamp and Hagedorn-Rasmussen (2004) point out that the Danish unions translated diversity management into positive action measures which were based on assimilation (such as training programmes to help immigrants and refugees fit in better to the Danish culture), implicitly treating immigrants as weak, deficient and in need of help. This is discussed again below in relation to the 'sameness' versus difference debates. Here, however, it serves to underline the point that an emphasis on an individualised approach does not seem to be considered one of the most characteristic or problematic aspects of diversity management in European critiques.

## 2.4    The voluntary approach

Özbilgin and Tatli (2011: 1235) argue that: "From the early days of the arrival of diversity management in the UK, private sector organizations, employer organizations and professional bodies hailed the idea of voluntarism which can be defined as the proactive take-up of organizational equality and diversity activities driven by business case and bottom line arguments, coupled with a reduction of regulatory pressures on workplaces to carry out legally driven interventions" (see also Tatli, 2010, and Jonsen et al. 2013). Özbilgin and Tatli (2011) also found that the dimensions of voluntarism versus regulation and individualism versus collectivism were the key issues dividing the UK actors they interviewed. Diversity management has therefore been criticised as representing a 'soft option' for employers, emphasising a top-down, management-led approach and giving managers the power to define problematic areas (Liff 1997, Kirton and Greene 2010) and sidestep some of the stronger elements of equal opportunities policies (Wrench 2003).

Greene and Kirton (2009) also argue that the emphasis on a voluntary and individual approach potentially marginalises trade unions, an argument which is supported by Özbilgin and Tatli (2011) who found that their private sector and employer organisation interviewees emphasised direct employee consultation rather than 'needing trade unions'. Greene and Kirton (2009) also found that the organisations held up as exemplars of diversity are predominantly non-union and that the prescriptive diversity management literature in the UK and US emphasises downwards communication so that employee involvement is usually presented in the form of suggestion schemes or attitude surveys.

Kirton and Greene (2006) have investigated whether UK trade unions felt that diversity management was being used to marginalise the role of trade unions in setting the equality agenda. They found some evidence of this but concluded that as marginalisation had been an ongoing process during two decades of union decline it was difficult to ascertain what was cause and what was effect (443). Indeed, given that union representation in the UK has weakened considerably over the last 30 years to the point where some consider it cannot get very much worse (Metcalf 2005), employers in the UK may not even feel the need to use diversity management to bypass unions and it may even strengthen trade union involvement. For example, Greene and Kirton (2009) note how the unions initially felt threatened by the creation of diversity employee groups in one UK public sector organisation. However, they were more positive about diversity management when they realised they could use these employee groups to their own advantage. This raises the question of whether diversity management could be used to marginalise trade unions in less union-friendly sectors or in countries where there is still scope to undermine the institutional strength of unions.

Kirton and Greene's (2006) findings indicate that the UK trade unions viewed diversity as a managerial discourse which they needed to react to, for example by monitoring the everyday diversity practices and highlighting the more contentious issues which may be "swept away by the upbeat rhetoric of the diversity discourse" (Kirton and Greene 2006:441). But they did not seem to see a role for themselves in shaping the discourse itself. Greene and Kirton's (2011) case study of a UK government department suggests that unions in the UK (at least in the public sector) may be involved through consultation in defining diversity policies. Kamp and

Hagedorn-Rasmussen's (2004) study, on the other hand, suggests that in other countries diversity management may be the product of cooperation or negotiation between social partners rather than managerial policies that unions may or may not be consulted on.

Critiques of diversity management as a managerially driven and voluntary approach do not appear as important in the European literature either. Kamp and Hagedorn-Rasmussen (2004) suggest that there may be a Scandinavian model of diversity management based on social dialogue (see also Holvino and Kamp 2009). Mahon (2002) and Bender et al. (2010) also refer to national level agreements between social partners (in Sweden and France respectively) on 'diversity in the workplace'. However, rather than being old wine in new bottles, a mere name-change for previous equal opportunities policies, European critiques have focussed on the hollowness of diversity management policies: Süß and Kleiner (2007) argue there is good reason to suspect that diversity management represents little more than Meyer and Rowan's (1977) 'façade of legitimacy' as only 28% of the companies claiming to implement diversity management were actually monitoring it. Similarly, Klarsfeld (2009) found that although all of France's 40 largest firms had signed a joint Diversity Charter in 2004, only 38% of them had an action plan to promote visible minorities in 2009. Doytcheva (2009) interviewed HR managers in twenty French companies and did not find any which had involved unions in their diversity policies. This raises questions about the quality and depth of social dialogue approaches to diversity management.

The motivations of the actors driving diversity management also seem important for the voluntarism versus regulations critiques. As mentioned above, Greene et al. (2005) note that the UK unions saw diversity management as a purely managerialist intervention. Omanovic (2006) and Rönnqvist (2008) on the other hand found that diversity management was introduced and advocated in Sweden primarily by the Swedish Social Democrat government rather than being a managerially or consultant driven discourse. Holvino and Kamp (2009:396) argue that "in Denmark, DM was embraced by researchers and practitioners who were critical of the ethnocentric discourse in the country, and the attempts to construct a rather narrow conception of 'Danishness' in opposition to ethnic minorities as a burden to society (…) DM was used as a platform to discuss plural identities and to bring forth discourses on multiculturalism" (396). This suggests that the actors driving diversity management in different countries may have different motivations, which are likely to have an impact on how much of a role there is for trade unions in a social dialogue approach to diversity management.

## 2.5   'Sameness' versus difference debates

Diversity management is associated with policies purporting to value and promote differences (Liff 1997, Kirton and Greene 2010). Like the individual approach, this positive message of celebrating differences is criticised for depoliticising discrimination (Greene and Kirton 2009, Kirton and Greene 2010) by giving the impression that policies of the "feel-good 'celebrating cultural diversity' type" (Wrench 2003:11) (e.g. cultural days in the canteen) are all that is necessary, leaving power relations unaddressed.

31

Liff and Wajcman (1996) argue that, just as traditional liberal equal opportunities policies have been criticised for judging equality or 'sameness' against the norm of the white able-bodied male, there is no guarantee that diversity management does not judge 'difference' against the same dominant norm and use it to reassert inferiority and justify exclusion. Whereas the 'sameness versus difference' debate has been a major one within debates about gender equality for a long time, diversity management has added a new dimension by raising the question of whether (or when) differential treatment should be based on individual or social group differences (Liff 1997). Whilst, as stated above, the focus in the Anglo-American critiques has been on the individualist approach, there have been some criticisms of the emphasis on promoting social group difference. Litvin (1997), Liff (1997), Lorbiecki and Jack (2000) and Kirton and Greene (2010), for example, critique the essentialising nature of diversity management discourses and the dangers of reinforcing stereotypes and 'ghettoising' differences, but the empirical evidence for this in the Anglo-Saxon literature seems to refer only to gender.

Critiques of diversity management in the European literature have focussed on the emphasis on social group differences. For example, De los Reyes (2001a) argues that the Swedish discourse of diversity presents difference primarily as a relationship between specific social categories, rather than between individuals and that: "if being different becomes a central argument for occupying a position within the organisation, the implication is that conditions that create differences are both positive and necessary" (p.170). Zanoni (2004) and Holvino and Kamp (2009:398) argue that whilst diversity management can be based on different understandings of difference, "nonetheless, essentialized, fixed and a-historical notions of identity

dominate DM practice and seep through the research". De los Reyes (2001a:192-194) also argues that the "positive and apparently conflict-free association to difference" in the diversity discourse, "while being free of associations with power, polarisation of the classes and other unpleasant connotations" presents it as an unproblematic message, rendering discrimination/racism/inequality unmentionable.

European critics of diversity management have focussed in particular on the emphasis on ethnic differences, for example, the ways in which diversity management can be harmful when expectations of performance are linked to ethnic background and the sets of qualities associated with these backgrounds, thus reducing people to their ethnicity. Subeliani and Tsogas (2005), for example, found in their study of a Dutch bank renowned for its diversity policy that the policy was primarily being interpreted as the need to recruit people from ethnic minorities to attract ethnic minority customers, "rather than to advance the quality of working life and career prospects of ethnic minority employees" (831). People from ethnic minorities were recruited to the lower level positions where they would be visible to customers but promotion was very rare and these workers were generally restricted to working in areas where it was felt they reflected the clientele (see also Glastra et al. 2000). De los Reyes (2001a,b) argues that the Swedish discourse of diversity presents ethnic minorities as automatically associated with low qualifications, which are explained in cultural terms, while 'Swedishness' as such becomes an indispensable qualification in working life. Kalonaityte (2010) also found that the discourse of diversity was being used in Sweden to emphasise cultural backwardness and inferiority of immigrants. De los Reyes (2001a) argues that the discourse of diversity in Sweden has strengthened the essentialising and stigmatising character of

the Swedish paradigm of difference and ignored the institutional structures and mechanisms that create segregation.

Many critiques in the European literature have focussed on how deeply rooted perceptions of ethnic difference equating to inferiority (and the need to 'help' ethnic minorities to overcome their 'deficiencies') have led to diversity policies and discourses paradoxically based on assimilation (e.g. Glastra et al. 2000, De los Reyes 2001a,b, Wrench 2002, Kamp and Hagedorn-Rasmussen 2004, Zanoni and Janssens 2004, Boxenbaum 2006, Due Billing and Sundin 2006, Holvino and Kamp 2009, Kalonaityte 2010, Tatli et al. 2012). In Kamp and Hagedorn-Rasmussen's (2004) study of a Danish public sector organisation the trade unions adapted the diversity management concept to address what they perceived to be the major problem; combating the negative cultural stereotypes of immigrants held by the Danish workers and managers and breaking down barriers between "us and them". Given their cultural context they chose to replace the discourse of valuing differences with discourses of social responsibility and solidarity which emphasised sameness, and to implement the policy through practices based on assimilation. However, they were still using a discourse which portrayed immigrants as weaker than (and by implication inferior to) Danes. Kamp and Hagedorn-Rasmussen (2004:550) thus pose the question whether the egalitarian approach of the Danish unions, which "often implies that they feel uneasy about recognizing the heterogeneity of the group", may lead to "intolerant and ethnocentric attitudes", and prevent them from pursuing a more progressive version of diversity management with a positive vision of mutual integration.

This contrasts with Wrench's (2004) argument that it is the emphasis on multiculturalism and cultural differences in diversity management combined with the consensus model of industrial relations which has prevented Danish unions from being more progressive and pursuing stronger anti-discrimination and anti-racism measures. Wrench (2004) argues that the Danish unions' new initiatives under diversity management were focussed mainly on educational campaigns, provision of information on culture-related issues, union training courses to emphasise respect for cultural difference and the breaking down of barriers to communication problems. This led to "a neglect of more structural anti-racism and anti-discrimination activities" (ibid: 113). For example, the Danish unions were not looking for structural reasons for lack of participation in their own union activities by minority ethnic groups and had little experience of policing ethnic discrimination or providing assistance to victims of racial harassment and discrimination (ibid). The analyses of Danish unions' responses to diversity management provided by Wrench (2004) and Kamp and Hagedorn-Rasmussen (2004) raise the question of the potential implications of unions' responses to diversity management for equality agendas.

### 2.6    A more contextualised comparison and a broader range of countries

Wrench (2004), Greene et al. (2005) and Kamp and Hagedorn-Rasmussen's (2004) contrasting explanations indicate the complexity of union responses to diversity management: Wrench (2004) argues that the emphasis on valuing and celebrating cultural (i.e. group) differences has led Danish unions to neglect more structural anti-racism and anti-discrimination activities; Greene et al. (2005) argue that this neglect by the Danish unions fits with the diversity management preference for a focus on

the individual rather than social groups; Kamp and Hagedorn-Rasmussen (2004) argue that this neglect has resulted in the Danish unions translating diversity management into an assimilationist approach. Whilst these differing explanations are probably all valid, they indicate that a thorough examination is required of how underlying ideologies shape diversity management and union responses to it. This complexity and the varying significance across different cultural contexts of the four dimensions ascribed to diversity management bolster the case (made below) for more detailed and contextualised research covering a broader sample of countries. Research question 1 therefore addresses how diversity management is presented in terms of the four dimensions; although the voluntary versus (social) regulation dimension comes under research question 2 (to what extent have unions been involved in a social dialogue approach). Research question 1 thus provides the necessary contextualisation for research questions 2 and 3, which are the main contribution of this thesis. In other words, research question 1 tells us what unions are responding to, and the context of their involvement (or non-involvement). It also provides the context against which the implications of union responses to diversity management for equality agendas need to be evaluated.

Having provided a detailed explanation and justification of the research questions, the next task is to select the countries for comparison. Trade union responses to diversity management in the UK and Denmark have been well covered in the work of Kirton and Greene (2006) and Greene and Kirton (2009), Wrench (2004) and Kamp and Hagedorn-Rasmussen (2004). The UK and Denmark could be considered to represent two extremes of industrial relations models and therefore do not allow a nuanced understanding of trade unions and diversity management across other

European countries. For example, does a social dialogue approach mean that unions are likely to respond positively to diversity management? This is difficult to establish from a UK-Denmark comparison. Greene and Kirton's (2009, 2011) findings suggest that UK unions in union-friendly (public sector) organisations may have some involvement in defining diversity policies through consultation (rather than through cooperation and negotiation as in Kamp and Hagedorn-Rasmussen's Danish study) and are likely to respond positively to diversity policies if they see these policies working in their favour rather than undermining their role. Kamp and Hagdorn-Rasmussen (2004) and Holvino and Kamp (2009) suggest that the Danish approach to diversity management is a social dialogue one but this is not enough to establish cause and effect with the positive union responses in Greene et al. (2005), as the latter also argue that diversity management was popular with Danish unions because of its positive message about multiculturalism which countered the strongly assimilationist political discourse at the time.

In what ways can a social dialogue approach influence diversity discourses? We have seen how the Danish unions in Kamp and Hagedorn-Rasmussen's (2004) study were heavily involved in re-interpreting and operationalising the discourse during implementation of the policy at local level. Whereas Kirton and Greene's (2006) findings indicate that the social dialogue approach in the UK was more a case of the unions reacting to and monitoring the organisation's diversity policy rather than co-defining and implementing it. The ways that social dialogue impacts on diversity discourses and practices are therefore likely to vary across different contexts. As mentioned above, a comparison of the UK and Denmark is also insufficient to

establish the potential for diversity management to marginalise trade unions from equality agendas.

A comparison of the UK and Denmark therefore raises several questions which require a comparative study of a broader range of countries. This research has therefore selected three other European countries (an optimal trade-off between depth and scope), which would cover a broad range of industrial relations and citizenship institutions, ideologies about multiculturalism and histories of immigration, these being the factors identified by Greene et al. (2005) and Wrench (2004) as most significant in influencing unions' responses to diversity discourses. I argue, however, that the significance of these factors in influencing the actual content of diversity discourses and union involvement in shaping these discourses also needs to be assessed.

## 2.7    France, Sweden and Germany

France, Germany and Sweden are appropriate countries to complement Greene et al.'s (2005) and Wrench's (2004) comparisons of the UK and Denmark because they vary in terms of their histories of immigration and citizenship institutions, they vary in the institutional, associational and organisational strength of trade unions, and they vary in their industrial relations traditions, i.e. the extent of state intervention, union identities (see Hyman's (2001) 'eternal triangle'), and the extent of cooperation between bargaining partners. The different combinations of these factors across the three countries enable an exploration first of all of whether a social dialogue approach to diversity management can be predicted from the position of

trade unions in society in terms of power and politics (trade union power is assessed using Gumbrell-McCormick and Hyman's (2013) conceptualisation, see Chapter Two). Chapter Two addresses this question through a systematic analysis of industrial relations landscapes in the three countries, and concludes that industrial relations traditions, employment regime models and the institutional, associational and organisational strength of trade unions alone cannot explain trade union involvement in a social dialogue approach to diversity management.

**Table 1: Potentially influencing factors for union responses**

|  | Power of unions | IR tradition | History of immigration | Citizenship institutions |
|---|---|---|---|---|
| FR | Mainly institutional and organisational (mobilisation) power. Associationally weak at workplace level (low membership). | *Role of state*: Strong state intervention. *Union identities*: Between class and society. Politically and ideologically divided. *Relations between bargaining partners*: Adversarial. | Long, colonial | Republicanism, does not recognise ethnic, cultural or religious differences |
| SE | Institutional and associational power (very high membership) | *Role of state*: Autonomy of bargaining partners. *Union identities*: Social reformist – between society and market. White collar/blue collar divisions. *Relations between bargaining partners*: Consensus-seeking. | Fairly recent, mainly refugees | Official multiculturalism (imposed by state not civil movements) |
| DE | Mainly structural and institutional power (core-periphery model: still institutionally strong in manufacturing and export industries, associationally and institutionally weak in service sectors) | *Role of state*: Autonomy of bargaining partners. *Union identities*: Unified movement, social reformist – between society and market. *Relations between bargaining partners*: Consensus-seeking. | Since 1950s, Gastarbeiter model | Based on ethnicity ('*das deutsche Volk*') |

Secondly, a comparison of France, Sweden and Germany allows an exploration of how different histories of immigration and citizenship institutions shape diversity discourses, which is addressed in the empirical chapters. (Latraverse 2004:4) explains that French republicanism "recognises only the French people, (…) Thus,

no section of the French population may claim to be a 'people', a 'minority', or a 'group', with cultural or other rights attaching to such status". The Republic is 'indivisible' and multiculturalism and positive discrimination based on ethnicity are constantly cited as threats to the unity and social cohesion of the nation (Wieviorka 2008). This is likely to affect the kind of diversity policy measures that are considered acceptable and could give rise to negative trade union responses to diversity discourses.

Runblom (1994:629) explains how Swedish society, which "had been so assimilationist and skeptical of making room for foreign cultures" made "a 180 degree turn and declare itself pluralistic" in the 1960s and 70s in order to cope with a large Finnish minority whom the Finnish government wished to be able to reintegrate back into Finland later. However, commentators agree that although multiculturalism has been officially accepted as a policy goal since the 1970s, "unofficially assimilation is still seen as the best solution" (Westin 2003:3). Swedish unions might be expected then (like the Danish unions in Wrench 2004) to respond positively to a diversity management discourse which emphasises the value of cultural differences, or (like the Danish unions in Kamp and Hagedorn-Rasmussen 2004) to translate the diversity management discourse into one which emphasises sameness.

Brubaker (1992) and Miera (2007) describe the German model of citizenship since the foundation of the German nation state as based on the idea of an ethnically homogenous community. Citizenship is based on the principle of descent (*ius sanguinis*) and naturalisation of immigrants was seen as the exception to the rule. It

could therefore be expected that an emphasis on ethnic or cultural differences in diversity management is likely to fit well with this. German unions may also, like Wrench's (2004) Danish unions, be enthusiastic about a diversity discourse which is anti-assimilationist.

According to Greene et al. (2005) the UK's longer history of immigration through colonialism has meant longer experience of policies and measures to combat ethnic discrimination, and diversity management was therefore perceived by UK unions as a backward step which undermined these achievements. On the other hand Denmark's more recent experience of immigration meant that diversity management was perceived by Danish unions as a new way forward in an area they had little experience of. According to this argument one might expect Swedish unions to respond more positively to diversity discourses than French unions for example. Germany on the other hand has a similarly long experience to France in terms of immigration from Muslim countries but less experience than both Sweden and France in terms of offering integration through permanent immigration and naturalisation. This makes speculating about the influence of Germany's history of immigration on union responses to diversity management difficult.


### 2.8   Summary

Existing comparisons of trade unions and diversity management in Europe have not taken into account the possible involvement of trade unions in shaping the discourse and practices of diversity management through a social dialogue approach. A comparison of the critiques of diversity management in the Anglo-Saxon and

European literature also revealed that the significance of the four dimensions is likely to vary across different cultural contexts which will affect trade union responses to diversity management and requires detailed contextualisation for each country. The aim of this research is therefore to provide a contextualised cross-national comparison, which also takes into account the role of unions as actors in the construction of discourses of diversity. Several questions can be explored through a comparative study of France, Sweden and Germany.

My research began with a Masters' dissertation in 2007, when diversity management was arguably at the height of its popularity in Europe (Klarsfeld 2009, Süß 2009). However, the financial crisis which began in 2007 inevitably impacted on the attention accorded by the media, policy-makers, organisations and unions to issues of diversity. With the ensuing success of many far-right political parties in Europe the major challenge of tackling racism, xenophobia and discrimination is now rising in the list of trade union priorities again (Martínez-Lucio and Connolly 2010). It is hoped that this research can contribute to these strategies by providing helpful insights into if, when and how unions can appropriate discourses of diversity.

## 3 Thesis outline

Chapter Two demonstrates that the existing literature on diversity management in France, Sweden and Germany does not adequately address the three research questions. The chapter takes each country in turn. Regarding research question 1), the chapter examines what the existing literature tells us about how diversity management is presented and how this relates to the essential dimensions of the

Anglo-Saxon diversity management discourse identified by Kirton and Greene (2010) i.e.: the focus on the individual, the business case, and the emphasis on valuing differences (the fourth dimension, the voluntary versus social regulation approach, is dealt with under research question 2). In terms of answering why diversity management is presented as it is, the literature review looks at what the existing literature says about how histories of immigration and citizenship institutions have shaped diversity management discourses. Regarding research question 2) the chapter examines what the existing literature says about the extent of trade union involvement in a social dialogue approach to diversity management. An analysis of the current industrial relations landscapes in each country is then presented in order to examine to what extent trade union involvement in a social dialogue approach to diversity management can be predicted. Gumbrell-McCormick and Hyman's (2013) conceptualisation of types of trade union power (structural, associational, organisational, institutional, moral/discursive and collaborational/strategic) is used to explore which types of power are more likely to result in trade union involvement. Regarding research question 3) there is very little mention in the literature on France, Sweden and Germany of trade union responses to diversity management or of how they may be influencing it, and thus very little literature addressing the implications of unions' responses to diversity management for equality agendas. The chapter therefore reviews instead the critiques of how French, Swedish and German unions have represented the interests of ethnic minorities, using these critiques as the background against which to evaluate their responses to diversity management.

Chapter Three argues that existing studies of union responses to diversity management have taken an historical and/or sociological institutionalism approach and that the shortcomings in these studies identified in Chapter Two are due to the shortcomings of the historical institutionalism (HI) and sociological institutionalism (SI) approaches. It then presents discursive institutionalism (DI) as an integrated approach which addresses these shortcomings. This is followed by an exploration of how existing theories of institutionalisation can be built on and combined with Gumbrell-McCormick and Hyman's (2013) conceptualisation of types of trade union power to address the question of why unions are involved or not in a social dialogue approach to diversity.

Chapter Four discusses the epistemological basis of my research and the 'societal effects' approach to comparative research. It explains the qualitative research design based on documentary data and semi-structured interviews, presenting a reflexive account of the collection and analysis of the data. It then explains how the critical realist approach to identifying underlying causal mechanisms has been operationalised.

Chapters Five, Six and Seven contextualise and then analyse unions' responses to diversity management in France, Sweden and Germany from a DI perspective, following the format set out in the research questions above.

Chapter Eight compares how diversity management has been presented in the three countries in terms of the four dimensions identified by Kirton and Green (2010) and how this affects unions' responses to diversity management. The findings for research question 2 are counter-intuitive to the HI and SI predictions discussed in

Chapters Two and Three. The chapter therefore discusses how the results obtained from the DI and societal effects comparative approach reveal models of underlying mechanisms which might have produced the patterns in the data. Chapter Eight also uses Schmidt's (2006, 2008, 2010) DI concepts of 'background ideational abilities' and 'foreground discursive abilities'. The former is used to examine how unions' responses are shaped by their institutional environment. The latter is used to examine how unions have engaged critically with discourses of diversity (and the institutional environment), and the potential implications of their responses for equality agendas.

Chapter Nine highlights the findings for each of the research questions and how these contribute to comparative studies of diversity management and the field of industrial relations. It argues that the research has contributed to knowledge and theory of diversity management by; applying a recursive and dynamic DI approach to analysing how national contexts shape diversity management, by theorising when, where and why a social dialogue approach to diversity management is more likely, and by providing an empirical contribution about the impact of a social dialogue approach on diversity management. It contributes to the field of industrial relations by demonstrating the value of a DI approach to theorising the relative power of industrial relations actors, providing empirical evidence for Gumbrell-McCormick and Hyman's (2013) proposition that moral and discursive power, rather than structural, associational, organisational and institutional strength, are more important in the battle of ideas. The research also demonstrates that the DI concepts of actors' 'background ideational' and 'foreground discursive' abilities are useful for critically evaluating unions' responses to diversity management in a manner which seeks to

avoid both ethnocentrism and cultural relativism. Finally, the chapter offers suggestions for further research.

# Chapter Two

# Trade unions and diversity management in Europe: Open questions from the literature[1]

**Introduction**

As stated in Chapter One, aim of this research is to provide a contextualised cross-national comparison of trade union responses to diversity management, which also takes into account the role of unions as actors in the construction of discourses of diversity by 1) examining how diversity management has been presented in each country (i.e. what are unions responding to) and why, 2) assessing to what extent (and for what reasons) trade unions have been involved in a social dialogue approach to diversity management and how their involvement may influence their responses, 3) examining in what ways unions may be influencing diversity discourses, and exploring the potential implications of unions' responses to diversity discourses for equality agendas. This chapter argues that the existing literature on diversity management in France, Sweden and Germany does not adequately address these questions.

Chapter One raised the question of how diversity management is presented in different countries in terms of the four dimensions identified by Kirton and Greene (2010); i.e. what are the business case arguments, what approach is taken to valuing differences, is the focus on individual or social group differences, and is the approach a unilateral managerialist or a social dialogue one? Social dialogue is

---

[1] All translations of literature citations are my own.

defined broadly here as the involvement of trade unions at national, sector or company level either in co-designing and implementing diversity policies, negotiating collective agreements on promoting diversity, or in joint initiatives and projects. Chapter One also raised the question of *why* diversity management is presented in these ways, arguing that this requires a systematic analysis of the influence of industrial relations and citizenship institutions and histories of immigration.

Chapter One also argued that the responses of trade unions are likely to depend on the extent to which unions are involved as actors in a social dialogue approach to diversity management and raised the question of whether it is possible to predict the extent of trade union involvement in a social dialogue approach to diversity from industrial relations traditions, employment regime models and the institutional, associational and organisational strength of trade unions. Here I argue that the existing literature on diversity management refers to the significance of industrial relations but in a rather superficial and stylised manner, and that a more systematic understanding is therefore required in order to better understand why unions are involved in a social dialogue approach or not, and how this might influence their responses to diversity management.

The chapter takes each country in turn, examining first of all what the existing literature tells us about how diversity management is presented in terms of the focus on individual, the business case, and the valuing differences dimensions, and how these are influenced by histories of immigration and citizenship institutions. An analysis of the current industrial relations landscapes in each country is then

presented in order to examine to what extent trade union involvement in a social dialogue approach to diversity management can be predicted. Gumbrell-McCormick and Hyman's (2013) conceptualisation of types of trade union power is used to explore which types of power are more likely to result in trade union involvement: Structural (marketplace and/or workplace bargaining power), associational power ('willingness to pay'), organisational power ('willingness to act'), institutional power (employer solidarity, legislative supports, statutory powers of works councils, the administration of social welfare, tripartite peak-level consultation structures), moral/discursive power and collaborational/strategic power. Regarding research question 3) there is very little mention in the literature on France, Sweden and Germany of trade union responses to diversity management or of how they may be influencing it, and thus very little literature addressing the implications of unions' responses to diversity management for equality agendas. The chapter therefore presents instead critiques of how French, Swedish and German unions have represented the interests of ethnic minorities, using these critiques as the background against which to evaluate their responses to diversity management.

## 1. France

### 1.1. How has diversity management been presented in France and why?

According to Bender et al. (2010:83) the notion of diversity appeared in France in connection with "an increasing awareness of the difficulties and shortcomings linked to the French model of equality and integration of immigrants and their descendants" in recent years. Since the end of the nineties, several highly publicised research

reports revealing the extent of ethnic discrimination in France coincided with the appearance of the notion of diversity in the discourse of the European Commission and the importation of diversity management policies into France via American multinational companies and human resource management literature (Bereni 2009, Escafre-Dublet 2009). It is in this context that the employers of France's 40 largest companies signed a 'Diversity Charter' in 2004 (since signed by over three thousand companies and organisations), which primarily targets the promotion of "cultural, ethnic and social diversity".

The notion of diversity became a major subject of national debate due to the riots that took place in all of France's major cities in late 2005. Throughout 2006 the French media devoted extensive attention to the question of how to promote diversity and resolve the crisis of the republican model of integration (Escafre-Dublet 2009, Louvrier 2013). Bender et al. (2010:83) state that the national debates around diversity in France have therefore focussed on the controversial questions of "whether France should adopt affirmative action types of policies in the area of ethnic diversity" and the related question of whether France should allow the introduction of statistics on ethnicity. These are issues which are widely regarded as completely contrary to French republican values (Wieviorka 2008). The introduction of discourses of diversity in France therefore appears to have been primarily associated with ethnic and racial discrimination, and largely dominated by highly controversial socio-political debates about the institutional crisis of the republican model of integration. It is therefore necessary to analyse how this model and these debates have shaped the French discourse of diversity.

Louvrier (2013) notes that although France is one of the world's largest countries of immigration, the ideology of universalism – the defining trait of French republicanism – has no concept for the existence of cultural differences. French republicanism is defined in Article 1 of the French Constitution:

> "*France is an indivisible, secular, democratic and social Republic. It guarantees equality before the law of all citizens without distinction of origin, race or religion. It respects all beliefs*."

The basic ideology of French republicanism therefore "recognises only the French people, (…) Thus, no section of the French population may claim to be a 'people', a 'minority', or a 'group', with cultural or other rights attaching to such status" (Latraverse 2004:4). French universalism therefore "has no place for either race or ethnicity as defining characteristics for membership of the political community" (Jennings 2000:583) and the state must be completely neutral *vis-à-vis* any differences among its citizens (Louvrier 2013). The republican universalist value of secularism (*laïcité*) is also seen as "one of the building blocks of what it is to be French" (Louvrier 2013:111) and leaves no place for religion outside of the private sphere either. To question republican values is seen as unpatriotic and a threat to the nation (Wieviorka 1997).

The greatest threat to the indivisibility of the nation and the Republican ideal of equality is '*communautarisme*' - where people put their adherence to a certain community identity before the interests of the nation and the common good, reducing "the activity of politics to the conflict of 'particular interests'" (Jennings 2000:583). Multiculturalism and positive discrimination based on ethnicity are

constantly cited as the prime examples of *communautarisme* (Wieviorka 2008), allowing particular groups to claim rights over other groups in society, thus undermining the unity and social cohesion of the nation. (Most French commentators do not see any conceptual difference between positive action and positive discrimination, although policies which would be classed as positive action in the UK are sometimes referred to as 'milder' forms of positive discrimination by the French e.g. Simon 2007, Bender et al. 2010, Calvès 2004).

Another concept perceived as unacceptably anti-Republican is that of 'race'. Blivet (2004:9) explains that for the French, the use of the word 'race' (always used with inverted commas in French) is itself considered racist as it "does not correspond to any biological reality" and is "the origin of the worst historical monstrosities" (the history of the Vichy regime's 'Jewish laws' has also contributed to the aversion to the word 'race' in France). Indeed, there is a discomfort with most labels referring to ethnicity (Bender et al (2010:94) for example even feel the need to put 'black', 'ethnic' and 'coloured' in inverted commas), and this affects the kind of policy measures that are considered acceptable. Schnapper's (2000) position is typical of the majority of the French academic and political establishment[2]:

> "Giving particular rights or resources to groups, defined in ethnic or
>
> social terms, has the effect of contributing to creating these groups. The
>
> policy of affirmative action in the United States, for example, has made
>
> questioning about race or ethnic group an obsession (...) and reified these

---

[2] Although according to Jennings (2000), Schnapper is one of the more thoughtful, less instinctive, and modernising French republicans amongst a majority of "die-hard republicans".

affiliations or these representations in social life. (…) Cultural or social groups are not given once and for all (…) By according them particular rights at a given moment, the public recognition contributes to making them exist permanently. (…) It risks leading to social fragmentation by juxtaposing 'communities', closed off from one another, without exchange between them" (Schnapper 2000:16-17).

However, given increasing social inequalities and the "major challenge to its intellectual and ideological dominance" of how to "respond to an immigrant minority, facing social and economic exclusion, which identifies strongly and publicly with a religious faith" (Jennings 2000:581), the continued relevance of the republican model has been heavily debated in recent years. Islam, however, does not represent the only challenge to French republicanism. The CRAN (Representative Council of Black Associations), for example, has marked a shift in collective mobilisation by being the first ever association in France to base collective identity on colour (Lépinard and Simon 2008). Founded in 2005, the CRAN is associated with the French political right and is in favour of introducing ethnic statistics (see below).

Jennings (2000:597) asks whether French republicanism should be seen "as a perverse form of communitarianism, for which the national community is the supreme community, forcibly imposing a unitary common good over the plurality of sub-national groups?" Schnapper (2000) argues for a reinterpretation of French republicanism, which recognises its weaknesses and uses the welfare state (rather than American-style *communautarisme)*, to correct these by taking into account the

increasing diversity of individual cases: "It inevitably practises a form of positive discrimination in the sense that it gives more to those who have less" (Schnapper 2000:20).

Schain (2004:11), however, argues that there is a contradiction between the rhetoric of republicanism and the rhetoric and practice of immigration policy, which has been "frequently posed in (ethno-cultural) racialized terms" (p.7) and is based on presumptions that non-Western immigrants "were different from those who had preceded them, in the sense that they were difficult if not impossible to assimilate into French society" (p.6, see also Bender et al. 2010:84). Louvrier (2013) notes that immigrants from the French colonies in the 1960s and 70s were considered to be temporary labour migrants and in order to facilitate their eventual return the state provided them with their own cultural programmes. By the 1980s this "racialization of immigration" had begun to be manifested in education and housing policies that targeted the integration of immigrant groups as collectivities in order to tackle the urban crisis (Schain 2004:7). Immigrant associations were legalised in 1981 and became "established intermediaries for immigrant populations that negotiated with trade unions, political parties and the state at local and national level" (ibid) so that the public expression of ethnic differences was not only tolerated but managed and institutionalised (Feldblum 1993). French integration policies have therefore been characterised by "a permanent quest to strike an unlikely – and unattainable, according to many observers – balance between an active form of tolerance towards differences… and the vigilant reassertion of a 'principle of undifferentiation'" (Escafre-Dublet et al. 2009:9).

Louvrier (2013) argues that in the 1980s when migrants came to be seen as permanent the republican model was seen as in a crisis caused by immigrants' cultural differences. The solution presented was to remove these differences through assimilation, which was seen as the responsibility of the immigrants. When the interpretive frame shifted from assimilation to integration at the end of the 80s, the new integration frame was reconciled with republicanism by creating a distinction between the private sphere (where cultural differences could be expressed) and the public sphere (where they should be renounced) (ibid). Escafre-Dublet et al. (2009:67) argue that the EU equality and anti-discrimination directives brought about major changes in the French legal framework and another paradigm shift from an integration approach stressing assimilation to French culture, to an anti-discrimination paradigm encompassing "the categories of ethnic or racial, or so-called visible minorities" and making it the responsibility of the economic and social actors to remove the obstacles to participation faced by these minorities. Doytcheva (2010) argues that this paradigm shift revealed the contradictions in French republicanism between the political will to fight discrimination and practical impossibility of apprehending "the ethno-racial dimension". This "implied an embarrassment in recognising the differences that lie at the basis of discrimination" which was circumvented by using designations such as 'the youths from the suburbs' and focussing positive action on geographical areas so as to affect immigrant populations without naming them (Louvrier (2013:114). Escafre-Dublet et al. (2009:71) argue "that despite a real break with former political discourses on integration or social cohesion, there was no promotion of a multicultural perspective" and that whilst the paradigm shift to combating ethnic and racial

discrimination involved accepting a form of colour consciousness in human resources processes, the issue of religious accommodation is still a very contentious one. This is demonstrated by the 2004 law banning the Islamic headscarf and all other 'conspicuous signs of religious belonging' in schools. The commission set up to make recommendations for the legal application of the principle of secularism also recommended recognising all major religious holidays and giving employees the option of taking Yom Kippur, Eid etc. instead of Christmas or Easter (Weil 2005). This recommendation, however, was rejected by the French parliament. Employer organisations and unions have still not defined any official positions on this issue leaving a 'political vacuum' in which demands for accommodation of religious needs "are met with heterogeneous responses depending on the manager or the corporation" (Escafre-Dublet et al. 2009:95).

Given this institutional context one could expect (as Wrench 2002:88-90 has suggested) the concept of diversity to be problematic in France, in terms of the potential clash between the message of emphasising and valuing differences and the institutional logic of republican values. On the other hand, one could also imagine that diversity approaches might be welcomed for their emphasis on individual rather than group-based differences, in the sense of Schnapper's (2000) corrections to the perverse effects of republican universalism. Alternatively, they could be welcomed as part of what Schain (2004) sees as a policy change towards more multiculturalism in the context of the practical challenges faced by French republicanism, or as a way of achieving a balance between tolerating differences and asserting the principle of non-differentiation.

According to the existing literature it seems that diversity management in France, like previous shifts, has been reconciled with republican universalism by either avoiding a discourse of promoting cultural differences or avoiding the issue of ethnicity altogether. Escafre-Dublet et al. (2009:85) found that it was rare for diversity management consultants to "link diversity with a form of respect of cultural differences and differences in general which echoes the ideal of multiculturalism. (…) this reference to multiculturalism remains marginal, if not contentious, among the diversity HR managers and consultants we interviewed." The business case arguments used by Louvrier's (2013) French managers were based mainly on Becker's (1957) argument that discrimination is economically irrational. This argument has been used for a long time already in equal opportunities approaches in the US and UK and is not part of the approach to valuing and utilising differences which sets Anglo-Saxon diversity management apart from previous approaches. Bereni (2009) also noticed reluctance to link differences to economic performance in her interviews with diversity entrepreneurs. Doytcheva (2010) and Bereni (2009) argue that the vagueness of the diversity concept in contrast to the specific hard law requirements concerning gender and disability has led to a transition from an initial focus on ethnicity to a broad definition of diversity which allows companies to cherry-pick amongst equality issues. They found that their interviewees preferred to prioritise less controversial issues such as gender and disability where there were already legal obligations. De Rudder and Vourc'h (2006) and Dhume and Sagnard-Haddaoui (2006) also argue that the issue of ethnic discrimination has been neglected. Klarsfeld (2009), Escafre-Dublet et al. (2009) and Louvrier (2013) all

note, however, that diversity policies have been associated with a move towards more positive action measures indirectly targeting ethnic minorities.

Another possible consequence of the dominance of socio-political debates about the crisis of republicanism for the French diversity discourse is the importance attached to the business case dimension. Louvrier (2013) notes that the French government originally tried to encourage employers to engage with the concept of diversity by asking prominent businessmen to promote the business arguments for doing so, for example in the report, '*Companies in the colours of France',* (Bébéar 2004). She therefore argues that the French government presented diversity "as to be approached from a business perspective". However, Louvrier (2013) also notes that the government threatened employers with state intervention if the Diversity Charter did not improve practices within two years. I would argue then that rather than diversity having to be approached from a business perspective, the business case seems to have been used as an incentive to sweeten a coercive approach. This is further supported by Louvrier's (2013) and Doytcheva's (2010) findings that normative isomorphic pressure and the potential reputational damage of legal actions, rather than a genuine belief in a business case for diversity, appeared as the major incentives amongst management interviewees for signing the Diversity Charter or having a diversity policy. Point (2007) in his analysis of French company websites, also found that the arguments put forward for promoting diversity usually appear as a criterion of social responsibility rather than a factor of competitive advantage or a resource for improving the performance of the company. It therefore seems that French organisations use the business case primarily as a source of positive PR by presenting policies they are normatively and coercively pressured

into having as voluntary initiatives. The context of the urban riots and media spotlight on the plight of young ethnic minorities may also have influenced attitudes about the appropriate use of business case arguments. For example, many of Louvrier's (2013) interviewees preferred social justice arguments about the morality and social responsibility of combating discrimination to business case justifications.

The business case in France therefore seems to be secondary to social justice motivations and more about the image of being socially responsible than subjugating equality to business imperatives. This can be examined further by analysing the business case discourse in the practitioner-oriented "how-to" diversity management manuals. Such an analysis is currently missing from the existing literature.

Louvrier (2013) found that of the four diversity management discourses she identified amongst French diversity managers, none of these challenged the current power order. For example, in the business case discourse Louvrier's interviewees were aiming to recruit more women into management positions but these would have to be women who had chosen a career over family. Another example was that the company was lucky that there were ethnic minorities to recruit because white French people would not work in those conditions for that level of pay. In the 'trend discourse', diversity was presented as something the organisation had always done or a natural societal development which therefore required no action. The CSR discourse presented the problem as being in society rather than the organisation and practices were acts of social benevolence, helping the weak outside of the organisation, whereas the equality discourse tended to be based on meritocratic equal

treatment. Similarly, Bereni (2009) found that the rhetoric of diversity has often been translated into practice simply by becoming the new name for pre-existing policies.

From the above analysis of the literature on how diversity management has been presented in France it would appear that due to the crisis of French republicanism the focus seems to be on social groups, and in particular on the discrimination of ethnic minorities, rather than the individual. However, the influence of French republicanism has resulted in a rejection of a valuing differences approach and may also have undermined the initial focus on ethnic discrimination. It would also appear that due to the dominance of socio-political debates, the business case for diversity has not been highly developed and seems to be largely associated amongst managers with image and reputational issues rather than performance arguments (the measurement of which would tend to required emphasising differences). Discourses of diversity management may, however, also be used to depoliticise discrimination and power orders. The unilateral managerial versus social dialogue dimension will be looked at in the next section under research question 2. The question of how French republicanism has shaped trade union responses to diversity management is then addressed under research question 3.

## 1.2. To what extent have French unions been involved in a social dialogue approach to diversity management and how may this influence their responses?

Escafre-Dublet et al. (2009) note that the French employers' Diversity Charter engages its signatories to include diversity issues in collective negotiations with workers' representatives and there have been several sector and company level

agreements as well as an agreement at national inter-professional level in 2006 on diversity. Doytcheva (2009) on the other hand found that unions were not involved in the diversity policies of any of the 20 companies she interviewed, with the HR managers blaming this on the unions for being absent or uninterested. Escafre-Dublet et al.'s (2009) HR and consultant interviewees also spoke of the unions' reluctance to seize the issue of ethnic discrimination. The French union representatives interviewed in Bouchareb and Contrepois (2009) on the other hand expressed disappointment with the employer associations' involvement in the social dialogue committee of the French equality body, saying MEDEF and CGPME preferred to make speeches about diversity. However, a CFDT interviewee contrasted the relatively low priority placed by MEDEF on anti-discrimination with the more positive attitude being taken by several large companies (ibid). This raises questions about the quality and depth of the social dialogue approach and of union responses at different levels and in different sectors which can be partially explored from trade union perspectives. It would appear nevertheless that a social dialogue approach to diversity management has been quite prevalent in France, but why is this? Is it to be expected from French traditions of industrial relations?

### 1.3. French industrial relations

Greene and Kirton (2009:186) argue that the low level of unionisation in the USA "is one of the defining features of the context of DM, which in turn has led to a strong emphasis on the management role." The context of diversity management in France is, however, a very different one to the US, and it cannot be assumed that the emphasis will be on a top-down, unilateral management approach. Levels of

62

unionisation in France are even lower than the US – membership of French unions is approximately 8% (about 15% in the public sector and 5% in the private sector). Employer organisational density in contrast is quite high - three out of four employers are members of an employer organisation (Traxler, 2004). However, in France being a trade union member means a commitment to active participation and usually entails an official union role. Membership levels therefore do not say very much about trade union support (Gumbrell-McCormick and Hyman 2013). Most important is the mobilisation power of French unions: "In the absence of membership, unions depend on strikes to demonstrate their mobilization capacity in normal collective bargaining" (Schain 2008:15). Moreover, spontaneous strikes (which have not been called for by unions) are not unusual in France. In such cases the state calls upon unions to act as "good brokers to end strikes and help the state maintain a modicum of control" (ibid). This is the principle reason why unions continue to maintain their legitimate role in the French system of industrial relations" (ibid). According to Milner and Mathers (2013:123) the influence of French unions rests on their relationship with the state "as a legitimating institution for state policies".

In return for helping to maintain social and economic order, the state has given unions institutional support to compensate for their weaknesses at workplace level, for example by extending collective agreements. However, extending coverage to cover 90% of workers paradoxically removed the need for workers to join a union, resulting in further membership decline (EIRO 2010a). The state has also ensured extensive workplace rights for union representation. However, the increased institutionalisation and multiplication of workplace union roles has led to the

professionalisation of union representatives, who have become overburdened and lost contact with workers. At the same time the state tried to shift responsibility for employment regulation and the administration of the welfare state to the national level of social dialogue, providing the unions with subsidies in order to resource these activities, with the result that the unions became increasingly financially dependent on the state (Parsons 2005, Labbé and Nezosi 2007, Gumbrell-McCormick and Hyman 2013, Milner and Mathers 2013).

Union pluralism is another significant characteristic of French industrial relations. The three largest unions (CGT, CFDT and CGT-FO)[3] have historically been divided along ideological lines, which has significantly contributed to their extremely low density rates (DARES 2004, Jacquier 2008) and may have implications for union responses to diversity management (see below). Whilst the presence of anarchists and revolutionary socialists has heavily influenced the labour movement, French employers have "tended to be either paternalistic or reactionary" (EIRO 2010a). French industrial relations at national level have therefore generally been tense and adversarial, which also explains the extent of state interventionism in social dialogue. Mandatory social dialogue covers more or less every aspect of working life, with the state stipulating the level and frequency of negotiations. Since the 1982 'Auroux laws', there has been an annual obligation to negotiate on wages and working time at workplace or company level and an annual obligation to negotiate

---

[3] This is measured by their share of votes cast in workplace elections (EIRO 24.05.2013). Since the 2008 law on representativeness, a union must win at least 10% of the votes in workplace elections to have the power to negotiate at company level. To have the power to negotiate with employers at sectoral and national levels, it must win 8% of votes. In 2013, the CGT had 26.77%, the CFDT had 26%, CGT-FO had 15.94%, the CFE-CGC (which represents managerial workers) had 9.43%, and the CFTC had 9.3%. UNSA and SUD did not meet the 8% threshold at national level but did meet the 10% threshold in some sectors.

wages at industry level, plus an obligation to negotiate on job classifications every five years at industry level. Since 2007 the state is legally obliged to consult social partners before any reform of employment matters[4], although this kind of tripartite social dialogue is more of a recent development, particularly since the financial crisis, than an institutionalised tradition (see for example Avdagic et al. 2011 on the absence of social pacts in France). At the same time the state has also encouraged the decentralisation of collective bargaining through concession bargaining[5], which according to Goyer and Hancké (2004) has encouraged 'managerial unilateralism' due to the weakness of unions at company level. The state has also encouraged large companies' enthusiasm for US-style human resource management (Gumbrell-McCormick and Hyman 2013). Direct forms of participation which are employer-controlled and which bypass trade unions (e.g. quality circles) have been particularly popular and encouraged by state intervention (Jenkins 2000, Parsons 2005). According to Milner and Mathers (2013), the 2004 and 2008 changes to collective bargaining law whilst increasing the presence of trade union representatives in the workplace, have also contributed to the trend towards more direct forms of workplace representation (e.g. referenda) for non-wage bargaining (Milner and Mathers 2013).

According to Jacquier (2008), French employers tolerate the laws on collective bargaining as they consider these a better alternative to stronger state intervention.

---

[4] The 2004 law on the reform of collective bargaining had already stated that any form of labour law must first of all be the subject of social partner negotiations. However, this was (disastrously) ignored by the government regarding the introduction of a new form of contract for young people. The principle was therefore reinforced in the 2007 law.

[5] The 2004 law making derogations from industry agreements possible at company level made the 2008 law on representativeness necessary (see footnote 2).

French employers are also quite attached to the advantages of extending collective agreements in terms of avoiding social dumping (Labbé and Nezosi 2007). The sheer volume of state regulation, however, makes employers feel that bargaining is redundant (Jacquier 2008). The state has left the social partners no autonomy to decide their own bargaining rules and agenda, nor very much room to really negotiate either, and as a result the social partners have little sense of ownership of collective agreements, or of responsibility for ensuring that these are implemented (Jacquier 2008, Labbé and Nezosi 2007). Jacquier (2008) criticises the unions for seeing this as the government's responsibility. The strength and credibility of agreements is also undermined by the refusal of some unions (particularly the CGT) to sign them (Jacquier 2008). Moreover, agreements are not considered particularly valuable by employers because they do not guarantee social peace by preventing strikes for the duration of the agreement (agreements do not usually have a fixed duration anyway (Jacquier 2008, Labbé and Nezosi 2007).

However, application and enforcement of the laws on negotiation is very weak, and their implementation is rarely monitored or even discussed and sanctions are never implemented (Jacquier 2008, Bevort and Jobert 2008, Silvera 2006, Labbé and Nezosi 2007, Milner and Gregory 2014). Only about 15% of workplaces who are obliged to bargain annually actually do so, although this 15% covers about 60% of the workforce (Milner and Mathers 2013). Whilst the law obliges companies to negotiate, there is no obligation to reach an agreement and the employer is free to impose a unilateral decision where there is no agreement. There is usually no fixed timetable for negotiations, and it is the sole prerogative of the employers to call for negotiations at a moment which suits them best, making it difficult for unions to

prepare in advance (Jacquier 2008, Labbé and Nezosi 2007). Branch level agreements are usually routinised, their content is rarely updated (Labbé and Nezosi 2007) and often merely replicates legal stipulations (Gumbrell-McCormick and Hyman 2013). Gumbrell-McCormick and Hyman (2013) argue that the structure of collective bargaining has become a façade, managerial unilateralism has become the norm, and governments have distanced themselves from the regulation of industrial relations, effectively devolving responsibility to management.

### 1.4. French industrial relations and equality and diversity issues

The importance of the EU equality directives for significantly strengthening anti-discrimination legislation in France has been noted above. According to Doytcheva (2010), the racial equality (200/43/EC) and equal treatment (2000/78/EC) directives were transposed *a maxima* in the 2001 French anti-discrimination law, going beyond the requirements of the directives to include several other grounds for unlawful discrimination (family status, physical looks, family name, health condition, political opinion and trade union membership). The extensive legislation on gender equality, disabled workers and older workers, stipulates implementation via decentralised collective bargaining for companies with at least 50 employees. For example, the 2006 equal pay law made annual collective bargaining compulsory in order to abolish the gender pay gap by 2010, annual negotiations at company level are also compulsory for the integration of disabled workers and there are heavy fines for companies who do not meet the minimum quota for employing disabled workers (6% of their workforce). However, only around 51% of employers in 2011 said they complied with the legal requirements of the 2006 gender equality law and most

67

agreements are limited to monitoring of pay, with few concrete initiatives to address inequality (Milner and Gregory 2014). Given the level of the existing legislation and French employers' apparent lack of incentive to implement it, a top-down, unilateral and voluntary approach to diversity management may therefore be particularly attractive to French employers.

Given this industrial relations context then, where social dialogue takes place usually only where the state obliges it, and where the structural, associational, organisational and institutional power resources of French unions are weak, one could expect that diversity management could have been imported to France as a predominantly unilateral and voluntary management activity, with little value attached to the contribution of social dialogue, and which could possibly be used strategically by employers to try to avoid further obligations to negotiate with or otherwise involve unions. On the other hand, a social dialogue approach to diversity could be the result of government pressure (as was the case with gender equality and the integration of disabled and older workers), or be viewed by employer organisations as a pre-emptive to stronger state legislation - if the threat of such existed. A social dialogue approach could also be viewed from a cultural cognitive and normative institutional viewpoint as the necessary and appropriate way to legitimately proceed with such subject matter, or it could simply be a façade, a harmless way of gaining extra legitimacy in a consensual policy area where employers would have carried out the measures in the agreements anyway. I therefore argue that an analysis of the current institutional landscape for industrial relations and trade union strength does not sufficiently explain the apparent social dialogue approach to diversity management in France. However, given the perceived social crisis of French republicanism and

the controversy around the notion of diversity, a social dialogue approach to diversity management could well have been considered a normative requirement for social legitimacy. In this case it would be unions' moral power which is most important.

How might union involvement in a social dialogue approach have affected their responses to diversity management? Louvrier (2013:121) notes that in 2005 (before the negotiations of the 2006 inter-professional national agreement) four large French unions "signed their own charter in favour of diversity, which encouraged labour unions to sign collective agreements on the theme of anti-discrimination and diversity". She interprets this as a "general acceptance and promotion of diversity top-down in labour unions". However, the trade union perspective has not been explored empirically. Moreover, the title of the French unions' charter (signed by the CFDT, CFTC, CGT and UNSA) is actually "Union charter for equal treatment, non-discrimination and diversity" and therefore includes a combination of approaches which raise the question of how French unions interpret the meaning of 'diversity' and how their interpretation may have influenced the French discourse of diversity.

As mentioned above, the ideological divisions between French unions may also have implications for union interpretations of and responses to diversity management. Whilst the CGT-FO has accused the CGT of being dependent on the Communist Party, the CGT-FO "has often accused the CGT-FO of being the tool of American imperialism" (Schain 2008:15). The CFDT on the other hand was created in 1964 when a majority of the Christian CFTC decided to form a secular union. According to Jefferys (2003) the three major French unions can be mapped on to Hyman's

(2001) triangle of trade union ideologies, with the CGT closest to the *class* pole, the CFDT closest to the *social integration* pole, and the FO closest to the *market* pole. The CFDT is the union most in favour of decentralised autonomous social dialogue and has sought to become the employers' partner of choice through compromise and cooperative relations (Parsons 2005, Bevort 2007). In recent years the CGT has shifted away from its traditionally oppositional stance of refusing to sign national and sector level agreements and has formed strategic alliances with the CFDT (Andolfatto 2007). (Further fragmentation in the French trade union movement has occurred since the 1980s, with the creation of several smaller 'autonomous' unions, mainly in the public and semi-public sectors e.g. UNSA and SUD. However, these seem to have been weakened by the 2008 law on representativeness and may disappear from some sectors (EIRO 24.05.2013)).

### 1.5. In what ways are French unions influencing the diversity discourse and what are the implications of union responses for equality agendas?

Laufer (2007:41) argues that the debates about diversity, and particularly diversity of origin, have had significant impact in encouraging the mobilisation of the social partners to make progress in all areas of equality and anti-discrimination. According to Cornet (2014), however, the content of company or sector level agreements rarely goes beyond repeating legal obligations and few of the agreements on diversity negotiated since the ANI have tackled ethnic discrimination, (gender equality and disability being the most popular subjects). Cornet (2014) also found that the management of religion in companies is a question that divides management as

much as unions. The perspective of the French unions on these issues has, however, not been explored.

An exploration of these perspectives should take into account the critiques that have been made of unions' track record in representing the interests of ethnic minorities. Escafre-Dublet (2013:82) argue that whilst some unions (such as the CFDT) have been at the forefront of the realisation of the pervasiveness of racial discrimination since the 1990s, the unveiling of racial discrimination has confronted union representatives "with a reality they had long occulted" and "breaking the taboo inside unions has been as hard a task as breaking it among HR managers". Lloyd (2000) on the other hand argues that French unions have historically encouraged ethnic minority workers (particularly immigrants from colonies and former colonies) to become activists, whilst Tapia and Turner (2013) have studied how French unions have mobilised on behalf of undocumented workers. Meardi (2013) argues that this is due to French unions' low membership and tradition of political and oppositional movement unionism, which enable them to express more radical views. French unions have therefore also been in a better position to prioritise ethnic minority grievances as a union strategy for greater involvement of ethnic minority workers. Nevertheless, the French unionists interviewed by Bouchareb and Contrepois (2009) and Meardi (2013) still felt there was a long way to go before ethnic minority workers were adequately represented at all decision-making levels of French unions. Jefferys (2007) found that some French union officials were opposed to employers taking positive action for ethnic minorities, such as targeting recruitment in deprived areas, as this went against the universal equal treatment principle of French

republicanism[6]. The analysis of French unions' responses to diversity discourses therefore needs to explore what the potential implications of these responses are for their weaknesses in terms of representativeness and their progressiveness in terms of measures to combat structural racism and discrimination.

## 2. Sweden

### 2.1. How has diversity management been presented in Sweden and why?

The literature on diversity management and diversity discourses in Sweden provides analysis of how diversity management has been presented and how it has been shaped by Swedish multiculturalism. However, this needs expanding or updating. Diversity management was taken up in Sweden earlier than in most other European countries (Wrench 2002, Omanovic 2006). Omanovic (2006, 2009) and Rönnqvist (2008) found that the Social Democrat government rather than employers played the leading role initially in championing diversity management in Sweden (the concept was introduced to the Swedish government by their technical attachés in the US around 1996). According to Omanovic (2006:134), "a significant explanation for the use of this term resulted from concerns over the increased cultural, ethnic, religious and linguistic diversity in Sweden and the increasing segregation and unemployment among Swedish immigrants". Westin (2006, no pagination) reports that "the concept of diversity was introduced in the 1990s because integration was no longer regarded as a unilateral process of incorporating immigrants into mainstream society but a process of mutual adjustment and adaptation of migrant minorities and mainstream

---

[6] It is not clear which unions these officials were from, as only one example of a CGT-FO official is given, however, Jefferys (2007) also notes that the CGT-FO was the only union that did not report having any policies or carrying out any actions against racism.

ethnic Swedes". Diversity management in Sweden has therefore primarily been associated with ethnicity, which had received hitherto meagre political attention compared to other dimensions such as gender or disability that were already well-established in terms of research and political action (De los Reyes 2001a, 2001b, Due Billing and Sundin 2006). This suggests that diversity management in Sweden is likely to have had a social group rather than individual focus.

Omanovic (2006, 2009) and Rönnqvist (2008) provide some analysis of the content of the government's diversity discourse, but Omanovic only goes up to 1997 and Rönnqvist up to 2000. De los Reyes (2001a,b) and Omanovic (2006, 2009) argue that the main argument for diversity presented by the Swedish Social Democrat government was an economic one, i.e. that high levels of unemployment among immigrants was putting too much of a burden on the welfare system. Rönnqvist (2008) on the other hand found that the discourses of the foremost promoters of diversity were biased toward public interests and social justice ideals such as equality, integration, and antidiscrimination. Omanovic (2006) provides some analysis of company discourses of diversity, finding that Swedish companies prioritised economic arguments for promoting diversity over social justice arguments. De los Reyes (2001a) claims that arguments for diversity other than economic ones were considered irrelevant and even self-defeating in Sweden, although it is not clear why this should be. Leijon & Omanovic (2001) also agree that arguments based on moral solidarity, ethics or justice are not particularly used in Swedish debates. However, according to Wrench (2002:80-81), the main business case arguments used in Sweden are labour market shortages and concern about company image, rather than the belief that a diverse workforce could really bring

internal organisational advantages or that immigrants' cultural, social or linguistic experience could benefit the company or enrich the workplace for native employees. This suggests that more analysis is needed into what kinds of business case arguments have been promoted in Sweden and why. Furthermore, Leiva (2011) argues that since De los Reyes, Rönnqvist and Omanovic carried out their research most Swedish diversity consultants have constructed a diversity discourse which aims to 'managerialise the law' by subsuming legal ideals under managerial goals. How this may have influenced Swedish trade unions' responses to the diversity discourse also needs to be explored.

De los Reyes (2001a, 2001b) has heavily critiqued Swedish discourses of diversity in research and public debate, arguing that diversity management in Sweden has been shaped by the Swedish hierarchical form of multiculturalism, which creates 'us and them' divisions between Swedes and immigrants, where immigrants are considered to be a homogenous group, a collective sharing the same problems and characteristics, which are explained in cultural terms and are automatically associated with low qualifications while 'Swedishness' as such becomes an indispensable qualification in working life. De los Reyes argues that like Swedish multiculturalism, the Swedish diversity discourse ascribes essentialised characteristics to people as 'culture-carriers', reifies stereotypes, promotes segregation, and classifies 'minority cultures' as inferior to the majority culture, thus paradoxically obliging members of minority groups to try to assimilate to the dominant culture in order to integrate. Kalonaityte (2010) provides empirical evidence (in a study of one public sector workplace) to support De los Reyes' (2001a,b) argument about the assimilationist and cultural supremacist way in which

diversity management is interpreted in Sweden. It therefore seems that the valuing differences dimension has not been a significant aspect of diversity management in Sweden.

The academic critiques of Swedish discourses of diversity (e.g. De los Reyes 2001a,b) appear to have had some impact on government policy (this was noted by Rönnqvist's (2008) interviewees). According to Due Billing and Sundin (2006), De los Reyes' severe criticisms of Swedish feminist researchers for taking part in the construction of immigrant women as a category of 'not-women' by depicting them as a dependent, oppressed and backward form of womanhood, have shocked many Swedish academics and have had a significant impact in Swedish academic circles so that "Scandinavians, … are for the first time having to confront accusations about ignoring the realities of race and ethnicity". De los Reyes' critiques of the diversity discourse were commissioned by the Swedish trade union confederations (LO, TCO and SACO) and De los Reyes was subsequently commissioned by the Social Democrat government to lead an inquiry on power, integration and structural discrimination in Sweden (see Chapter Six). It is therefore likely that De los Reyes' criticisms of the diversity discourse have had an impact on trade union views since 2001, which needs to be explored in an up-to-date analysis.

The Swedish Social Democrat government's approach to diversity appears to have been a regulatory one rather than promoting a unilateral managerial approach. The 1999 Law on measures against ethnic discrimination in working life (Law 1999:130) introduced 'active measures' for promoting ethnic diversity in the workplace: all employers have a duty to undertake active measures to bring about equal rights and

opportunities in the workplace regardless of ethnic background. Employers must ensure that working conditions are suitable for all employees and ensure that persons of different ethnic backgrounds are given the opportunity to apply for available positions. 'Positive treatment' is, however, not allowed (although it is for gender). In the public sector all government agencies are required by the 1999 law to develop a diversity plan. This regulatory approach also foresees a major role for trade unions in the design and implementation of diversity policies. The next section examines to what extent the existing literature has examined this role.

### 2.2. To what extent have Swedish unions been involved in a social dialogue approach to diversity management and how may this influence their responses?

It seems clear from the existing literature that the approach to diversity issues in Sweden was intended by the Social Democrat government to be a social dialogue one. Ethnic discrimination was not made unlawful in Sweden until 1994 (Mahon 2002). According to EIRO (1998) this was because the social partners had previously preferred to deal with discrimination themselves through negotiating collective agreements which should ensure equal treatment for all. The 1999 Law on measures against ethnic discrimination kept the provisions on active measures vague as "the law is constructed with the Swedish traditions of collective bargaining in mind. (..) the employer is expected to find the right measures in cooperation with the trade unions involved" (Lappalainen et al. 2010:8). The unions are also given primary responsibility for representing their members in discrimination cases and according to Lappalainen (2002:13), most cases of discrimination filed before the

Labour Court have been withdrawn due to negotiated settlements as negotiated settlements can award the complainant a job whereas the Court can only award compensation. In the late 90s, whilst helping to draft the new law against ethnic discrimination, the Swedish social partners were put under pressure by the Social Democrat government to promote workplace diversity themselves (Mahon 2002). This led in 1997 to a national social partner agreement on 'Diversity in the Workplace' followed by the establishment of a national 'Council for Ethnic Diversity' in 1998. However, Mahon (2002:64) states that the 'Council for Ethnic Diversity' set up by the social partners in 1998 did not become an effective force "in large part because the employers have continued to resist proposals which 'infringe on the freedom to hire'". Moreover, a study in 2002 found that whilst 40% of employers surveyed had a written plan on active measures concerning ethnicity and religion, only 10% had written plans that were satisfactory (Lappalainen et al. (2010). This raises the issue of the quality of social dialogue on diversity issues which is also likely to have affected unions' responses to diversity discourses. Moreover, "there is a general opinion that (..) trade unions have not been very active in the monitoring of active measures" (Lappalainen et al. 2010).

It also seems that the Social Democrat government took the leading role in promoting diversity management due to the perception of a crisis in the Swedish model of integration. This raises the question of whether a social dialogue approach would have been likely otherwise, whilst the issues with the quality of the social dialogue suggest that this might not have been the case. An analysis of Swedish industrial relations is therefore necessary in order to explore what lies behind the quality issues in the social dialogue on diversity and how trade union involvement in

a social dialogue approach may have affected their responses to diversity management. What the existing literature tells us about how unions have tackled diversity issues will be examined under research question 3.

## 2.3. Swedish industrial relations

Historically, the Swedish model of industrial relations has been one of strong, highly organised social partners (trade union density peaked at 85% in the 1993) who have pursued relatively autonomous self-regulation with minimal state intervention (Woolfson et al. 2010). "This has also extended to the institutions of workplace representation through trade union stewards rather than mandatory works councils" (Gumbrell-McCormick and Hyman 2013:5). Unions are structured sectorally and occupationally, with the LO confederation representing blue collar workers, the TCO confederation representing white collar workers and the SACO confederation representing graduate employees. High union density owes a lot to the Ghent system in which unemployment insurance is managed by trade unions (Kjellberg 2009b). Swedish unions have therefore had exceptional levels of associational and organisational power, as well as considerable institutional power, which has been facilitated by the close relationship between the LO and the Social Democrat Party[7] (Gumbrell-McCormick and Hyman, 2013). Under the Swedish Keynesian welfare state, the Swedish social partners adopted a positive-sum economic strategy (known as the 'Rehn-Meidner model) of compromise between high and solidaristic wages,

---

[7] The Social Democrat Party was in government from 1932 until 2006 except for 1976-1982 and 1991-1994.

active labour market policies and generous unemployment benefits in return for rationalisation and modernisation (Gumbrell-McCormick and Hyman 2013).

However, Sweden was hit by a major recession in the early 1990s and despite union membership increasing to an all-time high[8], the Swedish model came under pressure to the point where "it was widely assumed that the Swedish model of industrial relations was disintegrating" (Gumbrell-McCormick and Hyman 2013:6). In 1992, the central employer organisation, SAF (now SN), withdrew from almost all tripartite bodies, demanding increased pay differentials and greater company level autonomy for work organisation (ibid) as well as a revision of labour law to prohibit secondary or 'sympathy' strikes (Woolfson et al. 2010). Instead of the "complete collapse of coordinated industrial relations", however, the threat of government regulation forced the social partners to reach 'voluntary' compromises (Gumbrell-McCormick and Hyman 2013:6). Cross-sectoral pay bargaining replaced peak level agreements and sector bargaining remained robust despite the growth of company bargaining over qualitative issues. A 'new Swedish model' emerged comprising a three-tier model of collective bargaining where individual and collective bargaining are closely intertwined but which depends on strong organisational resources at workplace level. (Gumbrell-McCormick and Hyman 2013:68). Since then union membership has declined due to the difficulties of recruiting young workers, reduced unemployment, and the shrinking of the public and manufacturing sectors (Kjellberg 2009b) but was still exceptionally high by international comparison (77% in 2006).

---

[8] The Ghent system and unions' powers of negotiation in cases of redundancy mean membership usually rises when unemployment rises (Kjellberg 2009b).

The new model which emerged in the 1990s has, however, come under threat in recent years primarily from two sources: the Social Democrat Party's loss of power since 2006 and the EU Posted Workers Directive. The centre-right coalition government which came into power in 2006 immediately began undermining the Ghent system by increasing union unemployment fund fees. The government's aim was to influence wage formation by raising the cost of unemployment for unions thus forcing them to make lower wage claims (which was then supposed to create more jobs[9]). The increased fees were also supposed to result in lower membership for unions thus reducing their bargaining power and indeed union membership fell by an unprecedented 6% in 2007 (Kjellberg 2009b).

Until 2006 the Ghent system redistributed unemployment fund membership fees in a solidaristic way. Since 2006 the government's reforms to the Ghent system mean that workers in skilled, well-paid secure jobs pay less unemployment insurance fees than workers with low paid and precarious jobs. The hotel and restaurant and construction sectors (which also have the highest unemployment rates) have been the most affected. This has an ethnic dimension since foreign-born (non-Nordic) workers are over-represented in the sectors with the biggest increases in fees (Kjellberg 2009b). Private sector union density amongst foreign-born workers declined by almost twice as much as amongst native-born workers between 2006 and 2008 (ibid).[10]

---

[9] Instead, economic recession caused by the global financial crisis caused lay-offs amongst well-paid blue collar workers of a magnitude not seen since the 1930s (Kjellberg 2009b).

[10] In 2013 the centre-right government tabled a a legislative proposal to reverse the differentiation of unemployment insurance fees adopted in 2007 (Dølvik 2014).

The other major recent event to undermine key pillars of the distinctive Swedish model of labour market regulation has been the European Court of Justice's judgement in 2007 on the *Laval* case with regard to the application of the Posted Workers Directive (Woolfson et al. 2010). The ECJ judgement was a victory for the Swedish employers' organisation, SN, in reducing Swedish unions' scope for industrial action against foreign companies who do not apply the terms of Swedish collective agreements when posting workers to Sweden. Swedish unions and the Social Democrat Party now face a dilemma: more active state intervention in Swedish labour law could prevent social dumping from foreign companies importing cheap labour but could also put unions at risk of losing their role as a central institution of labour regulation (Davesne 2009). The SN used the *Laval* case to argue that unions had exorbitant power over industrial relations in Sweden and accused the LO of being protectionist and discriminatory against foreign workers (Davesne 2009). According to Davesne (2009) although the government and employers have insisted they did not want to jeopardise the Swedish labour model, *Laval* is a symptom of the context of waning consensual relations and growing distrust. Woolfson et al. (2010:342) argue that since *Laval*, the LO's strategy has been to adopt a "tactical position of reasonableness", to present itself as a responsible social partner looking for compromise so as to discourage the centre-right government from inflicting more damage.

Despite the pessimistic outlooks described above, it should be remembered that Sweden still has one of the highest union density rates in the world, that bargaining coverage in Sweden was still 91% in 2010, due largely to the very high level of employer organisation membership (EIRO 2010c), and that the workplace

representation coverage rate is still around 80% (Kjellberg 2009a). The Swedish model is therefore still one of strong centralised and strong decentralised bargaining combined (ibid).

However, given the preceding analysis it is not inconceivable that, had the Social Democrat government not discovered it first as a potential solution to the perceived crisis of integration, diversity management could have been used by Swedish employers as a strategy to achieve their goal of increased pay differentials by linking the individualist approach to individual performance related pay (as in the Anglo-Saxon approach to diversity management (Greene and Kirton 2009)).

## 2.4. Swedish industrial relations and union responses to diversity management

De los Reyes (2001a:9) notes that few concepts have been greeted with such unanimous enthusiasm (including from the social partners) as 'diversity' was in Sweden in the 1990s. The brief references to union involvement in some of the early diversity initiatives at national level suggest that these enthusiastic responses may be explained by their involvement in a social dialogue approach. Rönnqvist (2008) found that the TCO and SACO unions (representing white collar and graduate employees respectively) co-financed some of the earliest research introducing diversity management to Sweden. Her interviewees (Swedish champions of the diversity discourse) on the other hand claim that the Swedish unions were not particularly interested in being involved in diversity initiatives. The reasons, however, are not discussed. Moreover, there have since been significant

developments (the reactions to academic critiques of diversity management, the change of government since 2006, the attacks on the Ghent system and the *Laval* judgement) which are likely to have had an impact on Swedish unions' responses to diversity management. Moreover, Swedish unions' own responsibility for the quality of social dialogue on diversity issues must be considered when analysing and critiquing their responses to diversity discourses.

## 2.5. In what ways are Swedish unions influencing the diversity discourse and what are the implications of union responses for equality agendas?

Mahon (2002) discusses a policy document and handbook produced by the LO in 1998, entitled *Mångfald* (diversity)*,* which acknowledged and tried to address the criticisms which had been made of Swedish unions in regard to their representation of ethnic minorities. These criticisms are similar to the criticisms of Danish unions made by both Wrench (2004) and Kamp and Hagedorn-Rasmussen (2004). Mulinari and Neergaard (2005) identify the main problem within Swedish unions as being the power relations emanating from everyday and structural racism, which do not allow immigrant voices to be heard. They found that 'new' immigrants (since the 1990s) were associated with cultures of oppression against women and with being 'too passive' (especially immigrant women who were assumed to be oppressed) because they came from cultures with no understanding of democracy or trade unionism. They have therefore been discouraged from active participation in the union and were absent from the senior ranks. On the other hand, immigrants who did not fit into the 'passive' mould and expressed criticism of how the union functioned were told that they did not understand the consensual nature of Swedish industrial

relations and were discouraged from causing disruption. Denial that migrant workers have different issues and demands and the assumption that their interests can be properly represented by white native Swedes has led to failure to prioritise ethnic minority grievances, and paternalistic control over ethnic minority workers (Mulinari and Neergaard 2005, see also Jefferys 2007).

The LO's 1998 handbook was intended to aid federations and union officials in implementing the opportunities provided by the legislation and was important for breaking with the previous paternalist stance of the unions towards immigrants: "Rather than seeing immigrants as people with poor Swedish language skills and inappropriate cultural baggage, the problem is now understood as discrimination" (Mahon 2002:64). The document also blames unions themselves for strongly under-representing immigrants. The answer provided in the document is integration as a mutual process in which immigrants and Swedes learn from each other (ibid). It appears then that Swedish unions thought the diversity discourse may be a useful tool in tackling their own weaknesses. However, as we have seen above, it appears the unions have not been very active in pushing for active measures to promote diversity (Lappalainen et al. 2010). The analysis of the Swedish unions' responses therefore needs to explore how successful a tool the diversity discourse has been for them.

### 3. Germany

#### 3.1. How has diversity management been presented in Germany and why?

Vedder (2006) and Süß and Kleiner (2007) describe the introduction of diversity management into Germany in the 1990s through academic literature, consulting agencies and US multinational corporations such as Ford and Daimler Chrysler. Süß and Kleiner (2007: 1948) found that only a few consultants in Germany have specialised in diversity management and argue that this is because "it is generally difficult to sell a concept to clients or members if its benefit cannot be precisely measured." Süß (2009:172) also questions the benefits of diversity management in terms of social legitimacy, arguing that "the concept is far from self-evident in German companies (…) a loss of legitimacy from not introducing it is therefore not to be feared".

It can be inferred from both of these arguments that diversity management has not been promoted in Germany as the solution to a broadly perceived social problem or crisis. Lederle's (2007) findings substantiate this further: She found that the main motivations provided by her interviewees (company level diversity managers) for introducing and promoting diversity management were legal compliance (since the transposition of the EU Equality Directives (2000/43/EC and 2000/78/EC) into the German General Equal Treatment Law in 2006) and mimetic isomorphism (the influence of networks and US multinationals). Societal reasons (including demographic changes) were not given. Süß (2009), however, is sceptical about the truth of the claim by Lederle's interviewees that legal compliance is a major motivation. He argues instead that there is nothing in the General Equal Treatment

Law to make diversity management a necessity for companies and that diversity managers in Germany have instrumentalised the legal 'threat' in order to bolster their status. This argument seems credible given the weak transposition of the EU Directives into national law, which the employer organisations nevertheless depicted as a major threat to German companies (Merx and Vassilopoulou 2007, Bruchhagen et al. 2010), thus providing the diversity managers interviewed by Lederle (2007) with a discourse to draw upon. The employer organisations' opposition to the transposition of the EU Directives into German law is itself another indication that there was not a broadly perceived problem regarding discrimination which the diversity discourse could be presented as a solution to.

I would argue that this apparent lack of a broadly perceived problem regarding discrimination has influenced the substance of the diversity management discourse in Germany (just as I argued the presence of such a perceived problem influenced diversity discourses in France and Sweden). For example, Bruchhagen et al.'s (2010) examination of German academic research on diversity management reveals that the primary concern has been to enhance employee performance and achieve organisational goals, suggesting that the business case has been an important dimension of German diversity management. Süß (2009), for example, found that his interviewees were usually scornful of "social romantic" arguments for diversity, although Süß and Kleiner (2007) argue that diversity management in Germany represents a 'rationality myth' because it is justified by the actors promoting it (solely) in terms of unproven economic advantages. They also argue there is good reason to suspect that diversity management represents little more than Meyer and Rowan's (1977) 'façade of legitimacy' as only 28% of the companies claiming to

implement diversity management were actually monitoring it (legitimacy here refers to recognition as a modern organisation rather than moral legitimacy). Tatli et al. (2012) also argue state that diversity management entered the German research and management rhetoric as a human resource management notion, with no basis in human rights or anti-discrimination. The reasons for this have, however, not been addressed in the existing literature.

According to Süß and Kleiner (2007), "In contrast to the US, the starting point for diversity management in Germany lies in the discussion of equal opportunities for men and women in work life" (see also Krell et al. 2006). Discourses of diversity in Germany arrived amidst a lively academic debate about gender mainstreaming and there were (and still are) many more established academics in the field of gender equality than in the field of racial and ethnic equality. Diversity management has been critiqued in Germany by proponents of gender mainstreaming in terms of the implications it may have for diluting the focus on gender equality (Bruchhagen et al 2010). This being said, the earliest management literature published in the mid-90s is concerned with cultural diversity (Bruchhagen et al. 2010). Krell et al. (2006) found that most of the German research into 'culture' as a dimension of diversity management was focussed on intercultural management and 'intercultural competence development'. A large proportion of the chapters in Koall et al. (2007) for example are concerned with the challenges of intercultural understanding. Moreover, Bellard and Rüling (2001) found that most German companies associated diversity management with international and multi-cultural exposure. Based on an analysis of the annual reports and company web sites of the 18 largest corporations in Germany (measured by revenues), they argue that diversity in Germany appears as

something that is mainly located outside Germany - differences are experienced in terms of contacts outside of German society with other countries and cultures. The emphasis is therefore on cultural diversity in response to the demands of globalisation.

This suggests diversity management in Germany has emphasised social group differences. However, whilst German academic literature has critiqued diversity management for its business-driven focus and the contingent and partial nature of business case arguments (e.g. Krell 1996), and both the gender mainstreaming and diversity management concepts have been critiqued for their neglect of the social dimension of inequality (Bruchhagen et al. 2010), there has been very limited academic critique in Germany on approaches to diversity management that are based on emphasising differences between social groups of employees (ibid[11]), suggesting that such approaches are not as controversial in Germany as they are in France and Sweden.

This raises the question of how German models of citizenship and integration might have shaped diversity management in Germany. Süß and Kleiner (2007), for example, found that their survey respondents (diversity managers, human resource managers and works council representatives) did not see the need for diversity management to be adapted to the German cultural environment, considering it rather to be a culturally invariant concept. Tatli et al. (2012) on the other hand, claim that

---

[11] Bruchhagen et al (2010) cite only one example in their very extensive review of the German literature on diversity management and this example is primarily concerned with gender differences and the reinforcement of gender stereotypes. Bruchhagen et al. themselves question whether "the construct of diversity and the concept of diversity management change the focus "from – negatively connoted – social inequality to – positively connoted – cultural differences" (2010:131). Krell (1996) calls for a focus on the individual rather than social groups because of the risk of stereotyping groups.

the meaning of diversity management in Germany has been "shrunk to exclude problems of discrimination based on ethnicity" (p.301) but the evidence for this is based on the conclusions of Köppel et al. (2007) who assert that cultural diversity in Germany lags behind in international comparison. Their interpretation of their data findings, however, is rather misleading. For example, they found that 'cultural diversity' is assigned less importance among German firms than gender and age diversity. Their data shows, however, that this is also the case in the USA, the UK and the other non-EU countries in their study. Köppel et al.'s (2007) finding that the workforce in German companies is less ethnically diverse than in other countries is based on a comparison of non-equivalent data sets (the German data takes firm size into account which they admit significantly affects the results for Germany). They also found that 'cultural diversity management' is far less widespread amongst German companies than in other countries but do not take into account (as Süß and Kleiner, 2007, found) that diversity management in general is not widespread in Germany.

Tatli et al. (2012) also support their claim that ethnicity has been excluded from diversity management by arguing that the political debates around the EU equality directives illustrate the "general resistance to tackling race-related issues" (p.301). However, these directives cover more than just race-related issues, and as can be seen in section (4.2.2) below, there was just as much resistance amongst employers to tackling gender equality issues. Tatli et al.'s explanation for the alleged general resistance only to tackling race-related issues is that Germany's collective guilt about its Nazi past has made race-related issues a taboo subject. However, this explanation ignores other important aspects of German history such as the ethnic foundation of

the German nation state pre-dating Nazism (Brubaker 1992) and the German reunification. According to Heckman (2003) the concept of an ethnic nation was challenged by the reform movement of the 1960s and 1970s. However, Miera (2007:4) argues that in the aftermath of reunification the central issue in public discourse was not integration, but how to restrict and channel immigration: "With the unification of East and West Germany the notion of an ethnic nation state and the conception of 'Germanness' as a positive point of reference gained new support" (ibid). Tatli et al. (2012:12) note that "for a long time Germany had difficulties in accepting itself as a country of immigration", excluding immigrants and regarding them as 'guest workers' but then state that the government's aim "has always been to assimilate ethnic minorities into the dominant culture". However, the contradiction is left unexplained.

This thesis therefore addresses the need for more systematic analysis of how the German models of citizenship and integration have shaped diversity management. Moreover, the existing literature generally lacks analysis of the diversity discourses of political and economic actors (e.g. government, employer organisations, diversity consultants, trade unions).

### 3.2. To what extent have German unions been involved in a social dialogue approach to diversity management and how may this influence their responses?

Krell (1996) critiques the unitarist 'harmony' model of the American version of diversity management and the voluntary soft law approach. She then argues that German employment relations, interest representation and co-determination make it

doubtful that the US 'autonomy-based model of HRM' can be carried over to Germany. However, there does not appear to be any empirical research into this question. Bruchhagen et al. (2010) mention the German employers' Diversity Charter, which is allegedly an imitation of the French employers' charter. However, there is no mention of what position the German Diversity Charter takes regarding social dialogue, nor any mention of any negotiated agreements between social partners on diversity as there have been in France and Sweden. An analysis of German industrial relations is therefore required in order to gain an understanding into what can be expected regarding a social approach to diversity management.

### 3.3. German industrial relations

Described as "the paradigm of the highly regulated industrial relations system" (Ferner and Hyman 1998:xiv), the German 'dual system' of interest representation separates responsibility for worker representation at company level, which lies with works councils (*Betriebsräte),* from representation of worker interests at sector and national level, which lies with trade unions. Whilst the German *Betriebsrat* has extensive information and consultation rights as well as co-determination and veto rights, which "differentiate it from almost all similar institutions in other countries" (Artus 2010: 326) and can negotiate company level agreements on a multitude of company level matters, parameters of pay and working time are usually negotiated at sector level by the unions.

Works councils are officially independent of unions (who have no institutionalised rights to workplace representation, Artus 2010). They have no right to strike and are

legally bound to trustworthy cooperation with the employer and to ensure peace within the company. Contrary to the expectations of the unions and many IR academics, the dual system proved itself to be a model of social partnership, which effectively combined economic with social efficiency in order to deal with far-reaching structural changes to industry and employment; "social partnership was considered a constitutive element and load-bearing pillar of German coordinated capitalism" (Kädtler 2012:359). And although officially independent of unions, works councils have been largely dominated by them anyway (Dribbusch 2003).

Haipeter (2012) argues that the German concept of social partnership, is often mistaken for one of largely peaceful industrial relations based on a broad set of common interests, a high degree of cooperation and general absence of conflict. Haipeter argues that this picture does not hold for Germany - except for the chemicals sector. The German version of social partnership according to Haipeter is characterised by:

> "mutual recognition of the collective actors in negotiations, by relatively balanced power distributions between the collective actors as well as by the formative power of collectively agreed rules for the working lives of the workers. Not only are contradictory distribution and control interests thereby a component of this interaction model, but also a spectrum of possible action strategies between cooperation and conflict in various arenas, as long as they do not fundamentally call into question the recognition of different collective interests and the binding force of collective agreements" (Haipeter 2012:391).

According to Tullius and Wolf (2012:369-372), German social partnership has been a "partnership of *Produktivismus*": divergences and conflicts of interest in issues of distribution are accepted and combined with parallel interests in issues of production, rationalisation and growth and in return for this workers are guaranteed a fair distribution of the results. This entails a strong mutual interest in strongly representative negotiating partners and cooperative forms of conflict resolution. The principle of representation is "centralised and professionalised input from long-term (elected) delegated representatives and experts. This corresponds to an interest policy which is made *for* the workers and not *by* the workers" (372).

However, since at least the reunification of East and West Germany the institutions of the German model (with the exception of the chemicals sector where collective bargaining and co-determination remains very strong) have been described as eroding or even crumbling (Hassel 1999, 2002, Streeck and Hassel 2003, Addison et al. 2010, Tullius and Wolf 2012). Trade union membership has fallen from 33% at the beginning of the 1990s to under 19% in 2011 (Haipeter 2012). The labour market is still largely regulated by collective agreements, however, which still covered 62% of the workforce in 2010 (Gumbrell-McCormick and Hyman 2013). Any company with at least five employees can establish a works council if the employees so wish. In reality, due amongst other things to the tendency towards smaller company sizes and the growth of the service sector, only about 10% of private sector workplaces now have a works council (Artus 2010, Keller 2004). This 10%, however, still covers almost all large companies and therefore nearly half of the workforce (EIRO 2010b).

Streeck and Hassel (2003:120-121) argue that, with hindsight, the heyday of *Modell Deutschland* was conditional on a range of factors beyond the control of the parties involved – in particular, world markets that allowed for near-full employment in Germany at high and relatively egalitarian wages – and which came to an end in the years after unification. Lasting mass unemployment as a result of unification "sent union membership into a tailspin" and "unions and co-determination became encapsulated in a still highly productive but inevitably shrinking industrial sector" (120). Other driving forces for the destabilisation of industrial relations and loss of influence of trade unions have been the growing service sector (undermining *Produktivismus)*, neoliberal labour market policies (privatisation and work flexibilisation), and changed strategic orientations of employers (primary orientation towards shareholder value, internationalisation) (Tullius and Wolf 2012). Gumbrell-McCormick and Hyman (2013:25), however, argue that German unions allowed their institutional supports to make them complacent with regard to their associational and organisational power resources resulting in their institutional power being undermined. German unions are "an extreme case" of disproportionately representing the traditional core of relatively secure, male manual workers in manufacturing and the public sector, whilst responding belatedly to the growth of the more diversified and precarious workforce as the labour market transformed towards a service economy (ibid, see also Hassel 2007).

Employer organisation membership also sank dramatically (with the exception of the chemicals sector) leading to reduced collective bargaining coverage and the attempt to counter membership losses by introducing a new type of membership '*ohne Tarifbindung',* without collective agreement coverage (Haipeter 2012). The

inclusion of the social partners in political decision-making was increasingly seen by many employer organisations as institutionalised reform-blocking (Haipeter 2012) and both CDU and SPD governments turned to unilaterally weakening trade union influence in order to implement their labour market, social and economic policies, which were aimed at creating a low wage sector of precarious jobs (Tullius and Wolf 2012, Haipeter, 2012, Streeck and Hassel 2003, Hassel 2011). The Red-Green government's 'Agenda 2010' signified a suspension of social partnership and quasi-tripartite arrangements (Tullius and Wolf 2012:374, Streeck 2006).

However, Höpner and Waclawczyk (2012) argue that the managers of Germany's large manufacturing companies, where social dialogue and co-determination have an established history of success, do not share (and have openly criticised) the anti-social dialogue and co-determination positions of the employer associations, who need to appeal to SMEs and 'greenfield' sectors such as I.T. This fits with Artus' (2013) call for the recognition of the increasingly segmented reality of the German system of employee representation. She argues that the paradigm of the highly regulated industrial relations system and the partnership of *Produktivismus* are particularly weakly entrenched in the services sector where aggressive anti-union and anti-Betriebsrat management strategies are rife.

Since the 'Great Recession' began in 2008, however, the picture of erosion and destabilisation of the German model slipped into the background and social partnership regained legitimacy (Tullius and Wolf 2012, Haipeter 2012). According to the BDA: "The successful management of the crisis in Germany was decisively made possible by the responsible partnership of the bargaining partners" (cited in

Tullius and Wolf 2012:375). It is argued, however, that this renaissance of social partnership at supra-enterprise level as a result of the economic crisis is probably only temporary and not sustainable (Kädtler 2012, Tullius and Wolf 2012). This is because the tendencies which were considered to be eroding the German model and weakening trade unions have not been halted, instead these same tendencies have been used as symbols of the 'new' social dialogue and the successful partnership in the crisis (Kädtler 2012, Haipeter 2012, Tullius and Wolf 2012): decentralisation through derogation clauses to company level leading to over-taxed works councils and power asymmetries in favour of management; concession bargaining and company level 'alliances for jobs' undermining the institutionally binding character of collective agreements, transforming them into voluntary agreements agreed on only if they contribute to cost reductions for employers (Kädtler 2012, Haipeter 2012, Tullius and Wolf 2012).

### 3.4. German industrial relations and equality issues

Works councils in Germany have extensive institutionalised rights for dealing with equality issues. The Works Constitution Act (*Betriebsverfassungsgesetz)* stipulates that the works council must enforce real equality between men and women, enhance work-life balance, deal with the concerns of young employees, foster the employment of older people and the integration of disabled and other employees in special need of protection, promote employment of migrant employees as well as understanding between foreign and German workers and combat racism and xenophobia in the organisation. In contrast, in companies with no works council the employer is obliged (since the transposition of the EU anti-discrimination directives)

to implement preventive or reactive instruments to eliminate discrimination and to encourage compliance with the law. In organisations with more than 20 employees, the employer must ensure that 5% of the jobs are held by disabled people (or otherwise pay a fine). In organisations employing at least 5 permanently disabled people, disabled workers' representatives should be elected by the disabled employees in proportion to the number of disabled employees in the company. Disabled workers' representatives have extensive statutory rights, including the right to be consulted on training matters and the selection of apprentices.

Given that the legal framework in Germany has until as late as 2006 bestowed responsibility for dealing with equality matters almost entirely on works councils it could be expected that diversity management would be seen by its German promoters as an issue for social dialogue. On the other hand, given that the percentage of workplaces with a works council has been decreasing steadily for decades it could also be argued that responsibility for dealing with equality matters has been increasingly left to the voluntary discretion of employers in Germany. This appears to have been the case with gender equality. In 2001, a draft bill on gender equality supported by the unions was successfully opposed by the German Employers' Association (the BDA), who instead signed a voluntary bilateral agreement with the Social Democrat government on guidelines for gender equality, excluding pay issues. The gender pay gap in average hourly wages in Germany was one of the highest in Western Europe at around 25% in 2002 (Maier 2006) and the extent of child care provision was very far below most other Northern and Western European countries (Plantenga and Remery 2005). Moreover, there had been no major legal changes regarding gender equality in Germany between 1980 and 2000.

Nevertheless, the German employers, countenanced by the German government, were heavily involved in resisting a regulatory approach to gender equality and driving instead a voluntary soft law approach. Moreover, the bilateral (rather than trilateral) agreement, also excluded the trade unions. Even the body of experts responsible for monitoring the implementation of the agreement consisted only of government and employer representatives (Scheele 2001).

Despite Germany's lagging behind on gender equality in international comparison, it seems that this issue was not a particularly controversial one in public opinion. Fagnani (2002) and Treas and Widmer's (2000) research into ideological opposition to working mothers in Germany supports this argument. The lack of a perceived socio-political problem regarding gender equality may explain why a social dialogue approach was not considered necessary, or rather, considered avoidable.

Incidents of right-wing extremism and xenophobic violence in the 1990s (after re-unification), on the other hand, led to an approach known as 'partnership behaviour' (*partnerschaftliches Verhalten*), a social dialogue approach based on the negotiation of agreements for dealing with intolerance, xenophobia, bullying and discrimination in the workplace. The responsibility for promoting *partnerschaftliches Verhalten* was anchored in the Works Constitution Act in 2001. It could be expected from the existence of an already institutionalised social dialogue approach to tackling issues of racial and ethnic discrimination that diversity management would be considered an 'update' of the *partnerschaftliches Verhalten* approach, contributing new ideas and methods to the social dialogue based approach. On the other hand, the existence of an already institutionalised social dialogue approach may facilitate the promotion

of diversity management as a supplementary or even an alternative unilateral approach focussed on the business case. Merx and Vassilopolou's (2007) description of the German employers' resistance to the transposition of the EU equality directives suggests that diversity management may have appealed to employers as an alternative soft option.

Meardi (2013) has examined German unions' attitudes to immigration and argues that German corporatist involvement in migration policy making has made German unions (in contrast to French and Italian unions) reluctant to come forward in defence of undocumented immigrants. On the other hand, their attitudes towards immigration also mean they prefer to promote initiatives for the integration of documented foreign workers. Unenthusiastic attitudes to immigration therefore may translate into positive responses to diversity discourses. Moreover, I would argue that German unions' involvement in defining migration policy cannot be taken for granted but is due to migration policy being considered (unlike gender equality) an issue of major societal concern. As integration policies were offered as the preferred alternative to migration (Meardi 2013), this would tend also to support the case for unions being involved in diversity initiatives at national level.

Given the above analysis of the institutional environment for industrial relations one could expect that there may be a social dialogue based approach to diversity management in certain sectors and companies where trade unions and codetermination are strong. At national level, the involvement of trade unions was not considered necessary when defining gender equality policies, but their cooperation and at least the semblance of social partnership *were* considered

99

necessary in dealing with migration policy and the economic crisis, and an apparently genuine social dialogue approach was deemed necessary in the past when dealing with the social problem of extremist xenophobic violence. This suggests that, given the erosion of German unions' structural, associational, organisational and institutional power, union involvement in a social dialogue approach to diversity in Germany is more likely to be considered necessary in the case of a perceived social crisis, which confers on them the moral and discursive power of a 'sword of justice'.

### 3.5. In what ways are German unions influencing the diversity discourse and what are the implications of union responses for equality agendas?

As no literature has been found which addresses how German trade unions have influenced the substance of diversity discourses or the implementation of diversity policies, this section will examine the critiques that have been made of how German unions have represented the interests of ethnic minorities, using these critiques as the background against which to evaluate their responses to diversity management.

As we have seen above, German unions have responded belatedly to the growth of the service sector and the concomitant entry of new groups (particularly women and ethnic minorities) into the labour market (Gumbrell-McCormick and Hyman 2013). Whittall et al. (2009:6) also report that "fighting racism and supporting employees with a migrant background remains to a great extent a fringe issue" in Germany. There is a lack of interest amongst works councils in attending training seminars on equality laws and works councillors (who are also usually trade union members) are reported to be frequently more concerned with other priorities and sometimes

reluctant to defend the rights of all employees (ibid). Adler and Fichter (2014) on the other hand, argue that German unions have had some success in mobilising against equality amongst their core 'insiders', but less so for workers in the precarious 'periphery'. Meardi (2013) similarly suggests that German unions are reluctant to defend undocumented workers (see above). The analysis of German unions' responses to diversity management therefore needs to explore to what extent their responses also address their weaknesses in representativeness and the importance they assign to issues of equality and discrimination.

## 4. Summary

This chapter has argued that the existing literature does not provide an adequate contextualisation within which to situate and evaluate trade union responses to diversity management in France, Sweden and Germany. I have also argued that the existing literature on diversity management does not tell us enough about whether, why, how, to what extent and with what effect trade unions are involved in shaping diversity management in these countries. The literature on France largely covered research question 1 but analysis of the prescriptive practitioner literature is missing. Research questions 2 and 3 have received very little attention. The literature on Sweden has been partially covered research question 1 but needs updating. The first part of research question 2 has been fairly well covered but the second part (the 'why') has not. Research question 3 has received some attention, but again, this needs updating. The literature on Germany reveals extensive gaps regarding all three research questions.

This chapter also attempted to demonstrate that an analysis of the current industrial relations landscape in each of the three countries can only partly predict to what extent unions will be involved in a social dialogue approach to diversity management. It appears that where the structural, associational, organisational and institutional power of unions is weak (as in France) or eroding (as in Germany), or where consensual industrial relations may be waning (as in Sweden), the involvement of unions in a social dialogue approach to diversity depends above all on whether diversity issues are perceived to be an issue of major social concern or crisis, and therefore on unions' moral and discursive power. The next chapter examines this question from a theoretical perspective, arguing that a historical institutionalism analysis of state traditions of labour relations leads to erroneous predictions about trade union involvement and that a different approach is therefore needed. The next chapter also argues that the shortcomings of the existing literature on trade union responses to diversity management are due to a static and overly deterministic sociological institutionalism approach and that these shortcomings can be remedied by building on an approach that integrates insights from historical and sociological institutionalisms with discursive institutionalism.

# Chapter Three

# Institutional insights into trade unions and diversity management

**Introduction**

The theoretical lenses I have used in constructing my research questions and analysing the empirical findings are new institutionalism in the historical and sociological traditions and discursive institutionalism from political science. As Chapters One and Two have demonstrated, the institutional context appears to be important for shaping both diversity management and trade union responses to it, hence the relevance of the historical and sociological institutionalisms. The assumption is made in this thesis that the concepts of diversity and diversity management entered the social, political and economic arenas first of all as discourses: "for things to be intelligible they must exist as part of a wider framework of meaning, that is, a discourse" (Panizza and Miorelli 2013). Discourses are frameworks for action, before there can be a diversity policy there needs to be a discourse which establishes the parameters of what is supposed to constitute a diversity policy. This explains why most of the critiques of diversity management in the literature have been critiques of discourses or analyses of the gap between discourses and practices (see Chapters One and Two), hence the relevance of combining the historical and sociological institutionalisms with discursive institutionalism.

In the previous chapter I argued using Gumbrell-McCormick and Hyman's (2013) conceptualisation of types of trade union power that the involvement of unions in a social dialogue approach to diversity appears to depend above all on their moral and discursive power (as opposed to their structural, associational, organisational and institutional power), which again underlines the importance of a discursive approach.

I also argue that the existing literature on diversity management and trade unions has taken an historical institutionalism (HI) and sociological institutionalism (SI) approach and that discursive institutionalism (DI) offers a more dynamic perspective which can better explain the unexpected.

## 1. 'New' institutionalisms

It is fair to say that a general definition of institutions common to all of the institutionalisms is the notion of institutions as social patterns which result from the "historical accretion of past practices and understandings" (Barley and Tolbert 1997:99), which have become self-activating and repetitively reproduced i.e. they do not depend on recurrent collective mobilisation (Jepperson 1991), and which constrain action through sets of sanctions and rewards. Campbell (2004), Scott (2008) and Schmidt (2006) differentiate between three schools of 'new' institutionalisms: rational choice institutionalism, historical institutionalism and sociological or organisational institutionalism – roughly correlating to the disciplines of economics, political science and sociology respectively. Meyer (2008), on the other hand, differentiates between extreme realist and less realist institutionalisms, in economics and political science, and phenomenological institutionalisms, which

represent a "key turning point in the rise of the new institutionalism" in sociology (p.792).

Meyer (2008) argues that 'new' institutionalist theorising appeared from the 1970s in every social science as a reaction to the conceptions of 'high Modernity', which introduced the notion of "purposive, bounded, fairly rational, and rather free actors" (789), powerful entities (individuals, nation states or organisations created by these actors) who produced society. These models of social life had in turn been a reaction to the 'old' institutionalisms, which saw people and groups as embedded in, and social life determined by, larger structures. The various 'new' institutionalisms incorporate a tension in the relation between structure and agency, seeing "the social environment as affecting the behaviors and practices and ideas of people and groups now conceived as bounded, purposive and sovereign actors" (790). The various new institutionalisms differ from one another, however, in their conceptions of actors and institutions and which of their properties are relevant.

## 1.1. Historical institutionalism

In extreme realist institutionalism, institutions are rules "created by the actors themselves, whose existence and character are seen as entirely prior to the institutional regime" (Meyer 2008: 791). In less realist versions of new institutionalism, institutions are primarily thought of as norms, a version which is especially common in political science. "In the most realist theories, a norm is created by the actors involved, and has binding power over an actor only inasmuch as that actor continues to support it. In less realist versions, norms may have been

created by forces in the past, and may have binding power whether or not present actors support them" (ibid).

The focus in HI tends to be on regimes and governance mechanisms and examining how the state distributes power among actors and shapes actors' conceptions of their interests (Scott 2008). Historical institutionalists emphasise that structures and outcomes are often not those planned or anticipated, but are often unintended consequences (ibid). The principal theoretical concept in HI is path dependence: institutions are the product of specific historical episodes or turning points which are then followed by a period of stasis or lock-in. Various concepts (such as positive feedback, increasing returns, sunk costs, etc,) are used to explain the 'stickiness' of institutions and why "once a path is taken, once-viable alternatives become increasingly remote, as all the relevant actors adjust their strategies to accommodate the prevailing pattern" (Thelen 2012:263). The forces behind the creation of an institution may therefore be different to the forces sustaining it (Stinchcombe 1968). Path-dependency perspectives generally consider that historical trajectories are only interrupted by 'critical junctures', or exogeneous shocks, this is known as the 'punctured equilibrium model' (Thelen 2012).

State traditions of labour relations have been analysed from an historical institutionalist path dependency perspective by Crouch (1993). For example, where pre-industrialisation traditions of guilds' adopting a regulatory role has not been interrupted (e.g. in Germany) corporatism prevails, as it also does in social democratic state traditions - Sweden usually being the absolute paradigm case (Crouch 2012). According to the HI perspective then, one would expect a social

dialogue approach to diversity issues in both these countries. However, the analysis in Chapter Two has demonstrated that this is not so straight forward. As Crouch (2012) argues, the typologies of capitalism literature has always had difficulties in categorising France, and the analysis in Chapter Two (of the paradox of strong state intervention, which has simultaneously both bolstered and undermined unions institutionally, the political rivalries between unions and adversarial relations between social partners) has demonstrated that an HI analysis of state traditions of industrial relations cannot predict whether unions would be involved in a social dialogue based approach to diversity management or not.

Thelen (2012) criticises the punctuated equilibrium model, arguing that many institutions survive periods of major upheaval and huge historic breaks, whilst subtle changes occur over time so that institutions may still exist but in a very different form to the one they existed in before. Path dependence perspectives have focussed on how, over time, institutional arrangements have come to serve functions that are quite remote from those originally intended, how they can change the prevailing balance of power among societal groups, and how they can become resources for actors engaged in contests over the types of practices that are coded as appropriate (ibid). However, Thelen (2012) argues that path dependency perspectives have not sufficiently addressed how institutions continue to evolve over time. She therefore addresses this deficit using the concepts of institutional layering and conversion, although she acknowledges that other processes, for example atrophy and drift, can also be used to explain institutional change and evolution. Amongst these processes, layering appears to be the most useful concept for my research as diversity management can be considered a new institutional 'layer' that has been added to the

existing institutional arrangements for equality, anti-discrimination and integration. According to Thelen (ibid) layering involves the partial renegotiation of some elements of a given set of institutions whilst leaving others in place. New layers are often added onto old institutions that cannot be fully renegotiated or disposed of, but the new layer creates change in the overall system and changes its trajectory. Thelen (2012:275) argues that to understand how institutions evolve, "it may be more fruitful to aim for a more fine-grained analysis that seeks to identify *what aspects* of a specific institutional configuration are (or are not) renegotiable and *under what conditions*" (italics in original). This is central to my research since Chapter Two has demonstrated that a social dialogue approach to equality and anti-discrimination issues seems to be renegotiable under certain conditions. I explore how these conditions might be theorised in section 4.

### 1.2. Sociological institutionalism

In the "core ideas of modern sociological institutionalism" institutions "are likely to have prior and exogenous historical origins" to contemporary actors (Meyer 2008:791-792). And they penetrate actors in more complex ways – through realist 'coercive' processes, normative controls, and, from a phenomenological perspective, through taken-for-granted standards. This can be seen in Scott's (2008:51) 'three pillars' of institutions.

The regulative pillar of institutions is manifested in rules, which which people are coerced to comply with because they fear punishment (sanctions) if they do not. The normative element is about values and norms, socially binding moral expectations, which people comply with because they consider this to be appropriate behaviour.

The cultural-cognitive element of institutions has a "moral and ontological status of taken-for-granted facts" (Barley and Tolbert 1997:99), it is concerned with routines and scripts for behaviour; "compliance occurs in many circumstances because other types of behaviour are inconceivable; routines are followed because they are taken for granted as 'the way we do things'" (Scott 2008:58). Scott (2008:62) argues that "in most empirically observed institutional forms" the three elements work in combination although "in many situations, a given pillar will assume primacy". However, it is the emphasis on the cultural-cognitive pillar, which is the defining feature of modern sociological institutionalism (Dimaggio and Powell 1991, Scott 2008). The primary importance of the normative and cultural cognitive pillars of the institutional framework in shaping the discourses and practice of diversity can be seen in the studies discussed in Chapter Two (e.g. De los Reyes 2001a,b, Kamp and Hagedorn-Rasmussen 2004, Wrench 2004, Greene et al. 2005, Boxenbaum 2006, Kalonaityte 2010, Tatli et al. 2012).

Another approach to SI is the institutional logics approach (Thornton et al. 2012). Institutional logics are "the socially constructed, historical patterns of material practices, assumptions, values, beliefs, and rules by which individuals produce and reproduce their material subsistence, organize time and space, and provide meaning to their social reality" (Thornton and Ocasio 2008:101). They are thus very resistant to change. Multiple and conflicting institutional logics can exist in any social setting, (although some will predominate over others) for example a market logic versus a family or religious institutional logic (Friedland and Alford 1991, Thornton and Ocasio 2008, Thornton et al. 2012). As we have seen in Chapters One and Two, when diversity management is translated into other societal contexts there may be

conflict between a business case market logic and a social justice logic, or a conflict of institutional logics about 'sameness' and difference approaches to social justice.

However, SI has been criticised for using overly-deterministic and static definitions of institutions (Schmidt 2008), which have been seen as producing stable equilibria through all-defining cultural norms. For my analysis of trade union responses to diversity management, for example, an SI approach would mean examining the influence of the cultural-cognitive and normative institutions of citizenship and integration models (see Chapters One and Two) and would therefore expect union responses to diversity management to be negative in France and positive in Sweden and Germany due to their different ideologies concerning cultural and ethnic differences. This, however, does not take into account the potential for diversity management and institutions of citizenship and integration to evolve in response to one another. In the next section I argue the need for a DI approach building on the work of Schmidt (2006, 2008, 2010), which takes into account the recursive nature of institutionalisation, and the relations between institutions, ideas, interests and power in order to address the shortcomings of the studies of diversity management reviewed in Chapters One and Two. I also discuss where DI needs further development in order to provide a fuller understanding of trade union responses to and involvement in the institutionalisation of diversity discourses.

## 2. Discursive institutionalism and Schmidt's integrated approach

Hall and Taylor (1996) famously argued for an integrated approach to the 'new institutionalisms' by examining their strengths and limitations and to what extent

they can complement one another. They identified four features of HI and three features of SI. For HI scholars, the relationship between individual behaviour and institutions is either based on strategic calculation and thus overlaps with rational choice institutionalism ("institutions affect behaviour primarily by providing actors with greater or lesser degrees of certainty about the present and future behaviour of other actors" p.939), or it is based on a 'cultural approach' and thus overlaps with sociological institutionalism ("institutions provide moral or cognitive templates for interpretation and action" ibid). Second, HI particularly emphasises asymmetries of power (how institutions unevenly distribute power and access to decision making). Third, HI argues that social causation is path dependent in that the same operative forces will not have the same results everywhere, but rather will be mediated by the institutions in a given context. Fourth, HI has been "especially attentive to the relationship between institutions and ideas or beliefs" (p.942). However, Hall and Taylor have not pointed out that the examples they provide are of the ways in which institutions influence ideas, but not the other way around.

The three features of sociological institutionalism identified by Hall and Taylor (1996) are first, that SI breaks down the divide between 'institutional' and 'cultural' explanations by re-defining 'culture' (cognitive scripts and moral templates) as institutions. Second, SI sees institutions and individual action as mutually constitutive; Institutions do not simply affect the strategic calculation of individuals but also their most basic preferences and their very identity. Individuals and organisations seek to define and express their identity in socially appropriate ways and by doing so reinforce the institutions they are adhering to. Third, organisations

adopt new institutional practices because they enhance the social legitimacy of the organisation.

Schmidt (2006, 2008, 2010) has integrated these approaches but has labelled her discursive institutionalism approach a fourth 'new' institutionalism because it also asks when the ideas and discourse of sentient agents are important for endogenised institutional change, and emphasises the importance of the recursive relationship between ideas, discourses and the institutional environment.

Schmidt argues that within political science, rational choice institutionalists, historical institutionalists and sociological institutionalists have all recently turned to ideas in order to overcome the difficulties they encounter within their own institutionalist tradition in explaining change. For Schmidt, the tipping point from any of the other institutionalisms into DI is where the turn to ideas undermines the basic premise about stable equlibria and endogenises change. DI endogenises change when agents "get beyond their institutional constraints" by conveying ideas through discourse, which has a causal effect on their environment (Schmidt 2012a:710). This occurs through processes of reframing, recasting, collecting memories and narratives, advocacy coalitions, communicative action, and deliberative democracy (Schmidt 2010:5). Bell (2011) has criticised the need for a new constructivist or discursive institutionalism, arguing that there are two strands of HI and one of them - an agent-centred HI - is already capable of explaining change.[12] According to Bell

---

[12] Bell (2012) accuses Schmidt of incorrectly categorising all HI as structurally determinist, whereas he accuses Schmidt of seeing agency as radically ideational and seemingly unimpeded by institutional constraints, ending up with a "form of analysis which relegates institutions to a vague or almost meaningless role" (890). Like Schmidt (2012), however, I do not recognise Schmidt's work in Bell's rendition of it. On the contrary, Schmidt (2012)

(2011, 890) "In rejecting what they see as excessively 'sticky' HI", Schmidt and others "have lost the opportunity to ground HI in a more agency-based approach that is capable of absorbing constructivist insights and offering a rounded account of institutional change". Bell (2011) draws primarily on the work of Thelen (2003), Campbell (2004), Mahoney and Thelen (2010) and Streeck and Thelen (2005) to demonstrate that HI can explain agency driven change through rule imprecision, ambiguity and degrees of discretion during rule enforcement (Mahoney and Thelen 2010), actors' creativity in interpreting or bending rules (Streeck and Thelen 2005), power struggles as actors exploit their institutional positions and deploy resources to reshape their institutional environment (Mahoney and Thelen 2010), and various forms of incremental change such as layering, conversion or bricolage (Thelen 2003, Campbell 2004, Streeck and Thelen 2005). Schmidt (2012a:709), however, argues that whilst this literature has "made great progress in endogenizing change" it has only helped "to describe change, *it does not explain it*, since to explain change they would need to make reference to what actors think and say that leads to change, (…) Mahoney and Thelen cannot, in their own theoretical terms, explain how such agents bring about change. This is because they do not theorize about the ideas such agents may use to interpret what has gone wrong, what to do about it, how to mobilize or how they persuade others to join them" (italics in original).

Schmidt (2006, 2008, 2010) offers an approach to DI which integrates ideas, institutions, interests, power and exogenous factors. Discourse according to Schmidt (2008:305) is a term that "encompasses not only the substantive content of ideas but

---

convincingly explains how Bell's own empirical analysis is actually more constructivist than it is institutionalist.

also the interactive processes by which ideas are conveyed. Discourse is not just ideas or 'text' (what is said) but also context (where, when, how, and why it was said). The term refers not only to structure (what is said, or where and how) but also to agency (who said what to whom)".

Whilst Bell (2011:889) accuses Schmidt of "losing sight of the 'structural constraints derived from the three older institutionalisms'", Schmidt emphasises that her integrated approach to DI aims to "show empirically how, when, where, and why ideas and discourse matter for institutional change, and when they do not" (2010: 21). In answering this question the approach also has to take into account how, when, where, and why other factors such as institutional context (regulative, normative and cultural-cognitive), interests, material reality, unintended consequences and exogenous shocks matter for both change and continuity (Schmidt 2008). The older new institutionalisms are seen as complementary to DI because they "provide background information for what one normally expects, given the structural constraints, as opposed to what one often gets - the unexpected - which may better be explained by DI" (Schmidt 2008:314). Schmidt (2010) also argues that DI needs to use the institutional rules and regularities, critical junctures and incremental change of historical institutionalism as background information because: "DI does not purport to explain all change (…) events outside of peoples' control occur all the time, material conditions do change, actions often have unintended consequences (…) DI, however, shows that much change can and should be explained in terms of sentient agents' ideas about what to change (or continue) - if nothing else, in response to occurrences on the outside" (Schmidt 2010:12).

For my research, this means exploring what institutional factors, material conditions, interests and events matter in shaping ideas and discourses about diversity. It means explaining how the ideas of 'diversity' and 'diversity management' matter for change in models of integration and institutionalised approaches to equality and social dialogue. It then involves examining how such changes may be influencing trade union responses to, and involvement in, diversity management, and what other factors are relevant. Finally, how might trade union involvement be influencing ideas and discourses about diversity (see figure 2).

**Figure 1: SI approach to diversity discourses and trade union responses to diversity discourses in the existing literature**
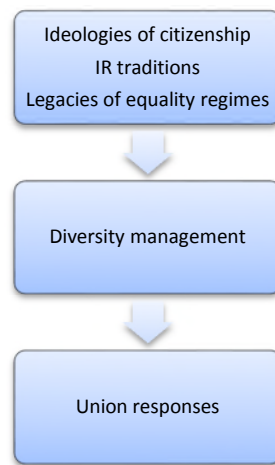


**Figure 2: Integrated DI, SI and HI analysis of trade union responses to diversity discourses**
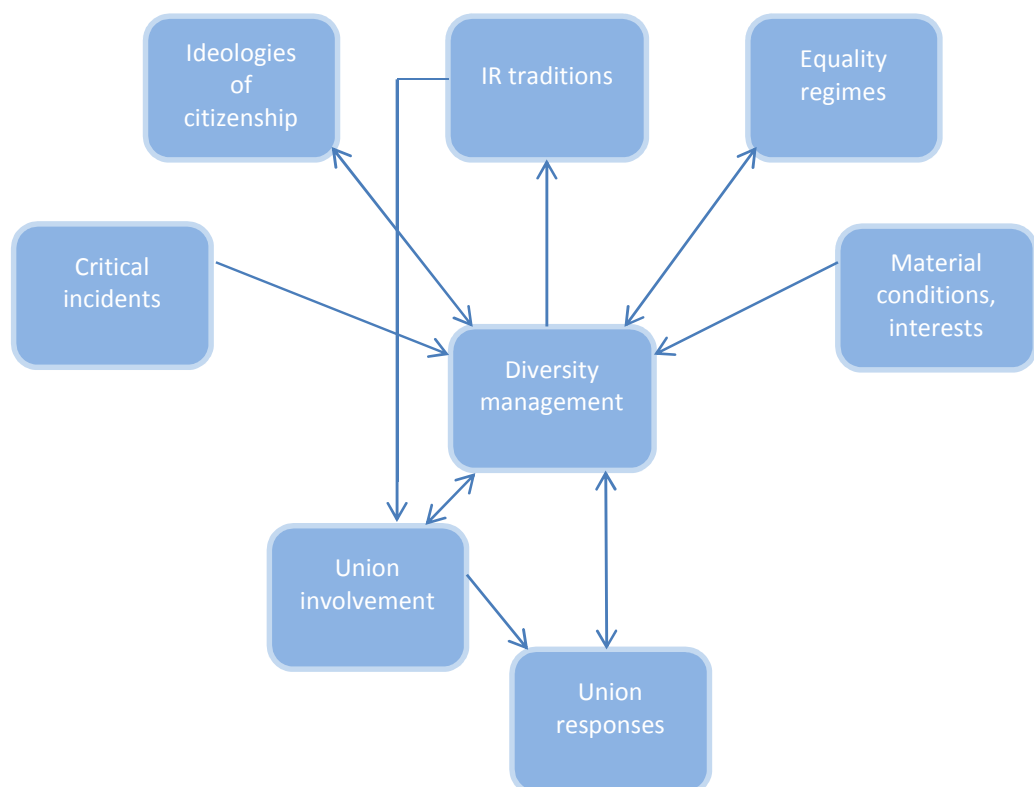
In contrast to the rational choice and historical institutionalisms, Schmidt (2008) points out that "In SI, we cannot talk about a turn to ideas or even discourse as such, since SI is all about ideas and discourse, in particular with regard to questions of norms, cognitive frames, and meaning systems, and the ways in which they are created and changed" (2008:320). Schmidt (2010) explains, however, that in SI the objects of explanation are the norms and culture of social agents, whereas in DI the objects of explanation are the ideas and discourse of sentient agents. SI merges with DI according to Schmidt (2008, 2010) where it treats ideas as dynamic constructs rather than as static structures, and where its concern is with the dynamic construction of ideas and discourse. Sociological institutionalists who do not take a discursive approach start "at the level of 'collective representations' of ideational social facts and then trace the impact of these representations on behavior" rather than beginning "with the actual social construction of meanings and significance from the ground up" (Ruggie 1998:884-85).

What this means for my analysis of how diversity management has been presented in each country and why (research question 1) has already been discussed in the critiques of Greene et al. (2005) and Tatli et al. (2012) in Chapters One and Two: So for example, the assumption in Tatli et al. (2012) is that Germany's collective guilt about its Nazi past has made race-related issues a taboo subject leading to the alleged greater neglect of ethnic discrimination in comparison to other types of discrimination. Here culture is treated as a given, the claims about the relationships between discourses of diversity and purported ideational social facts (or cultural-cognitive and normative institutions) are not supported by an analysis of the social construction of these discourses. I argued in Chapter One that Greene at al. (2005)

117

have based their analysis of Danish unions' responses to diversity management on an Anglo-Saxon definition which did not take into account the construction of Danish diversity management through social dialogue.

For discursive institutionalists such as Schmidt (2008) and Kjaer and Pedersen (2001), the dynamic dimension of institutionalisation refers to institutionalisation as an ongoing work in progress, but more importantly to the recursive nature of the relationship between the ideas and discourses being institutionalised on the one hand, and the institutional and meaningful environment on the other; both may be changed in the process of institutionalisation. In my analysis of trade union responses to diversity management this means assuming that discourses of diversity are not just shaped by the institutional environment/ framework/logic[13], they also have an impact on that environment/framework/logic, probably resulting in some degree of institutional change which will in turn influence union responses. This aspect of recursivity has been largely ignored in the existing literature aiming to contextualise diversity management except for descriptions of how the regulatory framework has changed[14].

For Meyer (2008:792) modern sociological institutionalism sees institutions as "likely to have prior and exogenous historical origins" to contemporary actors, and therefore emphasises structure over agency. For Schmidt (2008, 2010), however,

---

[13] Schmidt (2008, 2009, 2010) refers to the 'institutional and meaningful environment', Scott (2008) to the 'institutional framework', Thornton and Ocasio (2008) to 'institutional logics'. In my opinion, these concepts are largely equivalent.
[14] Kamp and Hagedorn-Rasmussen's (2004) study is an exception but this is a study at the level of one organisation. Omanovic (2006) has demonstrated that diversity discourses are the subject of ongoing social construction but has studied only the impact of the institutional environment on the evolution of diversity discourses rather than *vice versa*.

discursive institutionalism merges with the more structurationalist[15] sociological institutionalism in that it "simultaneously treats institutions as given (as the context within which agents think, speak, and act) and as contingent (as the results of agents' thoughts, words, and actions). These institutions are therefore internal to the actors, serving both as structures that constrain actors and as constructs created and changed by those actors" (Schmidt 2008:314). Social structures are therefore "inseparable from the reasons and self-understandings that agents bring to their actions" (Wendt 1987:359). In my analysis of how trade unions may be influencing diversity discourses and policies (research question 3) this means taking into account not only the impact of institutional logics on their responses (how structure limits choice), but also how trade union representatives (and other actors) can use institutions as strategic resources (Boltanski and Thevenot 1991, Thelen 2012), and how they can use diversity management strategically to change the institutional environment. For example, in Kamp and Hagedorn-Rasmussen's (2004) study of a Danish trade union's implementation of a diversity management policy, the union's interpretation of diversity management was clearly adapted to address what they perceived to be the major problem; breaking down the negative cultural stereotypes of immigrants held by the Danish workers and managers. Given their cultural context and their identity they chose (or were constrained) to replace the discourse of valuing differences with discourses which emphasised sameness, and to implement the policy through practices based on assimilation. Kamp and Hagedorn-Rasmussen

---

[15] Giddens' (1984:25) theory of structuration refers to the "duality of social structure" which constrains actors in their behaviour but also provides them with the 'agency' to change that structure. Actors are therefore able to act in order to create, maintain, diffuse, change, or disrupt institutions, whilst their actorhood and agency are "socially conferred" and "scripted by institutional structures" (Meyer 2008:792).

(2004) have analysed how the union used already institutionalised discourses (of social responsibility and solidarity) as a resource, and combined them with a diversity management discourse in a creative process to bring about change.

Panizza and Miorelli (2013:305) have critiqued Schmidt's way of presenting the relations between ideas, power and discourse: "According to Schmidt, discursive power comes from the ability of sentient agents with good ideas to use discourse effectively (…) and the success of ideas is ultimately related to the relevance of ideas at hand, their adequacy, applicability, appropriateness and resonance". For Panizza and Miorelli (*ibid*) on the other hand, "power is embedded in the relations of antagonism and exclusion that are the defining political dimension of discursive practices". Quoting from Howarth and Stavrakakis (2000), they argue that by excluding certain possibilities, the constitution of discourses structures the relations between different social agents. Discursive operations thus institutionalise the power relations of a particular social order (Panizza and Miorelli 2013). For my research this raises the question of what power relations are institutionalised by the constitution of discourses of diversity - and by trade unions' responses to them.

Kamp and Hagedorn-Rasmussen (2004), for example, pose the question whether the egalitarian approach of the Danish unions may lead to ethnocentric attitudes, rendering their role as progressive actors in diversity management problematic. I would argue that they could have addressed this question in more depth using Schmidt's concepts of agents' 'background ideational abilities' and 'foreground discursive abilities'. Schmidt (2008) uses these concepts in order to explain the dynamics of how agents are able to endogenously change their institutional

environment. Background ideational abilities "underpin agents' ability to make sense of and in a given meaning context, that is, in terms of the ideational rules or 'rationality' of that setting" (314). In other words, these abilities are based on agents' background knowledge of prevailing institutional logics. Schmidt argues that background ideational abilities are used by actors to create and maintain institutions, whereas agents use foreground discursive abilities to change or maintain their institutions: "These discursive abilities represent the logic of communication, which enables agents to think, speak, and act outside their institutions even as they are inside them, to deliberate about institutional rules even as they use them, and to persuade one another to change those institutions or to maintain them" (ibid). This has implications for my analysis of trade union responses to diversity management; I would argue that Kamp and Hagedorn-Rasmussen (2004) could have explored to what extent the trade unions were using their foreground discursive abilities to critically reflect on and change their institutional environment. Kamp and Hagedorn-Rasmussen (2004) have not asked for example whether the concept of diversity had led the actors to reflect on their underlying taken-for-granted normative and cognitive frameworks. I would argue that this approach is necessary in order to explore how unions may be influencing diversity discourses, and the potential implications of their responses to diversity management for equality agendas (research question 3).

## 3. But who gets to be an actor?

DiMaggio (1988) argues that "institutionalization is a product of the political efforts of actors to accomplish their ends (...) the success of an institutionalization project

and the form that the resulting institution takes depends on the relative power of the actors who support, oppose, or otherwise strive to influence it" (DiMaggio 1988:13). But who gets to be an actor? We have seen in the literature review in Chapter Two that some discourses of diversity can potentially marginalise trade unions due to their emphasis on a voluntary, unilateral, top-down and individual approach and that industrial relations traditions, employment regimes and the organisational and institutional power of unions are not sufficient to explain trade union involvement in a social dialogue approach to diversity management. DI argues that the substantive content of discourses is determined by interests and institutions in the political process of institutionalisation. This still does not tell us anything, however, about how the actors in the process came to be actors in the process. Schmidt's concepts of background ideational and foreground discursive abilities are the tools with which pre-given agents exercise their pre-given actorhood, but Schmidt's approach of 'who said what to whom, when where, how and why' has not included the question of why X was allowed to be heard whilst Y was not. Philips et al.'s (2004) discursive model of institutionalisation tells us that the successful institutionalisation of a discourse depends on the legitimacy of the actors promoting it, but where does this legitimacy come from? Hall's (2012:113) criticism of political economists can also be applied to studies of diversity management: "one of the central issues in political science has always been: Whose voices are being heard in the political process (…) Yet few have asked: Who gets represented in the decision-making processes that produce specific patterns of economic policy and performance?" I would add, 'and why?' to the end of this question.

Like Panizza and Miorelli (2013), Hardy and Phillips (2004:299) argue that power and discourse are mutually constitutive; discourses "shape the system of power that exists in a particular context by holding in place the categories and identities upon which it rests. In other words the distribution of power among actors, the forms of power on which actors can draw, and the types of actor that may exercise power in a given situation are constituted by discourse". Relations of power then in turn shape who is able to influence discourse. They also quote Clegg (1989:183): "To the extent that meanings become reified in certain forms, which then articulate particular practices, agents and relations, this fixity is power". But if fixing and reification are institutionalisation then is it not the discursive processes of institutionalisation which shape – at least partially – power relations?

Kelly and Dobbin's (1998) study of the de-institutionalisation of affirmative action in the US and the institutionalisation of diversity management in its place is a study of how processes of (de)institutionalisation can affect actorhood (the status of being a legitimate actor), although the authors have not explicitly theorised this aspect of their findings. Theirs is a study of institutional entrepreneurship in which equality professionals created diversity management in order to legitimate and maintain their actorhood. My concern, on the other hand, is with how the translation of diversity management into other cultural contexts affects the actorhood and relative power of trade unions in those contexts.

## 4. Processes of institutionalisation

If institutionalisation is a political process (DiMaggio 1988), the motivations (interests) of the actors initiating and advocating the institutionalisation of diversity management are crucial to understanding what form it will take and thus how trade unions respond to it. Actors' motivations for promoting the institutional diffusion of diversity management to other countries have been analysed using supply and demand-side institutional explanations. Supply-side explanations for institutional creation and diffusion have been theorised by Meyer (1994) and his theories have been applied in Kelly and Dobbin's (1998) and Edelman et al.'s (2001) studies of diversity management in the US. Meyer (1994) argues that it is in the interests of certain types of actors, notably in the sciences and professions, to devise new ideas, which they present as the solutions to problems they have identified. As they themselves are the providers of these solutions it is in their interest to persuade potential adopters that there is indeed a problem for which their solution is necessary. Adoption of these new solutions is then presented as proof of 'modernisation' and normative isomorphic pressure is placed on organisations to demonstrate that they conform. Kelly and Dobbin (1998) argue that equal opportunities managers were institutional entrepreneurs because they devised diversity management as the solution to their own problem of survival as a profession, and then promoted it as the solution to the needs of business. Similarly, Edelman et al. (2001:1595) also found that US diversity management professionals were using "rhetoric not only to construct the cultural problems that require attention but also the solutions that will solve those problems".

Edelman et al.'s (2001) analysis, however, also indicates that there were demand-side motivations for the diffusion of diversity management. They use diversity management as an example of their theory of the 'managerialisation of law', arguing that US management consultants used diversity management rhetoric to reframe ideas inherent in civil rights law. They demonstrate how the construction of diversity in the professional management literature supplements the purely legal categories protected by civil rights law, which are "grounded in moral efforts to right historical wrongs, with a managerial vision of diversity, which is grounded in the notion that organizations must adapt to their environments in order to profit" (Edelman et al. 2001:1626).

This fits well with Sahlin and Wedlin's (2008) explanation of the diffusion of soft regulation: They argue that the best way for actors to undermine or avoid a regulatory set-up that is not in their favour is to drive a competing regulatory set-up. Thus, one demand-side explanation for the diffusion of diversity management could be employers' efforts to avoid tougher equality legislation. This theory provides an additional interpretation to Kelly and Dobbin's (1998) argument that equal opportunities managers created a role for themselves as solution providers; they were able to do this because the backlash to affirmative action policies created a role for institutional entrepreneurs to drive an alternative, competing form of soft regulation. Similarly, Thelen's (2012) concept of institutional layering can be used to argue that diversity management can be added onto existing institutional arrangements for equality, anti-discrimination and integration that are difficult to renegotiate (for example a social dialogue approach) in order to create change in the overall system and alter its trajectory. Thelen (2012) calls for fine-grained analysis into what

aspects of specific institutional configurations are renegotiable and under what conditions. It seems plausible then to argue that where the diffusion of diversity management appears to be explained primarily by the supply-side motivations of self-interested actors (e.g. consultancies or management schools) or the demand-side motivations of employers, discourses of diversity are more likely to emphasise a top-down, unilateral managerial approach based on business case justifications, which may lead to a (partial) renegotiation of the overall system of arrangements for dealing with equality, anti-discrimination and integration.

Campbell (2004) observes that actors' responses to ideas will depend on their interpretation and/or definition of the problem they are faced with, which is in turn shaped by the institutional context, and particularly the cultural-cognitive and normative institutional context. This can be seen in the findings of Kamp and Hagedorn-Rasmussen (2004), Boxenbaum (2006) and Holvino and Kamp (2009), who found the appeal of diversity management in Denmark to be based more on its potential to combat negative stereotypes of immigrants, than on business case arguments. This fits with Suchman's (1995) demand-side theory for institutional diffusion according to which actors create institutions (or in the case of diversity management in France, Germany and Sweden, translate and institutionalise rather than create, but the theory works just as well) as solutions to recurrent problems which pre-existing institutions cannot solve. Suchman (1995:43) argues that in such cases it is more likely that actors participate in "a more thorough-going 'theorization' of the situation – in other words, to formulate general accounts of how the system works and, in particular, of which solutions are appropriate in which contexts". This theorisation constitutes 'institutional work' (Lawrence et al. 2011)

and I argue that this institutional work will affect who the actors are i.e. which actors are considered necessary and appropriate to carry out this work. Suchman's theory is very similar to the discursive institutionalists' theory noted by Campbell and Pedersen (2001:11) that "perceptions of institutional crisis coupled with the presence of alternative discourses, through which actors define and interpret crises in new ways and propose new solutions to them, are essential conditions for institutional change". It seems plausible that if the introduction of diversity discourses and policies is seen as a solution to a socio-political institutional crisis, then the likelihood that trade unions are involved in a social dialogue approach to diversity will be greater.

For Schmidt (2008) cultural framing refers to sociological institutionalism's static concept of the process in which institutionalised norms and scripts determine actors' behaviour. Benford and Snow (2000), however, have a more dynamic and discursive definition of cultural framing, in which agents actively reframe issues and problems. Cultural re-framing or translation are the 'institutional work' (Lawrence et al. 2011) required of actors when new ideas are introduced. Schmidt (2008:309) argues that policy makers need to convince citizens that the ideas underpinning policies are the most appropriate to resolve the problems at stake, but also that they are in line with the prevalent normative ideas, worldwide views and values of a given polity (i.e. cultural-cognitive and normative institutions). Depending on how much dissonance there is between an institutional logic and a new idea there may be a lot of translation/cultural re-framing work to do or not. The amount of cultural re-framing which is necessary may impact on who the actors are, i.e. which actors are considered necessary and appropriate. The studies of the translation of diversity

management into Denmark (Kamp and Hagedorn-Rasmussen 2004, Boxenbaum 2006, Holvino and Kamp 2009) argue that translation was necessary because the original (or Anglo-Saxon) version of diversity management, which emphasises business rationales and differences, conflicted with Danish institutional logics. It seems plausible that where the Anglo-Saxon version of diversity management, based on Anglo-Saxon institutional logics concerning approaches to, for example, 'sameness' and difference, or economic and industrial democracy, conflicts with institutional logics in other societal contexts there is likely to be more need for translation, and that the greater the need for translation (or the greater the conflict of logics), the greater the likelihood that trade unions will be considered necessary in the process in order to bring greater legitimacy to the translated version. This seems even more likely where such a conflict of logics is combined with a perceived (or politically constructed) socio-political crisis in the existing institutional order.

It seems then - at least in the case of diversity management - that unions' moral/discursive power (and hence their involvement in a social dialogue approach) is largely conferred - or denied - by the processes of institutionalisation.

## 5. Summary: A more dynamic approach to comparing trade union responses to diversity management

This chapter has argued the relevance for my research of Schmidt's (2006, 2008, 2010) integrated approach to discursive institutionalism, which focusses on how, when, where, and why ideas and discourse matter for institutional change by examining who said what to whom, where, when, how and why. In order to carry out

this examination and to explain continuity as well as change, the approach needs to lean on the older 'new' institutionalisms with their focus on explanatory factors such as regulative, normative and cultural-cognitive institutions, interests, material reality, unintended consequences, critical junctures, exogenous shocks and incremental change.

A discursive institutionalist approach to examining how diversity management is presented and why, to what extent unions are involved in a social dialogue approach and why, how this affects their responses and what the potential implications of these are for equality agendas therefore analyses how the institutional environment limits the choices of actors in constructing and responding to discourses of diversity, how actors use institutions strategically as resources when constructing diversity management, how actors use diversity management strategically in their own interests, and how the institutionalisation of diversity management changes the institutional environment. It also needs to examine what power relations are institutionalised by these processes.

In order to provide a fuller understanding of trade union responses to discourses and policies of diversity, however, my research needs to explore to what extent trade unions are involved in the institutionalisation of diversity management, and why and with what effect. My approach therefore builds on DI, SI and HI to address how the processes of institutionalisation of diversity management structure the involvement and relative power of trade unions.

# Chapter Four

# Methodology and research methods

## Introduction

This chapter explains the philosophical assumptions upon which the research questions are based and the process of theorising in my research strategy. It then discusses the societal effects approach taken to conducting comparative research. Following this I explain the research design: the choice of qualitative methods of semi-structured interviews and documentary data collection, and the targeted sample of interviewees (the choice of countries has already been explained in Chapter One). I explain how my research design was guided by my theoretical approach and try to demonstrate a level of methodological awareness by presenting a reflexive account of the collection and analysis of the data and the procedures used to ensure that the methods were reliable and the conclusions valid.

## 1. Philosophical assumptions

My overarching research aim is to find explanations for trade union responses to diversity management. In Chapter One I suggested that trade union involvement in a social dialogue approach was likely to affect not only unions' responses to diversity management but also what diversity management is. In Chapter Three, I suggested that the mechanisms and processes of institutionalisation are likely to affect whether a social dialogue approach to diversity management is taken or not - at least in the continental European countries selected for this study. The research aims therefore

fit with a critical realism approach, which "aims to move beyond the discovery of empirical regularities to understand the mechanisms that not only produce these regularities but also determine when they will occur and when they do not" (Edwards 2005:268).

As discussed in Chapter Three (and again in section 9 below), the search for underlying causal mechanisms is operationalised in this research through Schmidt's (2006, 2008, 2010) discursive institutionalism approach. The latter is based on a moderate constructivist position in which institutions are socially constructed but are nevertheless real because they constitute interests and cause things to happen; they are 'social facts' in Searle's (1995) sense (Schmidt 2012b). Sayer (2007:90) argues that this kind of constructivism is compatible with a critical realist approach: "Realists can happily accept weak social constructionism, while noting that the social character of knowledge does not mean that it cannot successfully identify real objects (including social constructions) which exist independently of the researcher."

Socially constructed phenomena such as institutions:

> "still often come to have a substantial independence from the 'constructions' (…) which external observers such as social scientists have of them. Even to insiders, the objectification of an institution in real resources and relations means that not just any interpretation will be practically adequate" (Sayer 2007:90).

Elder-Vass (2012:10) further argues for the compatibility of moderate social constructionism with critical realism so that "the causal mechanisms that lie behind

social construction can be analysed and understood". In critical realism these mechanisms are the interaction of multiple causal powers, "including the powers of both individual agents and social structures, and indeed other material objects" (ibid p.12). These powers are emergent and contingent; they are emergent because they "would not exist if the parts concerned were not organized into a certain type of whole" (ibid p.10). They are contingent because the social events produced are the result of the combination of powers present on any one occasion (ibid). For this reason causal powers are only ever tendencies rather than empirical regularities (ibid). Elder-Vass (2012) argues that a realist social constructionism sees language, discourse and culture (which are assigned a critical role in the process of construction in social constructionism) as not only products of interacting causal powers, but also as causal forces themselves. "This opens up the prospect of seeing social construction as a real causal process, or a family of such processes" (12).

Schmidt (2012b), however, critiques the position on the structure-agency relationship in critical realist approaches such as Archer's (2000) morphogenetics for restating rather than solving the problem (Schmidt 2012a), and offers instead the turn to ideas and discourse, and particularly actors' 'background ideational' and 'foreground discursive abilities' as an explanation of how agents can create, maintain and change institutions.

This research claims to combine a moderate constructivist theoretical underpinning (in line with Schmidt's DI), with a critical realist methodological interest in causal mechanisms.

## 2. The status of my account

Sociologists and historians of science have demonstrated "that what is counted as true and false changes regularly, suggesting that it would be ill-advised to take any current view as definitive and timeless" (Wetherell and Potter 1992:66). My account of diversity management and trade union responses to it in France, Sweden and Germany is the interpretation of a person socialised and educated primarily in England (although I have spent many years living and working in continental Europe) and a discursive construction which is historically and culturally contingent.

Discursive institutionalism views discourses as being in an ongoing state of dynamic construction. It should therefore be noted that the interviews for this research were carried out during a short time frame (October 2008 to December 2009), whereas the documentary data were analysed over a period of several years (2004 to 2012) and the literature review has been ongoing. Since the interviews were carried out the debates around diversity have continued and there have been developments that could well have had an influence on trade union standpoints. It must therefore be kept in mind that the interview data reflect a specific stage in the debates about diversity and the ongoing evolution of the discourses.

## 3. The role of theory in my account

Mason (2011:181) argues that it is "debatable whether 'pure' forms of, for example, inductive, deductive, abductive or retroductive reasoning are ever actually practiced" and that "most research strategies in practice probably draw on a combination of these approaches". Research objectives were initially deductively derived from a

critique of the methodology and assumptions of previous research. The data collection and analysis then sought to inductively identify how unions responded to diversity management and why. When existing theories proved insufficient in explaining trade union involvement in and responses to diversity management and practices I began retroductively refining the theories by theorising "a model of an underlying mechanism which might have produced patterns seen in the data" (ibid 181). Retroduction is a way of conceptualising by identifying the circumstance without which something cannot exist (Meyer and Lunnay 2013) and according to Danermark et al (1997) there are five research strategies that can be used to facilitate retroductive inference, comparative case studies being one of them. "In comparing different cases, the researcher can determine what (X) is, and the mechanisms that must be in place for it to occur, by identifying the different qualities and structures that are involved in different situations" (Meyer and Lunnay 2013).

## 4. Comparative approach

Most studies on diversity management in national contexts have been either single country studies or parallel descriptions. Rather than producing here only parallel descriptions of the role of social dialogue in diversity management and trade union responses to diversity management, a comparative approach has been taken in order to explore the reasons for similarities and differences and whether these can be theorised in order to be of more use to policy-makers. For example, when is a social dialogue approach more or less likely, what impact does a social dialogue approach have on diversity management, and what impact does a social dialogue approach have on trade union responses to diversity management?

134

The approach I have taken to conducting comparative research is to draw on insights from Maurice et al.'s (1986) societal effects theory and Locke and Thelen's (1995) approach to contextualised comparisons in labour politics, whilst critiquing both from a discursive institutionalism perspective.

Maurice et al. (1986) developed their societal effects approach whilst comparing how work organisation at the micro level of the firm is shaped by interdependent national institutions at the macro level (education systems, the structure of business and industrial relations in particular) in France and Germany. 'Societal effects' aims to be a holistic approach based on the concept of the 'comparison of the incomparable', according to which:

> "isolated institutions cannot be compared term for term between countries. Instead they need to be located within a distinctive societal configuration. (…) This approach situates the particular features of a given domain in a broader social and economic context. The advantage of this for comparative research is to highlight the different types of constraints and opportunities facing a particular set of actors within these systems" (O'Reilly 2000: 345).

For societal effects analysts "the principle of comparability is no longer regarded as a problem to be solved or a difficulty to be overcome, but becomes rather the object of analysis" (Maurice 2000:16). Societal analysis conceptualises the macro/micro relationship as "sets of structural and relational interdependencies" the construction of which "gives them a '*coherence*' that excludes any term-for-term comparison between their various constituent elements" (Maurice 2000:17). These "'sets of

interdependencies' are the object of international comparison, as analytically coherent systems" (ibid: 23) and "it is through their location within a societal space that the analytical categories can acquire meaning, namely that inherent in their very specificity" (ibid: 28).

As discussed in Chapter One, the countries selected for this study lend themselves well to a comparison of how unions respond to diversity management and why due to their different immigration histories and citizenship institutions, the differing strengths, structures and identities of their unions, and the different levels of state intervention in IR institutions. The holistic societal effects approach is therefore useful for my research as isolating particular variables for explanation from the many potentially influencing factors is not feasible. Instead it is the articulation between all of the potentially influencing factors which is the object of comparison. However, whilst Maurice et al. emphasise only 'formal' institutions, for my research the sets of interdependencies are the relations between discourses of diversity, the actors involved in promoting them, unions, the institutional environment (regulatory, normative, ideological), material conditions, the economic context and critical incidents, and they can be grasped by analysing the 'who said what to whom, when, where and why' of DI.

Maurice et al.'s societal effects approach has been critiqued for the limited role for individual action and for not incorporating an analysis of institutional change (O'Reilly 1996). Dore (1973) and Gallie (1978) on the other hand have, according to O'Reilly (1996), straddled the ideational and institutional approaches. Dore (1973) for example, in his comparison of Japanese and British factories, gives equal weight

to the influence of ideology (Japanese Confucianism) and historical factors (late industrialisation in Japan). Similarly Gallie (1978) identified different cultural values about equality as one of the variables that shaped French and British workers' aspirations and experiences differently within given institutional structures. However, both of these approaches are still one-directional (top-down) in their analysis of institutional ideas on actors' behaviour.The emphasis of societal effects theory on the uniqueness of systems and incomparability of categories suggests that the resulting comparison risks taking the form of mere parallel descriptions, incapable of theorisation or generalisation. Maurice (1989: 188-9) insists that this is not so:

> "In our case, the pertinent categories are those that translate the specificity of each country, beyond even their institutional characteristics, according to the social meaning that dimensions or objects of analysis take on once they are captured in the 'spaces' in which they are embedded. (...) However, these national differences can nonetheless be inscribed in a more general theoretical space" (translated by Hammer 2003: 17).

This general theoretical space is that of "the forms of articulation between the different processes and actors of the respective societal ensembles" (Hammer 2003:17), or 'sets of interdependencies'. As I have discussed in Chapter Three the form of articulation theorised in this research is the articulation between the mechanisms and processes through which diversity management is institutionalised

and the involvement of unions in these processes, as well as how these sets of interdependencies shape unions' responses to diversity management.

Whilst a focus on differences is inherent in the societal effects approach, Locke and Thelen's (1995) contextualised comparisons approach has more of a focus on similarities. Locke and Thelen use the analogy of comparing apples with oranges in order to identify functionally equivalent 'sticking points' (potential for conflict in industrial relations) in decentralisation and flexibilisation processes. Whilst the objects of comparison may be different in each context (e.g. the end of solidaristic centralised wage bargaining in Sweden, and working time and wage flexibility in Germany), they have a similar effect. This approach is focussed on isolating elements (the contentious aspects) of responses to 'common forces' which are functionally comparable (or in their words 'analytically parallel'). Whereas the societal effects approach could be likened to comparing one fruit salad with another, Locke and Thelen emphasise that apples and oranges are both fruit. Locke and Thelen's approach is useful for my research in terms of comparing which aspects of diversity management are problematic for unions (and which are not) in each country and why.

Like 'societal effects', Locke and Thelen's approach is again focussed on formal institutions rather than ideas and is one-directional (top-down) in that it is focussed on the ways in which institutions shape actors' behaviours. Schmidt's (2008) discursive institutionalism on the other hand, combines a top-down approach with a bottom-up approach through the concepts of actors' background ideational abilities (top-down) and foreground discursive abilities (bottom-up) (see Chapter Three). The

bottom-up aspect of how actors use their foreground discursive abilities to change their institutional environment is complemented in this study with Gumbrell-McCormick and Hyman's (2013) conceptualisation of types of trade union power and their argument that the most important battle facing trade unions now is the 'battle of ideas'; In order to fight this battle they need moral and discursive power which is acquired through the effective communication of a vision of a different and better society, and of themselves as 'swords of justice'.

In summary then, I have drawn on insights from Maurice et al.'s (1986) societal effects approach for comparing differences, and from Locke and Thelen (1995) for comparing similarities. I have complemented these top-down approaches with the more actor-centred bottom-up insights from Schmidt's discursive institutionalism and Gumbrell-McCormick and Hyman's (2013) typology of trade union power. The combination of top-down and bottom-up approaches again underscores the usefulness of a discursive institutionalism approach to comparative industrial relations research.

## 5. Methods

The nature of my research questions, research approach and targeted sample of interviewees left little choice in methods of data generation. Neither quantitative methods (such as content analysis) nor a survey would adequately gain access to the various, and sometimes self-contradictory, discourses which respondents draw on. My research questions were exploratory and therefore required respondents to be

able to influence the agenda and produce longer accounts than surveys could offer them. Longer accounts were also necessary in order to identify themes.

Although an ethnographic study would arguably gain more insight into actual trade union practice, it was unsuitable for my research as trade unionists generally deal with issues of diversity on an occasional basis (e.g. when negotiations are underway or in committee meetings) and catching these moments in three different countries was not feasible. It would also severely limit the number of unions which could be studied in each country, making cross-country comparisons difficult, and it would limit the levels at which they are studied (national, sector or company).

In the semi-structured form of interview, the interviewer asks open questions and follow-up questions around themes in no rigidly fixed order and can change the formulation of the questions to suit the situation. This style of interviewing was particularly necessary for my research because the interviews were conducted in languages which were foreign either to me or to the interviewee(s). Special attention therefore had to be paid to discussing and clarifying nuanced cultural and linguistic terms to avoid misunderstanding on both sides.

Documentary data collection was necessary in order to analyse the dominant discourses of diversity and diversity management in each country, and to compare these with the responses of the trade unions. An alternative could have been to interview diversity 'champions' on the management side, as Greene and Kirton (2009) have done in their multi-stakeholder approach in the UK. However, this would either require a more ethnographic case-study approach in order to match union responses with management responses in the same organisation and therefore

a more restricted sample, or it would involve comparing a broad sample of union responses with a broad sample of diversity champion or HR managers' perspectives and the literature review revealed that HR managers' and diversity consultants' perspectives had already been (or were being) empirically explored in France and Germany. Moreover, in terms of my first research question (how is diversity management presented and why), making assumptions about who the principal actors in the construction and institutionalisation of discourses of diversity were would also have conflicted with the theoretical framework of discursive institutionalism (who said what to whom, when, where and why), and the societal effects approach (the comparison of the incomparable). I therefore chose to use documentary data analysis in order to explore who the major actors in these processes actually are.

## 6. Interview sample

My target sample of interviewees were union representatives who were particularly active in equality issues at national cross-industry and national sector level. These levels were targeted as, like Wrench (2004), I was looking for people who represent the "vanguard" of opinion on issues of diversity, who would be knowledgeable and representative of the current directions of thought and policy within their union on these issues. In practice, however, for many of the interviewees, issues of equality, discrimination and diversity were just one of their many responsibilities and they would not claim to have any special role or be especially activist in this area. This is an interesting finding in itself.

In France, where both trade unions and works councils are generally weak at workplace and company level (Artus 2010) and there are many unions at both sector and confederation level, the latter two were the most appropriate level at which to conduct interviews. This was also the appropriate level for interviews in Sweden, where there were three confederations at national level and the many sector level unions employed full-time researchers and policy officers to develop policy on issues such as diversity management. In Germany, however, I decided to target the company level as well, first of all because there were so few sector level unions due to mergers (the recently formed Ver.Di union, for example, represents the entire service sector). However, the 'comparison of the incomparable' premise (Maurice et al. 1986) that institutions cannot be compared term for term between countries also provides justification for doing interviews at company level in Germany due to the extensive co-determination rights of works councils, particularly in personnel matters, which differentiate the German Betriebsrat from almost all other institutions in other countries (Artus 2010). There was also a small amount of blurring between sector, regional and company level (particularly in France, but also in Germany, see Table 3 below).

I originally proposed to look at four sectors in addition to the cross-sectoral level, these being banking, metals, hotel and catering, and a high-tech engineering sector. The idea was to obtain a sample with both male and female dominated sectors, varying proportions of ethnic minority workers, manufacturing and service sectors, high, medium and low skill levels. This would allow an exploration of whether sector specificities were more important for union responses to diversity management than national context and whether differences between sectors preclude

142

theorising causal mechanisms across the three countries. In the end though, it was not always possible to find a respondent, or at least an available one, in these sectors and substitutes were sought (airlines instead of hotels and catering in Germany for example), or I was offered the chance to interview people in other sectors in addition to the ones I had targeted. I also intended to focus only on the private sector as I had found during my masters dissertation research and from the literature that diversity initiatives were driven almost entirely by the private sector in France and Germany. However, I found that it would have been unrepresentative to omit the public sector in Sweden due to its size and importance. Again this is justified by the societal effects approach of the 'comparison of the incomparable'.

In France, the sample which was finally obtained is weighted towards manufacturing and male-dominated sectors as I had difficulties contacting an available respondent within female-dominated sectors other than banking, which reflects the strengths and presence of French trade unions. However, I was able for my masters dissertation to interview representatives from the French CGT who were responsible for the hotel and restaurant sector and the social tourism and telesales sectors and I have drawn on this data also. This meant that the final sample contained company level data for France and Germany but not Sweden. The findings from the company level interviews carried out in France for the masters dissertation and the sector level interviews carried out for the PhD research are highly corroborative of each other and this has been noted in several places in Chapter Five (Table 2 at the end of this chapter provides a list of the interviews carried out at company level in France for the Masters dissertation). Although it cannot be assumed that the same would be the

case in Sweden, the small size of the country makes it highly probably that the sector level interviewees are well acquainted with what is happening at company level.

Gaining access to interviewees was fairly straightforward. I met the director of the French Observatory for Corporate Social Responsibility (ORSE) at a conference on diversity and he offered to fund my Masters research and provided me with the contact details of the federation level representatives who had been involved in the negotiation of the 2006 national cross-sectoral agreement on diversity. These interviewees then provided me with the contact details of respondents at sectoral level. It was very difficult, however, to contact anybody from the FO sector unions (after trying unsuccessfully to organise an interview with the FO in the car manufacturing site for the masters dissertation, this was eventually organised for me by the head of human resources whom I had met at a conference). Interviews took place in France between October 2008 and January 2009.

I also used the top-down approach to accessing interviewees in Sweden, where I was put in touch with the person responsible for integration issues for the LO by a Swedish researcher (Paulina de los Reyes) who has worked extensively on research commissioned by the Swedish unions. Interviews took place in Sweden between February and June 2009. I then called the German Federation of Trade Unions (the DGB) and explained that I had already interviewed their counterparts in France and Sweden, which I believe made them more receptive as they receive many interview requests from students and researchers. From the DGB I then obtained the contact details of possible respondents in the sector level unions. Interviews took place in Germany between September and November 2009.

Whilst acknowledging that the sample size is not large, I can argue that its strengths more than outweigh its weaknesses as the final sample has saturated the national cross-sectoral level, is broadly representative of the private sector level, and takes account of the particularities of trade union structures in each country. A list of the interviews carried out is provided in Table 3 at the end of this chapter.

## 7. Documentary data collection and analysis

My aim was to collect as much documentary data as possible in order to be able to identify dominant diversity and diversity management discourses. Documentary data was found largely via internet searches. I collected data from trade union websites and publications, employer websites, government websites, consultancy websites, newspapers, television and radio debates, conferences and 'diversity' events. Documentary data were also collected during interviews. Types of documentary data included diversity management manuals, policy documents, collective agreements, press releases, speeches, training materials.

I established a timeline of events for the institutionalisation of diversity and diversity management discourses from the literature and the research data. Such events include, for example, the production of employer charters for diversity, the negotiation of social partner agreements, the publication of official reports, the passing of legislation, political speeches and debates, forms of social unrest such as street riots, etc. I then created an inventory for each country, which organised the documentary data into categories of trade union texts, employer texts, government texts, other political texts (such as parliamentary debates, texts of opposition parties),

newspaper articles, television and radio debates, human resource management manuals and consultancy publications, and academic literature. It is unusual to use academic literature as a primary source of documentary data, however, I found that this category of literature, particularly on topics such as multiculturalism and ethnic monitoring, was often itself very culturally embedded, reflecting the cognitive and normative beliefs and attitudes which I was trying to explore. The documentary data were used first of all to prepare the interviews in terms of being aware of any socio-political debates surrounding the concepts of diversity/diversity management, and of any major initiatives on the part of employers or within social dialogue. I was therefore looking into the documentary data for the same broad themes which were in the interview schedule (i.e. who said what to whom, when, where and why, and the four dimensions of diversity management, see below). I also looked for themes in the documentary data so that I could explore these with the interviewees.

Prior (2011) conceptualises four approaches to the study of documents which are presented in the matrix below (taken from Prior 2011:95):

| Focus of research approach | Document as resource | Document as topic |
|---|---|---|
| Content | 1) Approaches that focus almost entirely on what is 'in' the document | 2) 'Archaelogical' approaches that focus on how document content comes into being |
| Function | 3) Approaches that focus on how documents are used as a resource by human actors for purposeful ends | 4) Approaches that focus on how documents function in and impact on schemes of social interaction, and social organisation |

The approach in Cell 1 involves scouring documents for evidence (descriptions, reports, representations and accounts). I have used this approach in order to examine how diversity management has been presented by various actors and in various media. The other approaches have been used in order to examine the impact of certain documents and texts (Diversity Charters, Diversity Labels, collective agreements, social partners joint guides, public debates, academic critiques, etc.), how they are produced, who produced them and why, and who is using them and how: "In short, even when focusing on content, documents have to be studied as components in networks of action rather than as independent and inert 'things'" (Prior 2011:98). The interview data of course also played a major role in supporting the approaches to documentary data analysis in Cells 2 to 4.

## 8. Interview data collection and analysis

The interview schedules contained the broad question sections listed below (the full interview schedules in English, French and German can be found in Annex 2). These sections address the four dimensions of diversity management discussed in Chapter One and reflect the discursive institutionalist approach of 'who said what to whom, when, where and why':

- Role of the respondent within the union, career history, responsibilities relating to equality and diversity.
- Respondent's perceptions of the origins, definitions and promoters/users of the diversity/diversity management discourse.
- Respondent's perceptions of differences in the discourses of different actors.

- Respondent's perceptions of the business case (types, users, whether or not business case arguments are a new phenomenon linked to diversity management).

- Social dialogue and involvement of trade unions.

- Respondent's perceptions of the tenets of diversity/diversity management (with regard to a sameness or difference approach to equality, individual or group-based approach to equality, whether or not diversity/diversity management has induced changes in approaches to equality).

- Respondent's perceptions of the strengths and weaknesses of their union in promoting equality and combating discrimination (within internal structures of the union, in the workforce as a whole).

Interviews lasted between one and three hours and all except one (HRF in Sweden) were recorded. Interviewees were all assured that they would remain anonymous but this was usually dismissed as unimportant.

The questions sometimes raised issues on which interviewees did not yet have fully formed opinions, so that there was a certain amount of forming opinions as they went along (this is consistent with Guba and Lincoln's, 1994, argument that knowledge is constructed within the interview interaction). This often involved them asking me questions about my views and experiences, which made it difficult for me to maintain the appearance of a neutral position and I felt it would not be fair to my interviewees to try to do so anyway. I therefore tried to answer their questions about my personal opinions in a way which conveyed that I was still exploring these opinions and that I considered them to be contingent on my own "cultural baggage", thus demonstrating that I was open to hearing and learning from alternative opinions. I believe the fact that I was foreign may have been an advantage in some ways, as it

may have made the interviewees more prone to offering explanations of their own culture, which would probably have remained more implicit in an interview with an 'insider'. My foreign identity may also have had other effects, which are not necessarily advantageous or disadvantageous, but nevertheless will have influenced the data collected, for example, by causing respondents to reflect more on the cultural contingency of their own discourses, or to be particularly defensive of these.

All translations from interviews, documentary data and other literature sources are my own. I transcribed the interview recordings directly into English from French, German and Swedish. The interviews in France and Germany were carried out in French and German respectively. All of the interviews in Sweden were carried out in English except for the SACO confederation and HRF federation interviews, where the questions were asked in English and the interviewees responded in Swedish. The translation of the interviews and documentary data is in itself a preliminary level of interpretation. In line with the 'comparison of the incomparable' approach I have therefore not sought conceptual equivalences but have preferred to explain the cultural specificities of terms such as *'communautarisme', 'positiva särbehandling'* or *'partnershaftliches Verhalten'*. This involved making notes on the various nuances which a word or utterance could have and which could not be satisfactorily translated.

I began coding the interview transcriptions manually with the broad themes corresponding to the sections of the interview schedule and many subthemes which were different for each country. I then looked for patterns in the different themes the respondents were using in each country, as well as conflicts with themes used by

149

other interviewees. I looked for patterns within each country between different levels of union interviewee i.e. between the national, sector and company levels. I also looked for patterns in the themes used by the respondents according to their gender and ethnicity, within each country. I then compared the two sets of data to look for ways in which the themes in the interview data cohered with or dissented from the themes in the other groups of texts. I then looked for general explanations for the different patterns across the three countries.

The interview data were analysed and used in different ways in the empirical chapters; Regarding the respondents' perceptions of social dialogue on diversity/diversity management it was largely a case of reporting, describing and comparing what the respondents said in order to gain an insight from the trade union perspective into the extent and quality of social dialogue on diversity management and how this might affect the interviewees' responses to diversity management. The questions on the other three dimensions (types of business case arguments, approach to sameness versus difference and individual versus social group focus), however, involved a more critical analysis of interviewees' responses. This involved relating these to the critiques of diversity discourses discussed in Chapter One in order to draw out the potential implications for power relations, equality agendas and the social patterns they legitimate. As well as causal explanations, this research is therefore also interested in the wider social and ideological consequences of the constructions of reality.

## 9. The search for underlying causal mechanisms

The discursive institutionalism approach to generating and analysing the interview data provided information about the extent and quality of social dialogue from the perspective of the unions. I then compared this with the explanations for a social dialogue approach provided by the promoters of diversity management in the documentary data. This was supported by the analysis of socio-political debates about diversity issues in the documentary data and an historical institutionalism analysis of industrial relations landscapes and models of integration. In Germany, where the promoters of diversity management were more or less silent on the subject of social dialogue in the documentary data, the reasons for this silence were sought in the analysis of socio-political debates, industrial relations and models of integration using the process of retroduction described above. The same approach was then applied to theorising a causal mechanism for the differing responses of the French, Swedish and German unions to diversity management.

**Table 2: Masters dissertation interviewees**

| Company | Union | Level | Gender |
|---|---|---|---|
| Car manufacturing | CGT | Workplace | Male |
| | FO | Workplace and sector | Male |
| | CFDT | Company | Male |
| Hotel chain | CGT | Sector | Male |
| | CGT | Company | Male |
| Bank | CFDT | Company | Male |
| Aeronautics | CFDT | Workplace | Female |
| | CFE-CGC | Workplace | 2 x Female |
| | CGT | Company | 1 Male, 1 Female |

**Table 3: Interviewee sample**

| Confederation | Federation/sector | Region | Co. | No. of respondents | Especially active in diversity issues | |
|---|---|---|---|---|---|---|
| | | | | | Yes | No |
| **Sweden** | | | | | | |
| LO (blue collar) | | | | 1 | 1 | |
| | Kommunal (LO public sector) | | | 1 | 1 | |
| | Byggnads (LO construction) | | | 2 | | 2 |
| | HRF (LO hotels and restaurants) | | | 1 | 1 | |
| | IF Metall (LO metals) | | | 1 | 1 | |
| | Handelsanställda (LO retail) | | | 2 | 2 | |
| SACO (graduate workers) | | | | 2 | 2 | |
| TCO (white collar) | | | | 1 | | 1 |
| | Unionen (TCO service sector) | | | 1 | 1 | |
| | Finansförbundet (TCO banking and finance) | | | 1 | 1 | |
| **Germany** | | | | | | |
| DGB | | | | 1 | 1 | |
| | IGM (metals) | | | 1 | 1 | |
| | Ver.Di (services) | | | 1 | 1 | |
| | IGBCE (chemicals and mining) | | | 1 | 1 | |
| | | | Dresdner Bank (Ver.Di): regional works council, supervisory board) | 1 | | 1 |
| | | | Lufthansa (Ver.Di airline sector) | 1 | | 1 |
| | | | BASF (IGBCE): works council, | 1 | | 1 |

| | | | | | | |
|---|---|---|---|---|---|---|
| | | | supervisory board | | | |
| | | | Volkswagen (IGM): works council, migration committee | 1 | | 1 |
| **France** | | | | | | |
| CFDT | | | | 1 | 1 | |
| | CFDT Chemicals | | | 1 | | 1 |
| | CFDT Banking | | | 3 | 2 | 1 |
| | CFDT Metals | | | 1 | | 1 |
| | CFDT Insurance | | | 1 | | 1 |
| CGT | | | | 1 | 1 | |
| | CGT Metals | | SEB | 1 | 1 | |
| | CGT Banking | | HSBC | 1 | 1 | |
| | CGT Chemicals | | | 2 | | 2 |
| | CGT Textiles | | | 1 | | 1 |
| | | CGT Lyon | | 1 | 1 | |
| FO | | | | 1 | 1 | |
| | FO Chemicals | | | 1 | | 1 |
| | FO Metals | | | 1 | | 1 |
| Total | | | | 38 | 20 | 18 |

# Chapter Five

# Trade union responses to diversity management in France

### Introduction

Chapter Two revealed that a social dialogue approach to diversity management appears to have been taken in France. However, Chapter Two also argued that industrial relations traditions, employment regimes and the institutional and organisational strength of French unions do not provide a sufficient explanation for why this should have been.

Given the institutional arrangements for industrial relations in France, one could expect diversity management to have appealed to managers as a means of managerialising the equality agenda (as Edelman et al. 2001 and Noon 2007 argue it has in the US and the UK) and for its potential to marginalise the role of trade unions by bringing the equality agenda under the aegis of human resource management and making it a top-down managerial activity (Greene and Kirton 2009). On the other hand, with such an interventionist state, one could also have expected that diversity would forcibly be made a subject for social dialogue in France, or for employers to favour a 'soft' social dialogue approach over a more regulatory one. However, Chapter Two argued that given the perceived social crisis of integration (as portrayed in the media) and the controversy around the notion of diversity, a social dialogue approach to diversity management was probably a normative requirement for social legitimacy. A more thorough examination of this social dialogue approach is therefore required in order to properly situate unions' responses to diversity

management. Chapter Two also raised questions about the quality and depth of the social dialogue approach and of union responses at different levels and in different sectors which can be partially explored from trade union perspectives.

Regarding union responses to diversity management, the existing literature has addressed how French republicanism has influenced the diversity discourses of HR managers and diversity consultants. The positions of the unions in the debates around how to reconcile the concept of diversity with French Republicanism have not been explored, however. There is therefore a need to look more closely at these controversial debates from a discursive institutional perspective of who said what to whom, when, where and why, in order to situate unions' positions in these debates.

## 1. How has diversity management been presented in France and why?

The literature review in Chapter Two suggested that the HRM discourse of diversity management (*gestion de la diversité*) has been dominated in France by socio-political debates about *diversité* and that this is due to a) the introduction of diversity management at a time when the institutional order of French republicanism was perceived to be in crisis, and b) the controversy around the notion of diversity and the difficulties of reconciling it with the institutional logic of French republicanism. The dominance of socio-political debates about *diversité* over an HRM discourse of *gestion de la diversité* also seems to have resulted in there being no conceptual difference between the two terms, which are used interchangeably in French political, media, consultant and practitioner discourses. Reference to 'social cohesiveness' (the antidote to the 'social fracture' proclaimed by politicians and the

media) is therefore an almost indispensable element of French organisations' diversity management discourse.

In Chapter Two I argued that, given the dominant ideology of French republicanism, one could have expected that the emphasis on difference in diversity management would be translated into something more assimilationist. On the other hand, given the French resistance to acknowledging cultural specificities of immigrant communities or to accepting positive action explicitly targeting minority ethnic groups (Bender et al. 2010), a discourse of diversity emphasising individual rather than group differences might have been appealing. Another possibility is that the emphasis on difference may have been welcomed (by some at least) as part of the paradigm shift towards more colour-consciousness in order to tackle indirect discrimination.

The literature reviewed in Chapter Two revealed that French HR managers have tended to avoid the problem of reconciling diversity management with republican universalism by ignoring the valuing and emphasising differences dimension. The consultant and practitioner-oriented literature, however, tackles this tension head-on (e.g. Barth and Falcoz 2007, Broussillon et al. 2007, Peretti 2007, Pierre 2007). Whilst there is a minority which advocates positive discrimination and following the American example (e.g. Rabasso and Rabasso 2007), the majority take the view that diversity management should not promote community identities. The dominant French position on (not) valuing differences can be seen clearly in the following quote from the diversity management consultant Philippe Pierre (Pierre 2007):

"Diversity policies as they are to be seen in France are now certainly more about the recognition of discrimination rather than of identities. (…) The [concept of the] minority, which one could define as a category naturalised by discrimination, permits an easy passage to a discourse of 'diversity'. The [concept of] community, which shares a culture, [leads] to a discourse of the 'multicultural' type, which values the solidarity and the force of a collective (…) The minority, in contrast to the community, does not necessarily involve belonging to a group and the identity of a culture, it requires the experience of discrimination".

The emphasis is therefore on removing obstacles to valuing all differences equally, which may require some of the milder positive action measures to create equality of opportunity. Despite the insistence that diversity management is about valuing individual rather than group differences then, the approaches and measures which are subsequently proposed in the practitioner-oriented guides to diversity management and on company websites are almost exclusively concerned with tackling group-based discrimination. The French practitioner-oriented literature on diversity management therefore also fits into a 'sameness' rather than difference approach. The literature reviewed in Chapter Two indicates that this has been translated in practice into both a neglect of the issue of ethnic discrimination (Doytcheva 2009, Bereni 2009) and an increase in positive action (indirectly) targeting ethnic minorities (Escafre-Dublet et al. 2009, Louvrier 2013). A closer examination of the controversial national debate around diversity and republican values can provide some more insight into the recursive relationship between the two.

### 1.1. The national debate around diversity and republican values

As discussed in Chapter Two, the national debates around diversity in France have focussed on the controversial questions of positive action/positive discrimination for ethnic minorities and the related question of statistics on ethnicity, two issues widely regarded as the worst forms of *communautarisme* and thus completely contrary to French republican values.

By far the most prominent proponent of a diversity discourse advocating positive discrimination and ethnic statistics was President Sarkozy (2007-2012). Known for being an admirer of the Anglo-Saxon way of doing things, he made it one of his electoral campaign promises to examine whether the Constitution could be altered to include the notion of diversity and to allow for positive discrimination and the collection of statistics on ethnicity. He also nominated Yazid Sabeg, industrialist, co-author of the employers' Diversity Charter and author of such publications as *Discrimination positive: Pourquoi la France ne peut y échapper* ("Positive discrimination: Why France cannot evade it", Sabeg and Sabeg 2004), to the newly created post of Diversity Commissioner in December 2008. Sabeg made a number of controversial statements, including that France was "heading straight for apartheid" and "civil war" (Libération 7 May 2009).

Sarkozy's championing of diversity was bound to result in scepticism amongst the left-wing as his first interest in ethnic statistics had been his proposal as interior minister for the introduction of ethnic statistics for juvenile delinquency. Sarkozy's first immigration and national identity minister, Brice Hortefeux, also tried to introduce quotas based on ethnic statistics for immigration, but this was rejected by

the Constitutional Committee. According to Patrick Weil, the Sarkozy government's immigration policies were the most discriminatory since World War II (Weil 2009). They include mass expulsions of illegal immigrants, repression of 'clandestine' immigration, and demands for 'selective' immigration. Critics have therefore argued that the political right has used the discourse of diversity in order to create an image which counters the xenophobic one created by their hardline immigration agenda (e.g. Fassin 2009).

At the request of President Sarkozy, the Constitutional Committee examined whether the Constitution could be amended to allow for diversity and positive discrimination, and concluded that it should not and did not need to be amended in such a way. The conclusion of the Constitutional Committee was that there is nothing wrong with the Republican model in theory; the problem has been its lack of application in practice (Veil Report 2008). The commission's report states that the Constitution already provides ample possibilities for ambitious positive action measures on a social and territorial basis (which can indirectly target ethnic minorities or people of immigrant descent) but forbids such measures based on race, religion or origin. According to the commission, the Constitution also provides sufficient scope for measuring diversity, which has furthermore already been elucidated in the CNIL's (National Council for Information and Freedom) recommendations (CNIL 2007). The CNIL recommends anonymous and voluntary surveys on the subjective sentiment of discrimination or of group-belonging, which use physical criteria such as skin colour, and "objective" criteria of descent (nationality and/or place of birth of parents). This data may, however, only be collected in the national census or in national anti-discrimination programmes validated by the HALDE (the High

Authority for the Struggle against Discrimination and for Equality) and may not be kept in company HR records.

Since the publication of the Constitutional Committee's report, Sarkozy (*Le Monde,* 17.12.08) and Sabeg (*France Inter,* 23.03.09) made significant changes to their diversity discourse, going to great pains to point out the difference between 'positive discrimination', which they are not advocating (anymore), and 'positive action', which they are. After his defeat in the positive discrimination debate, Sarkozy then became far more interested in emphasising his republican values than talking about diversity, making his next mission to ban the burqa, "which is not the idea the French Republic has of the dignity of women (…) we must not be ashamed of our values and we must not be afraid to defend them" (youtube 2009), and then declaring the failure of multiculturalism in February 2011 (Lewis 2013).

Nevertheless, Sarkozy responded to the Constitutional Committee's report by saying that whilst the question of policies based on ethnic or religious criteria (i.e. positive discrimination) was closed, the question of statistics measuring discrimination linked to origin was still open (Présidence de la République 2008:4), and charged his Diversity Commissioner with setting up a 'Committee for the measurement of diversity and the evaluation of discrimination' (COMEDD) whose task was to identify "categories for observation" which could be used to measure diversity and discrimination (CARSED 2009:7). The ANDRH (National Association of HR Managers) also expressed support for tools to measure ethnic diversity in order to face the legal constraints of ensuring non-discrimination (*Libération* 02.04.2008). The major societal controversy over this issue, however, only became more

vehement. Despite the promise of the president of the commission, François Héran, that "we will not at all go in the British direction of human resources files containing ethno-racial variables" (Libération 18.03.2009:2), several well-known academics publicly refused the invitation to participate in Sabeg's commission (Weil 2009). Associations such as *SOS Racisme* (close to the Socialist Party) and the League Against Racism and Anti-Semitism (Licra) criticised the "communautarist dynamic" of Sabeg's proposals (*Libération* 18.03.2009:2), whilst the CRAN (Representative Council of Black Associations) and Africagora (closer to Sarkozy's party) were favourable to the implementation of a national nomenclature of 'ethno-racial' categories. A counter-commission to the COMEDD, known as CARSED (Alternative Commission of Reflection on 'Ethnic Statistics' and Discrimination), was formed and produced its own report.

The authors of the CARSED report accuse the government of using the excuse that there is insufficient information about discrimination (due to lack of ethnic statistics) as a pretext for delaying the implementation of more effective measures, arguing that the already available information has "not been mobilised in favour of the fight against discrimination, even less in favour of greater equality. So how will the statistics based on 'auto-identification' or the 'sentiment of belonging' allow an escape from such apathy?" (De Rudder and Vourc'h 2009:173). The CARSED authors recommend instead the increased use of tools such as 'testing' (sending fake CVs and job applicants to test for discrimination), which have already led to legal action. They are highly critical of the current policies of diversity for "engaging in cosmetic gesticulations whose sole effect risks being the racialisation of France" instead of taking seriously the rise in inequalities (CARSED 2009:9) and accuse the

notion of diversity of being a political and scientific decoy because it "throws a veil of ignorance" over the differences between the necessary approaches to analysing racism, inequality and discrimination, by confusing all three. The word diversity "serves as a substitute for the term ethnicity, (…) it reintroduces into discrimination a dominant of the racial type (even if the new Right often prudishly qualify it as cultural)" (CARSED 2009:15). They also accuse the government of using the 'ethnicisation' of the 'political market' as a strategy of divide and rule, and of using ethnic statistics for political gain in order to corner sections of the electoral market (Amselle 2009, Tripier 2009). For Amselle (2009:32), the rise in power of ideas about race and ethnicity and under the Sarkozy presidency, as well as postcolonial notions of culture, ethnicity and multiculturalism, is appealing to "the 'white' dominantly catholic national identity, that of the 'Français de souche' ['French stock'] as one says in the National Front". For Badinter (2009:28), "The risk of such labelling (…) is to become mentally closed in, to reduce oneself to this specificity and to no longer perceive others except through this difference. (…) However, experience proves that one can end up finding it comforting and valorising to 'install oneself' in one's difference and to assert it. Especially if one proposes that you can gain advantage from it" (he does not mention, however, that the majority population are already gaining advantage from the status quo).

In the face of such opposition, the final report presented by the Sabeg commission concluded that there was no need for changes to the law and agreed entirely with the report of the Constitutional Committee (Le Monde 06.02.2010). It proposed a questionnaire based on employees' nationality and the nationality of their parents. The results should be presented in the company's annual report and discussed with

162

the social partners. Due to the very controversial nature of these statistics and the continued opposition from renowned scholars, however, they have rarely been used (Doytcheva 2009, Diversity Charter Evaluation 2011). Sarkozy turned his attention soon after the publication of the COMEDD report back to his hardline immigration policies, demolishing Roma camps and deporting Roma people (for which he was heavily criticised by the European Commission in September 2010), and declaring in February 2011 that multiculturalism in France had failed (youtube 2011)

As we saw in Chapter Two, the issue of religion in the workplace is even more controversial. However, the ANDRH has continued to make concerted efforts to advance the issue and provide organisations with practical guidance, organising a conference in 2007 on the subject and producing a guide in 2013, *Entreprises et diversité religieuse, un management par le dialogue* ('Companies and religious diversity, management through dialogue', Courau 2013). The ANDRH has also proposed 'neutralising' three Christian holidays so that they can be used for non-Christian festivals (a proposition judged "sensitive and delicate" by the Socialist Minister for Employment) (myrhline 06.08.2012).

The institutionalisation of diversity management in France has therefore been overwhelmingly dominated by the need to reconcile it with republican values. Although diversity consultants and HR managers have avoided the valuing differences dimension of diversity management, and focussed more on a 'sameness' approach to tackling group-based discrimination, they are divided on the issue of ethnic statistics. The Association of French HR Managers, the political right and ethnic minority associations, however, have generally been in favour of improving

163

tools for measuring ethnic diversity. Academics and critics on the left have generally (and strongly) opposed this, arguing instead for better policies to combat social inequalities and accusing proponents of diversity management of obscuring social inequality through anti-republican practices and 'the Anglo-Saxon way of doing things'. Despite the proclaimed crisis in the republican model of integration, however, this model was so institutionally robust that the principal actors using diversity management to challenge French republicanism had to bring their discourses into conformity with it instead. Nevertheless, the notion of diversity did initially open up the way for a more in-depth public debate about French republicanism, and by promoting positive action led to clarification about what is possible within the law. Although the vagueness of the notion of diversity has facilitated the preferential treatment of other less 'sensitive' issues than ethnic discrimination (gender, disability), the proponents of diversity management are still working towards progress on the most difficult and contentious issue of accommodating religious diversity in the workplace.

### 1.2. Social responsibility and legitimacy as business case

Chapter Two also suggested that the introduction of diversity management in France at the same time as the revelations about ethnic discrimination and the urban riots explains why the business case for diversity management in France has primarily been about the need to demonstrate social responsibility and legitimacy, rather than about harnessing differences to meet organisational goals, as is common in Anglo-Saxon diversity management discourses. However, the existing literature suggests that diversity management has also been used in France to justify maintaining low

wages in sectors which recruit predominantly ethnic minorities, thus contributing to the further ethnicisation of these types of jobs.

The diversity discourses of French diversity management consultants, HR managers, company websites and prescriptive literature have avoided the more hardcore business case expressions commonly found in the Anglo-Saxon diversity management discourses such as 'harnessing differences', 'meeting business objectives', 'bottom-line benefits' or the 'need to create a business case'. Barth and Falcoz (2007) argue that as diversity management came to France later than the US and the UK, French advocates of diversity management have been able to learn from the critiques that have already been made in those countries. This perhaps provides another explanation for why the French practitioner-oriented diversity management literature (e.g. Barth and Falcoz 2007, Peretti 2007, Mutabazi and Pierre 2010, Sabeg 2006) is at pains to point out that there is very little scientific proof for the arguments that diversity management increases performance or creativity. For Barth and Falcoz (2007), diversity management needs to be seen as an "immaterial investment", not in the sense that it does not cost the company anything to implement it (quite the opposite), but in the sense that the return on investment cannot be quantified in material terms. Whilst they assert that diversity management can indeed bring gains in economic as well as social performance, they criticise the discourse of diversity management for over-simplifying the benefits it can bring and creating too high expectations. They do not, however, use any of the critiques of the business case most common in the Anglo-Saxon literature (e.g. Dickens 1999, Litvin 2006, Kirton and Greene 2010, see Chapter Two) such as replacing social justice arguments with business arguments, being partial and contingent, and commodifying labour.

165

Nevertheless, according to Yazid Sabeg (co-author of the French employers' Diversity Charter, see above), two thirds of the managers he interviewed said diversity was an empty word for companies if they did not see their own advantage in it, be that economic advantage or the interest the company has in complying with the law (Sabeg 2006). However, the evaluation in 2011 of the implementation of the employers' Diversity Charter (charte-diversite.com 2011) found that the principal reasons given by the signatories of the Charter for engaging with diversity were: corporate social responsibility 75%, moral and ethical reasons 63%, legal compliance 43%, image and reputation 43%, improvement of HRM 41%, improvement of economic performance 26%. The evaluation concludes that: "Engagement is based on a societal approach: corporate social responsibility and ethical convictions - But - The promotion of diversity is not (yet) considered a business issue". Whilst this evaluation seems to present the lack of importance attached to the economic advantages of diversity as a problem, the website for the Diversity Charter has presented performance arguments as taking second place to arguments about legitimacy, social responsibility and image, (see Annex 1).

As noted above, the French consultancy and practitioner literature generally avoids 'valuing differences' by linking them to particular competences, such as linguistic and cultural competences which make the company more competitive at accessing foreign markets. Sabeg (2006), however, uses several "contingent, variable, selective and partial" (Dickens 1999:9) examples of the economic advantages of diversity. He cites as examples of recognising the value of diversity an IT company which recruits highly skilled workers from China or India, a company which designs luxury products and counts among its designers "A Brit, an Anglo-Ghanian, an American

and an Italian" (53), and a bank, which recruits cashiers who speak the languages of the local immigrant populations, implying that companies can pick the diversity that suits them best, restrict ethnic minorities to working in certain types of jobs or exploit language competences for free. Another argument is that employers can expect employees from deprived areas to be more motivated and hard-working because they are particularly grateful for the job or that their experiences of hardship and deprivation will have forged in them competences of leadership and determination – an argument which seems to justify the continuation of deprivation and disadvantage as well as attaching higher expectations to people from disadvantaged backgrounds.

However, Sabeg presents these business arguments as providing additional motivation for what the company has to do anyway out of social responsibility – i.e. every company can find some perceived economic advantage or other from diversity, but whereas different business arguments apply to different companies, the need to be socially responsible applies to all of them. Before providing the partial and contingent examples of business arguments mentioned above, Sabeg (2006:41) insists that the "social irresponsibility" of not promoting diversity is "no longer tenable". The risk of a discourse of façade is the main concern with French diversity management expressed by Barth (2007). Sabeg's (2006) first proposal for implementing diversity management, however, is aimed at avoiding this risk by negotiating company, sector and territorial level collective agreements. It seems then that French diversity management - at least at the level of discourse – has tried to counteract the risk of an over-reliance on partial and contingent business motivations through an emphasis on social dialogue. This is explored in more detail below.

## 2. To what extent have French unions been involved in a social dialogue approach to diversity management and how may this influence their responses?

I argue that the broadly perceived crisis in the institutional order of French republicanism, and the conflict between the notion of diversity and the institutional logic of French republicanism were the principal reasons why the French discourse of diversity management has emphasised the importance of social dialogue over a unilateral managerial approach.

I also argue that the social dialogue approach was neither imposed by the state nor an employer strategy to pre-empt tougher legislation. Instead, trade union involvement in the translation of the controversial notion of diversity provided the champions of diversity management with the stamp of social legitimacy they needed. However, the normative isomorphic pressure created by the prominent champions of diversity management has to a large extent resulted in a façade of social dialogue, in which agreements are signed with fanfare whilst content and follow-up are minimal.

### 2.1. Social dialogue in the discourse of diversity management

Greene and Kirton (2009:192) found that in the UK, "DM is a paradigm that, like its parent concept HRM also imported from the USA, theoretically fits best within non-union organizations". This is explained by "the unitary message embedded in DM that 'everyone benefits' if the business does" (ibid:193). In France, on the other hand, the organisations held up as exemplars of diversity are those which have negotiated an agreement with unions (Carrefour, Danone, Peugeot-PSA, Adecco,

Accor and Axa France, for example on the website for the French employers' Diversity Charter). The commitment to make diversity a subject of social dialogue with workers' representatives is also part of the employers' Diversity Charter, launched in 2004 and now signed by over 3000 French companies (Bébear and Sabeg 2004). The Charter website provides a guide for companies on how to negotiate on diversity, as well as a guide (produced by the tripartite National Agency for Social Cohesion and Equal Opportunities) for union and works council delegates on how to negotiate an agreement on diversity and against discrimination. The ANDCP (now the National Association of HR Managers, ANDRH) moreover called for compulsory annual bargaining on diversity at company level (Klarsfeld 2006).

The government has also played a role in pushing social dialogue on the subject of diversity. The Fauroux Commission Report (2005) stated that trade unions had not been sufficiently involved in resolving discrimination in employment (and called on the unions to tackle the issue of familial preference in recruitment and denounce its effects). The government also threatened employers with legislation to impose greater ethnic and cultural diversity in recruitment if they did not achieve this themselves within two years. This led to the negotiation of the national inter-professional agreement on diversity (ANI 2006) signed in 2006 by the employer organisations and all the unions except the CFE-CGC. The ANI explicitly focusses on discrimination related to origin and ethnicity and obliges companies with more than 50 employees to hold an annual meeting of the Works Council dedicated to the subject of diversity. This is to be an 'enlarged Diversity Committee' involving all the employee representatives, not only the elected members of the Works Council, and the company must provide the information necessary to make an assessment of the

situation. The agreement also provides new rights to information for unions in two areas - recruitment processes and evaluation procedures and stipulates that diversity should be included in the annual obligatory sector level bargaining. Jacquier (2008:69) notes, however, that in the negotiations for this agreement the unions had asked for compulsory negotiations on diversity at company level, which Medef (the national employers' association) refused. This is not surprising given Jacquier's assertion that Medef always refuses compulsory negotiations at company level unless they provide more autonomy (i.e. scope for derogation) than national level agreements.

In June 2008 the government also launched the Diversity Label, a kitemark for companies that promote diversity. In order to obtain the label companies must involve employee representatives in their diversity plan. The website of the Diversity Label states that it "facilitates and accompanies social dialogue in the company" and that "the subject is not conflictual and the label provides the company with an opportunity to tie or re-tie the links with its social partners by integrating them in the approach". Whereas the Gender Equality Label (introduced in 2006), which requires companies to negotiate an agreement with unions on gender equality, has not proved very popular amongst companies (53 organisations had obtained the label in June 2013), the Diversity Label, which does not require companies to negotiate an agreement, was awarded to 90 organisations in the first two years and more than 380 organisations by August 2012. The unions, however, are represented in the body which decides whether or not to award the label company. Pascal Bernard, president of the ANDRH (National Association of HR Managers), and driving force behind the creation of the label, claims that the label is not given lightly as the trade unions

are very vigilant about checking what is really happening in the company (*Libération*, 18.03.2009, p.5). According to the ANDRH, the Diversity Label does not have the same obligation to negotiate an agreement so as to make it available to SMEs, particularly as the ANI does not cover companies with less than 50 workers.

Medef appears at least officially to share the view that diversity is a consensual subject that can benefit from social dialogue. For example, Medef jointly produced and presented a practical guide with the trade unions for the "Prevention of Discrimination and the Promotion of Diversity in Companies" (published in 2011). However, Medef (up to January 2014) had not fixed a date for the follow up meeting foreseen in the 2006 ANI, despite several requests from the CFDT, CFTC and the CGT. According to the CFDT (roundtable conference discussion in Paris, January 2014), Medef has preferred to carry out its diversity initiatives unilaterally.

The view that exemplary diversity management organisations are those which have negotiated an agreement with unions is also emphasised in the practitioner-oriented HR literature. Barth (2007: 282), for example, argues that exemplary organisations emphasise partnership with unions, and that this is necessary in order to create confidence amongst employees who can feel threatened by the changes involved in diversity management. Barth also argues that union involvement is necessary in order to prevent "wrong interpretations" of diversity management. The fact that Barth considers there can be "wrong interpretations" (Barth's critiques of diversity management are discussed above) indicates that diversity management is controversial and that its social legitimacy can be questioned. Involving actors such

as trade unions appears here to provide a certifying stamp of the 'right', socially legitimate interpretation.

The diversity management consultants, Mutabazi and Pierre, simply state that the social partners are "indispensable" (2010: 112). Sabeg (2006: 63-65), co-author of the employers' Diversity Charter, presents "Company agreements and collective bargaining" as the "first fundamental step in any diversity policy". The aim of such agreements is to give all the actors in the company "a sense of responsibility based on a document which is accessible to all and binding on the company" (p.64). Sabeg further calls for diversity to be included in the compulsory annual negotiations at sector as well as company level. The trade unions "should be able to act as an organ of surveillance" and this should go for "all companies, not just those who are willing and already carrying out the best practices" (p.64). For Sabeg (2006) and for Peretti (2007:23), diversity is also a potentially consensual topic which constitutes an opportunity to renew social dialogue.

The French discourses of diversity management, which stress the importance of social dialogue, can be compared with some quantitative and qualitative findings relating to practice at company level. According to the 2011 Evaluation of the implementation of the Diversity Charter (charte-diversite.com 2011), 60% of signatory companies with more than 50 employees had signed a company agreement with unions on one or more 'diversity themes'. 16% had signed an agreement on 'diversity in general'. 26% had elaborated an approach or a plan of action for diversity with employee representatives, however only 32% had implemented and followed up on a plan of action for diversity in collaboration with employee

representatives. Doytcheva (2009) interviewed HR managers in twenty companies with diversity policies and did not find any which had involved unions. It should also be remembered that very few companies fulfilled the legal obligation to negotiate on gender quality and that the gap between rhetoric and practice on such issues is not something new or unusual (see Chapter Two). However, there have been several diversity agreements at sector level where unions are organisationally stronger (an internet search found 12 sector agreements on diversity up to May 2014). Moreover, as sector agreements on diversity are extended to cover all companies within the sector and do not allow for derogations at company level unless these are more favourable, company level agreements may not be considered necessary where there is a sector agreement. Sector level diversity agreements usually contain a commitment to recruit more diversely in terms of ethnicity by favouring disadvantaged youths and people encountering integration difficulties.

The promotion of social dialogue in French employers' discourse of diversity may then be for the most part more rhetoric than reality, and the quality of the social dialogue that does take place may be questionable. However, it cannot be argued about French diversity management, as Greene and Kirton (2009:192) argue about the UK, "that theoretically at least DM threatens to marginalize the union role even in contexts where unions are stronger". In this sense diversity management in France appears to resemble the UK equal opportunities approach (where according to Greene and Kirton 2009, union involvement is seen as a necessary component) than it does the UK diversity management approach. As the foremost champions of diversity management were calling for compulsory negotiations at company level it would appear that the social dialogue approach was neither imposed by the state nor

173

an employer strategy to pre-empt tougher legislation (given the context of French republicanism and the existing regulation on gender and disability, compulsory negotiations were likely to be the toughest form of legislation the state could impose on diversity anyway).

In practice, however, the situation appears more mixed. Whilst trade union involvement has been significant at national and sector level, it has not been widespread at company level. It may be that employers are asking unions simply to undersign policies they would have carried out anyway and there is therefore no implementation in collaboration with employee representatives. On the other hand, diversity agreements may really provide tools for unions to hold companies accountable and the lack of union involvement may be largely due to union weaknesses at local level. Whilst an empirical examination of trade union involvement in company level diversity policies is beyond the scope of this research, these issues can be examined from the perspective of the French trade unions.

### 2.2. Social dialogue on diversity

The most visible example of trade union involvement in the institutionalisation of diversity management in France has been the negotiation of the national inter-professional agreement on diversity in 2006 (ANI 2006). The interviewees had a lot to say about the quality of these negotiations, which they stressed were very different to the typical negotiations they were used to at inter-professional level. First of all there was a "new" Medef, with a new (female) president, Laurence Parisot, who had a very different background to previous presidents (who normally came from heavy

174

manufacturing industries), and who attached far more importance to issues of equality and diversity than her predecessors. The employers' delegation was younger, with more women and more service sector representatives than the 'old school' delegation the unions were used to. It was also composed of several 'diversity champion' HR directors and members of the board of the HALDE[16]. The CFDT confederation interviewee recounted that the unions had been asking Medef for negotiations on racial discrimination since 1995 but that the employers had always refused to talk about discrimination, denying that it existed because to admit it did would be to incriminate themselves. This interviewee felt the introduction of the positive notion of diversity had made it possible to get out of this impasse with the employers, so that the time was now finally ripe for them to negotiate; the employers would negotiate an agreement with diversity in the title but not one with discrimination in the title. Several interviewees said that one of the most significant aspects of this agreement was that employers had finally "come out of denial" about the existence of discrimination.

Regarding the union side too, the interviewees said that it was not the 'old school' of middle-aged men who were involved in the negotiations. Particularly the CGT delegation had a 'new look' (according to the FO interviewee); it was composed of younger people and was working together with associations and NGOs representing minorities. According to the interviewees, the negotiations were highly consensual, the only conflicts arising from the SME employers' organisations who refused to accept that the agreement should apply to companies with less than 50 workers (one

---

[16] The 'High authority for the fight against discrimination and for equality' (the equality body required in all Member States by the EU equality directive).

of the reasons the CFE-CGC gave for refusing to sign the agreement[17]), and refused to accept a territorial/regional dimension to the agreement (the unions wanted the territorial level to be included as agreements at regional level are a way of covering SMEs as well as large companies).

The interviewees also stressed that the subject matter was something very different than they were used to dealing with. The social partners all agreed from the beginning that this was a societal problem going beyond the sphere of social dialogue but the social partners had a responsibility to demonstrate that they were capable of taking on this kind of issue. They acknowledged they did not have sufficient expertise to begin negotiations immediately and so decided first of all to have a phase of hearings, to which they invited experts from academia, civil society, NGOs, etc. These negotiations were therefore seen as involving a real process of dialogue, of working towards a shared understanding and producing a joint text. The negotiation of this agreement therefore played an important role in the practical translation of the notion of diversity into a discourse which fits into the institutional logic of French republican values.

The confederation interviewees involved in negotiating the ANI said that the agreement was "not wonderful", it had many deficiencies, but that they signed it because they felt it was a significant first step in the right direction. They were, however, more sceptical about the follow-up to the agreement. The agreement

---

[17] Other reasons for the CFE-CGC's (union representing managers and graduate employees) refusal to sign were that the agreement did not contain any concrete obligatory actions concerning recruitment and only provided the new Diversity Committees with information rights rather than consultation rights. The CFE-CGC's refusal to sign appeared to baffle most of the interviewees, who said that the CFE-CGC was usually the first union to sign an agreement.

176

foresaw an evaluation report by 31 December 2007. This report has not yet been produced to date (January 2014). An ad hoc working group with the task of collecting good practices at sector and company level was also to be set up. At the time of the interviews this had not yet been done. However, a jointly produced practical guide for the "Prevention of Discrimination and the Promotion of Diversity in Companies" was published in July 2011. As mentioned above, a follow-up committee should have met in October 2008 but Medef had not replied to the CFDT, CGT and CFTC's joint requests to organise this meeting.

Regarding union involvement in the Diversity Label, most of the interviewees were quite sceptical about such labels generally, for example, because companies can invest too much energy and money in consultants to obtain the label which could be better spent on social dialogue (CFDT), or because they are presented as a miracle solution (CGT) whereas they only encourage the companies who are motivated anyway (CFDT). But at the same time they (CFDT, CGT) agreed with the president of the ANDRH's analysis (see above) about the vigilant role of the unions in awarding the Diversity Label and felt that it complemented the ANI because it insists on social dialogue. The CGT interviewee said that the obligation to negotiate had been left out of the Diversity Label (unlike the Gender Equality Label) so as to make the label more accessible to SMEs. But he insisted that the unions would not allow the label to be awarded to any company with more than 50 employees unless it had negotiated an agreement. It seems then that the discourse of diversity brought about some (positively perceived) changes in the scope and quality of social dialogue at national level, although not so much in the implementation and follow-up.

At the time of the interviews only three sectors (temporary work agencies, chemical and finance/insurance) had transposed the ANI into a sector level agreement. The unions in the metal sector, where there was no sector level agreement but several company level agreements were most positive about social dialogue on diversity. All of the interviewees from the metal sector (CFDT, CGT and FO) seemed satisfied with the level of union involvement and with the quality of the agreements. This was also the case for the CFDT, CGT and FO interviewees in the car manufacturing company. Of the unions interviewed from the chemical sector (CFDT, CGT, and FO) only the CFDT had signed the sector agreement. The CFDT-chemicals interviewee found the agreement to be "unsatisfactory" and "relatively un-constraining" and agreed with the CGT interviewee that it added very little to the national level agreement, but felt that it was nevertheless at least a start[18]. The CGT chemicals interviewee explained that they had not signed the agreement for two reasons: firstly, 80% of workplaces in the sector had less than 50 workers and the chemical employers had refused to include them in the agreement, and secondly, the CGT wanted to include the 150,000 subcontracted workers in the sector ("like the cleaners who are still exposed to the negative effects of chemicals") who are not covered by the sector agreements.

The chemical sector agreement commits the social partners to start discussions on gender equality, disability, older workers, the young, trade union rights and personnel representatives. However, legal obligations to negotiate on gender

---

[18] In order to mobilise their activists in response to the national inter-professional diversity agreement the CFDT launched a campaign called '1000 Agreements for Equality' which probably explains why the sector level CFDT federations were more willing to sign diversity agreements, even when they were not very satisfactory.

equality, disability and older workers already existed. The intention to negotiate on the integration of young people was, according to the CFDT interviewee, a way of tackling the issue of "diversity of origins" but the lack of explicit reference to such substantiates the critiques (Bereni 2009, Doytcheva 2009) of the broad definition of diversity leading to the disappearance of the question of ethnic discrimination. The chemical sector agreement was signed in July 2007, but at the time of the interviews (October 2008 - January 2009) the only progress which had been made was to produce some statistics on gender inequalities in the sector.

The CGT and FO interviewees felt that relations between the social partners in the chemicals sector were probably the worst in France. For the chemicals sector unions, an agreement on diversity was a necessity for the chemical sector employers in terms of image and social legitimacy and also offered them a chance to get "some good publicity" (CFDT-chemicals interviewee) with little real commitment:

> "Vis-à-vis the government they like to give that image, 'when there's a
> national level agreement, we don't wait, we apply it straight away' but
> they only stick to the minimum, that's the problem." (CGT Chemicals)

The CGT Chemicals interviewee also suspected that the employers wanted to include trade union rights in negotiations on diversity merely in order to undermine them:

> "social dialogue was practically non-existent…But now they really want
> to negotiate on trade union rights, even though we haven't asked for it,
> because their objective is to reduce trade union rights."

179

The other sector level diversity agreement, in the finance/insurance sector, was spoken of much more enthusiastically by the CFDT federation interviewee, who said that it was his federation which had called for the negotiations and that they were well-listened to by employers in the sector. He felt that the agreement improved on the national level agreement and that its strengths lay in the provisions for follow-up and monitoring. The CGT had not signed this agreement because it did not include tackling trade union discrimination. In the banking sector, on the other hand, the CFDT and CGT interviewees felt that the employers were not particularly interested in involving the unions in their diversity policies. There were some informal joint initiatives instigated by the unions, such as organising employment forums in deprived areas, but very little negotiation. The only agreement on diversity they knew of in the banking sector was at HSBC. The CFDT had not signed this agreement because they disagreed with the approach of lumping everything together – gender, disability, older workers and diversity of origins – into one agreement, which resulted in these areas being treated in an unbalanced way. For the CGT-banking interviewee, "it really seemed to us that they were just asking us to sign off for things that they were already doing". The CFDT interviewee from the French bank recounted that "in the context of diversity and the fight against discrimination we wrote to the management to tell them we wanted to share our ideas with them (…) and the management replied that they were doing the necessary and they didn't see the utility of discussing it with us". The textile sector interviewee (CGT) said there was no social dialogue on diversity whatsoever in his sector and attributed this to the small size of textile companies.

Summing up then, the unions have been heavily involved at national level in defining the discourse of diversity, which involved a new and more cooperative style of social dialogue. As noted above, unions share the responsibility of deciding whom the Diversity Label is awarded to and now have the right to be informed and consulted annually about the 'diversity situation' in the company, as well as to monitor recruitment and evaluation procedures. Diversity should also be included in the annual obligatory sector level bargaining. However, the employers did not concede to obligatory annual negotiations on diversity at company level[19] and little commitment has been made to monitoring and evaluating implementation of the national agreement. The level and quality of involvement of trade unions in social dialogue on diversity at sector level reflects the quality of industrial relations in the sector generally and it appears that the indispensable value ascribed to social dialogue in the discourse of diversity often lies in no more than the rubber stamp of legitimacy it provides. How does this reflect in French unions' responses to diversity management?

### 2.3. From pragmatic toleration at national level to legitimacy and acceptance at sector level

Neither the employers' Diversity Charter nor the ANI make any mention of 'diversity management'. It was only at confederation level that interviewees said they had often heard of diversity management and had a critical understanding of it. The CGT confederation interviewee felt that the principal motive behind diversity

---

[19] Although, as we have seen in Chapter Two, obligatory negotiations in France do not include an obligation to reach an agreement.

management was legal compliance to "avoid finding themselves before the tribunals for discrimination" and that it was simply about protecting their image. However, this was not seen as a problem as long as it was translated into concrete actions through social dialogue. The CFDT confederation interviewee found the concept of diversity management problematic because it implies that diversity itself is a problem - in terms of intercultural conflict - and therefore needs to be managed. He was also the only interviewee to associate diversity management with business case arguments (see next section): he felt that diversity management discourses were problematic because they commodify the diversity of workers as a source of supplementary competences, which companies can exploit for free. For example, language competences "should clearly appear as a supplementary competence including in terms of qualifications and in terms of salary. But it's not the case. It's attached to an individual, an intrinsic gift" (CFDT confederation). The federation level interviewees on the other hand said they had not heard employers or HR managers talking about diversity management, and when asked what they thought it meant, most talked about globalisation and managing a multicultural workforce in a multinational company or the need to train managers in non-discrimination. The CGT metals interviewee said that employers themselves did not even understand what they meant by it.

The discussion in the interviews was therefore focussed on the concept of diversity rather than diversity management. The confederation interviewees explained that an important initial phase in the negotiation of the ANI was to agree on a "shared vocabulary". This is when the word 'diversity' was "put to one side" (CFDT) in favour of 'non-discrimination, equal opportunities and equal treatment', although the

unions agreed to put the word diversity in the title of the agreement to please the employers:

> "So we said ok, we'll let you have it, the fact you consider that it's more positive in terms of image to speak of diversity than to talk about 'fight' because 'fighting' has immediately a negative aspect. (…) So diversity is in the title of the agreement but the agreement itself, when you go into the text, it's really, respect of equality, equal treatment, non-discrimination regarding the colour of skin, physical appearance" (FO confederation).

According to the FO confederation interviewee, the employers also agreed that the notion of 'diversity' was too vague to be of much practical use in the negotiations:

> "from the start we said what are we talking about? We're really talking about equal treatment and non-discrimination, and then the title "ensure diversity in the company" well ok, we didn't have that pretension because diversity, what does it mean? (…) We didn't spend too much time on that because we were more or less all in agreement, for once." (FO confederation)

The notion of diversity was not considered by the confederation interviewees to be particularly dangerous, just vague, meaningless and not very useful:

> "When we began the negotiations for the ANI this term caused a debate and everybody agreed that it was inappropriate, but that we would continue to use it precisely because it is a term which has a sense in

terms of PR, it is a term which is used today so we might as well profit from the bandwagon. And we see that in fact this term has been more or less discredited by the negotiators, on the employer as well as the worker side. (…) So there we are, everyone agrees to use the word, not everybody puts the same thing behind it, and those who are responsible for social dialogue don't use the word when they move on to talking about concrete things. (...) Everyone will say it's a richness, but afterwards it doesn't mean anything concretely in terms of action. No-one defended the word except for PR and image reasons" (CFDT confederation).

Before the ANI the CGT confederation interviewee though said his union had been "very cautious with the term diversity" because there was a danger it could "mask the reality of discrimination". However, all the confederation interviewees felt that the discourse of diversity was positive in that it had finally gotten the employers to come out of denial and talk about discrimination:

"The employers were not disposed to come and talk about the fight against discrimination, whereas talking about diversity was easier. They weren't put in a position of blame. There were meetings where they didn't come precisely because the theme was 'fight against discrimination'. (…) Today there is after all a climate where everyone agrees that there are things which are not acceptable." (CFDT confederation)

For this reason the CGT confederation interviewee was no longer concerned about the term diversity other than when it was abused for purely cosmetic PR purposes and was not transposed beyond the level of rhetoric.

The interviewees at federation level shared the scepticism that diversity was often used by companies merely for PR with no real commitment to act, although to varying degrees depending on how cooperative relations between the social partners were in the sector. The CGT federation interviewees were the most critical, particularly in the chemicals sector where the interviewees said there was very little ethnic diversity. Both the CGT Chemicals and CGT metals interviewees criticised the depoliticising nature of diversity discourses, saying employers preferred to talk about diversity because it allowed them to avoid talking about discrimination and the "real questions". However, the CGT metals interviewee was nevertheless still very positive about her union using its own discourse of diversity. She felt the ANI had been very positive in creating more dialogue on the issue of diversity, the concept was here to stay and the unions needed to accept that and gain more expertise in this area. The CGT Banking interviewee was prepared to tolerate discourses of diversity and use them pragmatically if necessary but without enthusiasm. Like several other federation interviewees she criticised the vagueness of the notion of diversity. For the CGT Banking interviewee this was a particular problem because the term 'diversity' mixed things up "in one bag", including issues which are "already complex enough to be treated on their own" such as gender equality. She felt the new law on diversity agreements enabled such issues to be watered down. For the FO metals interviewee, although the concept could mean anything, it had helped to overcome the inertia into which the equality agenda had fallen, making new

agreements possible. She felt though that talking about diversity could be a way for employers "to get around laws which protected the French" by allowing employers to recruit the highly qualified foreign workers they wanted rather than helping the disadvantaged.

For the rest, including FO metals and CGT metals, they were all aware of the ANI on diversity and that it was now their responsibility to negotiate an agreement on diversity at sector level and for companies to discuss the situation regarding diversity with employee representatives in a special works' council meeting once a year. Many of the interviewees, particularly from the CFDT, said that the ANI had clearly defined diversity so that they now had a correct and unproblematic definition (although there were some inaccuracies in the information they gave about the content of the agreement). At company level too, the interviewees generally viewed the concept of diversity positively as providing an opportunity for more social dialogue and progressing the equality agenda: "it's evidence that there's a recognition of the phenomenon of racial discrimination (…) now when there's discrimination it's easier to say 'that's not normal, you yourself have said so'" (CGT cars).

It therefore seems that the existence of the ANI had legitimised the discourse of diversity in the eyes of the sector level federations and they were very comfortable with using a discourse of diversity themselves. Interestingly, however, many of the sector or company agreements that the interviewees referred to as being 'diversity agreements' turned out to be agreements on non-discrimination, equal treatment, equal opportunities and/or social cohesion and rarely mentioned the word diversity,

186

or they used it in combination with, and invariably after, these other terms.[20] The regional level 'diversity' agreement for Greater Lyon, for example, is entitled "Framework agreement against discrimination". According to the CGT interviewee for this region, the negotiating parties decided from the beginning that as the word 'diversity' was not a legal concept, it was of no use in a collective agreement. The CFDT's campaign to mobilise its activists to negotiate agreements transposing the ANI at company level is deliberately named "1000 agreements for equality" and not "for diversity" because "it's a concept which is easier to use because, in terms of values, of foundations and in terms of interventions, it's much closer to our vocabulary, our approach" (CFDT confederation).

### 3. In what ways are French unions influencing the diversity discourse and what are the implications of union responses for equality agendas?

The closer resemblance to a UK equal opportunities approach rather than a UK diversity management approach can also be seen in the content of the ANI. The agreement states that the social partners:

> "consider that the reality of diversity must lead companies to offer everyone, where competences and abilities are equal, the same possibilities in employment and in access to it. To this end, the respect and the promotion of the principal of equal opportunities and equal treatment must be at the centre of the preoccupations of all the actors in economic and social life."

---

[20] E.g. temporary agencies, chemical sector, finance/insurance, Lyon region, Peugeot, Casino, Accor, HSBC.

The agreement reminds companies that the integration of people from diverse origins "contributes to the respect of the republican principles" which "leave no place for *communautarisme*". Bender et al. (2010:96) imply that the ANI is based on more of an equal treatment approach compared to the employers' Diversity Charter, as unlike the Charter, the agreement does not contain a commitment to reflect the diversity of French society in companies or "put in place any form of 'diversity goal' or of measurement of progress". Bender et al. (2010), however, have not acknowledged the opening up in this agreement towards a more pro-active, positive action approach concerning minority ethnic groups, similar to the equal opportunities approach as it is known in the UK (Kirton and Greene 2010). This can be seen first of all in the assertion that "the concept of diversity constitutes a complementary and dynamic approach" to the legal concept of non-discrimination, going beyond the existing legal provisions to "implement concrete actions" by "mobilising innovative measures at sector, company and regional level" in order to promote equal opportunities. In line with republican values, these measures should "privilege a qualitative rather than a quantitative approach" (i.e. milder forms of positive action). It can also be seen in the injunction to designate an "equal opportunities correspondent" (rather than a Diversity Manager), charged with the implementation of the policy. Regarding recruitment, the agreement stipulates that companies must put in place procedures which aim to diversify the sources of recruitment. As an example of such a diversified recruitment procedure it mentions the experimentations underway at that time with the use of anonymous CVs - an equal treatment measure. However, the confederation interviewees explained that they were forced to mention this as president Sarkozy had decided to push ahead with the anonymous CV experiment

before they had concluded their negotiations and without consulting them. None of the confederations supported this measure. The signatories also agreed to create a joint working group at national level with the task of collecting and disseminating good company practices for promoting diversity. This resulted in the practical guide for the "Prevention of Discrimination and the Promotion of Diversity in Companies" mentioned above, the focus of which is on providing practical examples of pro-active equal opportunities measures such as recruitment drives in deprived areas, re-organising working time so as not to be indirectly discriminatory, training courses to prepare for application to positions of responsibility, etc.

The closer resemblance to a UK equal opportunities discourse rather than a UK diversity management discourse can also be seen in the treatment of economic arguments for promoting diversity. The ANI makes only one reference to business case arguments, whereas social justice arguments appear throughout the text and "are the basis of our approach". The signatory parties intend to make business arguments (diversity "is a vector of innovation" and "has a positive effect on the company's image vis-à-vis its clients, external providers and consumers") merely a "supplementary opportunity to promote diversity," the promotion of diversity is therefore not subject to whether it is in the interests of business or not.

### 3.1. The non-threatening business case – it's all about image

Noon (2007) points out the dangers of unions using business case arguments to engage employers with equality issues as it can lead them into a dead end if the company can articulate a business case against equality. However, there seem to be

two business case discourses: one which prescribes identifying how diversity can be utilised for organisational objectives and claims that more equality and less discrimination will follow (rather than promoting equal opportunities for their own sake), and another which prescribes promoting equal opportunities because positive side effects for business will follow (often referred to as the 'high road' approach to employee relations). The preceding discussions indicate that French discourses of diversity tend to have been dominated thus far by the latter type of business case discourse. This seems to explain why the trade union interviewees generally appeared so unconcerned by the economic arguments for diversity.

When asked what arguments employers mainly used for justifying their engagement with diversity, almost all interviewees said the justifications were primarily social rather than economic arguments - the large majority considered that employers' main motivations for engaging with diversity were society's expectations of them (i.e. company image). There were also several comments about management's diversity policies being motivated by the need for social peace and cohesion, good social relations and less conflict within the company (the CFDT and FO company level interviewees also felt this was the primary business case motivation). Most of the interviewees talked of the "richness" which diversity brings to the company in terms of creativity, innovation and social relations, and arguments such as 'diverse teams are likely to be more creative than teams of clones' were thought of as stating the obvious and completely harmless[21].

---

[21] Although research suggests otherwise (Fischer 2007).

However, almost all of the interviewees stressed that they would never personally use business or economic arguments when discussing diversity, because that was not their role, and because employers knew all of those arguments already. Only two interviewees (CFDT metals and CFDT finance/insurance) said that they did use economic arguments. However, these were generally pragmatic arguments rather than the "contingent and partial" arguments critiqued by Dickens (1999). For the CFDT metals interviewee these were: that unemployment weighs on public finances and costs companies money in social protection contributions, that diversity brings innovation and competitiveness (although this is difficult to demonstrate), that by not employing disabled people the company was liable to pay large fines, that managing the career evolution of older workers meant their knowledge and competences could be transmitted to the younger generations. For the CFDT finance/insurance interviewee the economic arguments were that companies did not want the bad publicity of being known as a company which discriminates, and that the clientele wants to see itself reflected in the workforce. The CFDT and FO confederation interviewees, however, were concerned that this latter argument was being misused in a way that contributes to the ethnic segregation of workers and the reinforcement of stereotypes: "from a marketing standpoint they recruit categories of people because their workers should reflect their clients. So if you have black people who eat at KFC they should be served by black people" (FO confederation).

For the CFDT Banking interviewee, employers in the banking sector were recruiting more diversely, but only because they were forced to do so due to labour market shortages. This echoes the critiques of "fair weather" diversity policies made by Dickens (1999) and Noon (2007). For the CGT chemicals interviewee, the

employers in the chemical sector only ever came up with economic arguments for *not* doing diversity, but this was not a new phenomenon particularly facilitated by the business case discourse of diversity, as it applied to "whatever subject you invoke". He also felt that using economic arguments in his sector was pointless because recruiting more disabled workers and women was actually more expensive and so there was no economic argument "which holds" (echoing Noon's critique above). In his opinion, any economic arguments for diversity expressed by the employers in his sector were merely lip-service: "the employers say it, yes, because one can't say anything else". This was the main problem that most of the interviewees perceived with regard to business arguments for diversity i.e. that the implementation often did not correspond to the rhetoric. For the company level CGT interviewees in sectors which employ large numbers of ethnic minorities (hotels and car manufacturing), the business case was simply about finding the cheapest labour for the most difficult and precarious jobs: "and now they're trying to get themselves celebrated with an agreement on diversity. Well, it's easy but at the same time you have to recognise that at least they provide employment to those people" (CGT hotels)

In summary then, whilst there were some criticisms of business case arguments relating to their contingent nature and the commodification of labour (ethnic segregation and stereotypes, exploiting cultural competences for free), business arguments for diversity were largely associated with the need of the company to demonstrate social responsibility and were therefore not considered particularly problematic, except in terms of the gap between rhetoric and implementation.

### 3.2. Diversity and republican values

Neither the national nor the sector level interviewees appeared to see a problem in reconciling a discourse of diversity with republican values, whilst the confederation level interviewees saw the negotiation of the ANI as part of a process of affirming and revamping French republicanism.

The confederation interviewees explained that they were concerned before the ANI that diversity could represent *communautarisme*. They explained, however, that they had eradicated this threat during the negotiations:

> "we wanted to avoid anything which was a policy of quotas, and we wanted to avoid everything that was positive discrimination. So it's really that which you have to retain, it's that we were all in agreement in saying 'no positive discrimination'. No policies of quotas because that's dangerous. No ethnic statistics, because at the time that was a big debate too, and we all agreed that we mustn't fall into that." (FO confederation)

The CGT confederation interview even felt that 'diversity' was a useful term in that it could solve the problem of combining republican values with a non-*communautariste* conception of plurality:

> "I think that they [employers] wanted to talk about it because at a certain moment every term referred to the origins of one or the other person – 'child of..', 'person of X origin' etc, etc, so I think they wanted to go against the idea of *communautarisme* (…) The term diversity regrouped, redefined at the same time what they were looking for in terms of

plurality and at the same time everything which is republican spirit, secularism. (…) So I think the term diversity has all those connotations there, which we share because we think that you shouldn't ethnicise things, or communautarise, it's a good alternative, but at the same time you've also got to know how to fight concretely all the discrimination, and not mask that reality either." (CGT confederation)

The CGT confederation interviewee identified two discourses of diversity, an anti-republican one represented by President Sarkozy, and another guided by a "republican vision" and represented by the unions:

"there are two completely different approaches, an approach which is *communautariste*, which is to say 'I'm going to sort things out by community'(…) And then there is the approach which consists of saying 'we want to integrate' and when I say integrate it's not just origin, we're going to try to make equality much more effective, but to also try to treat it according to more 'social' aspects (...) it's not about integrating by saying 'you have to look like Jacques or Paul', it's about integrating but having your historical, cultural, geographic, social, etc. references."

However, the CGT confederation representative recognised that the republican model was in need of some reform:

"when you come from another culture you bring something and you receive the culture you come to, (…) and it [the Republic] allows that, it allowed it, (…) we see that it allowed it for certain populations, the

194

Italians, the eastern countries, the Polish. But when it comes to the people from the colonies, they didn't have that (…) it was considered that those people couldn't integrate, it was decreed, not officially but in the consciousness, culturally, because they were Muslims, because they were the ex-colonies."

According to the CFDT confederation interviewee there was, however, resistance to attempts at these reforms:

"very quickly there is the word 'republic' which arrives in a discussion of that type. 'Republican', straight away it arrives, a bit like a, I don't know how to say, an estoppel; 'that's the way it is and it can't be otherwise'."

When asked whether diversity was about emphasising or valorising differences the FO interviewees took a hard-line ultra-republican stance. For the FO confederation interviewee the republican principle of secularism needed to be particularly defended when it came to recognising different religious needs:

"Oh, no, no, no. The republican principles in France are very clear, it's equality, fraternity, secularism, and not *communautarisme*. So that too, we evacuated directly by saying that we're not here to put people in boxes, to say that 'because you are of such and such an origin or religion, you'll have this or that'. No, no. All that, there's, no, we're really not on that position there which is very American." (FO confederation)

This included taking into account different religious holidays:

"No, we're in secular state, there's a complete separation of the church and the state, which isn't the case at all in other countries." (FO confederation)

That France respects Christian holidays was considered to be "because of history" and therefore did not clash with republican secularism. The FO interviewees were nevertheless able to make their interpretation of diversity conform to republican universalism:

"Valorise and emphasise differences? Your question disconcerts me a bit because… no, it's not emphasising differences, it's the fact that we have differences and these differences are erased (…) It's, according to the differences, putting people on the same equal footing, it's not valorising the differences, (…) no, it's making differences disappear because there's no longer a reason to say that there are differences." (FO confederation)

The rest of the interviewees shared a republican interpretation of how diversity discourses 'valorise differences' as the acceptance that differences exist, but not that these differences (group or individual) should be emphasised or that they should promote social group identity:

"pointing to it [difference] is in order to show that this difference, … you're a woman and I'm a man, we can't hide it, there will always be differences like that, but at the same time it's to say that doesn't matter at all, we can work together, we can do the same work. So there are

differences which can't be rubbed out but we're all equal." (CFDT chemicals)

When it came to the question "do you think ethnic statistics would be useful?" interviewees could be divided into three groups. The first group (all of the confederation and FO sector interviewees) were against. The second group (the CGT sector level interviewees) were in favour and the third group (the CFDT sector interviewees) felt that ethnic statistics would indeed be useful but that either French society "wasn't ready for that yet", or it would have to be done with extreme caution.

It is worth noting that the interviews took place before the publication of the Comedd and CARSED reports on proposals for measuring diversity (see above). The official position of the CFDT was to declare itself "satisfied with the recommendations of the [Comedd] report"[22], which is in line with the responses from the CFDT interviewees. The CGT official response was that "The CGT refuses that anyone be defined by the origin of their parents. It has warned of the inevitable abuses of the systematic registration of these statistics".[23]

### 3.3. Diversity discourses, positive action and representativeness

Whereas Greene et al. (2005) have argued that the emphasis on individual differences in (Anglo-Saxon) diversity management discourses potentially risked the rejection of group-based positive action measures, the French trade unions – except FO - tended to associate diversity discourses with more positive action in relation to

---

[22] http://www.cfdt.fr/printDetail.do?noArticle=24314
[23] http://www.cgt-cus.net/spip.php?article1897

gender equality, the integration of disabled workers, the career development of older workers, and at least the possibility of more positive action measures in relation to diversity of origins.

The CGT confederation interviewee thought that such measures were more possible now because the discourse of diversity had enabled everyone – employers, unions and society as a whole – to start talking about the issue of ethnic discrimination which had previously been considered "too sensitive" to deal with. The FO confederation interviewee agreed and felt that this had probably led to more awareness about discrimination, and thus hopefully less discrimination, but she did not see that the discourse of diversity had led to any new types of measures:

> "Apart from the fact that now we talk about it more, (…) as it's less taboo it can be talked about, so it's more sanctionable (…) and this allows the people who are discriminated against to 'discover themselves' and then for those who are witnesses of discrimination to say so. And then, like a snowball effect, the fact that certain employers who didn't realise that they were discriminating become aware and perhaps discriminate less. That's my idyllic vision."

The CFDT confederation interviewee felt that the debates about diversity (rather than the notion of diversity itself) had spurred his union "to prove they could go further". He took a pragmatic approach, telling his activists to find local solutions to local problems without worrying what to label them:

"when we talk to a team it's the first question that they ask you (…) So they'll ask you 'well, what do you think of positive discrimination?' So we say 'we don't care (…) Do things and you'll see you'll find means of measuring, you'll innovate, you'll find.'"

At federation level, there was generally strong support amongst the CFDT and CGT interviewees for positive action. The CFDT banking, CFDT finance/insurance, CFDT metals and CGT metals interviewees felt that the discourse of diversity had spurred them and employers on in terms of organising concrete actions such as recruitment drives and cooperation with schools and employment agencies in under-privileged areas. At company level the only examples provided by interviewees of management implementing positive action measures came from the two companies with diversity agreements (cars and hotels). It seems then that where diversity is collectively negotiated it brings unions the opportunity to put positive action on the negotiating table for the first time. For the CGT banking interviewee, the banks did not feel such actions were necessary as they were recruiting diversely out of necessity anyway. At sector level, it was only in the chemicals sector that positive actions to address ethnic discrimination had not taken place on either the part of the unions or the employers. The CGT chemicals interviewee explained that due to the financial crisis such issues were not a priority. For the CFDT chemicals interviewee, the absence of measures to tackle ethnic discrimination was due to "technical difficulties":

"it's a subject on which we haven't reflected on very much 'scientifically' (…) How do we measure that we are representative? (…)

199

How can we count the people who are black? How do you decide who is black and who isn't? Between the two of us, who is more white than the other? And then there are the problems of, I would say legal, the things that we're not allowed to do, the criteria we're not allowed to use. So there you are, can we do an inventory and ask people their sexual orientation, are you homosexual? That's not allowed today, fortunately, but how can we know whether homosexuals are discriminated if we don't know where they are?"

This reluctance to tackle the 'sensitive' issues could be attributed to fear of acting incorrectly due to lack of experience and expertise, particularly in a sector such as the French chemicals sector where unions are weak, industrial relations are particularly conflictual and where immigrant and ethnic minority groups have never constituted a significant proportion of the workforce. It nevertheless demonstrates the potential for unions to use interpretive repertoires of the constraints of republicanism in order to justify inaction.

The FO interviewees, on the other hand, were very opposed to anything that was not equal treatment and republican meritocracy. As far as they were concerned equality will come about naturally on its own when the principle of non-discrimination is applied properly. Regarding representativeness, the CGT and CFDT, for example, had official policies and requirements for achieving parity between men and women within their own leadership structures, whereas the FO had categorically rejected these types of policies:

"Ah no, that is the notion of parity and we're not for parity, we're for equality which is completely different, (…) it's not: 'look we have three men, we absolutely have to have a woman', no." (FO confederation)

"For us it's natural to work with everybody. There are elected union representatives of all origins. For us, they're questions we don't even ask ourselves at FO." (FO cars)

One third (four out of twelve) of the French interviewees had an immigrant background. The CGT accounted for most of the interviewees with immigrant background (three out of four, the fourth was from the CFDT), which may be explained by its tradition of being a radical political union – possibly allowing more space for dissenting voices and the prioritising of ethnic minority grievances. The FO confederation interviewee was reluctant to admit that there was a problem with representativeness within the union hierarchy ("You want me to say that we don't have many blacks, Arabs, women in the union structures?"). When pressed she admitted there was a problem but she did not see this as a form of discrimination: "I don't think it's the result of a real discrimination, it's more the result of heritage". The CFDT and CGT, on the other hand, had policies for addressing the representativeness of people with immigrant background within the structures of their union. The CFDT, for example, took part in an academic study in 2001 commissioned by the High Council for Integration[24] into 'The access of French people of foreign origin and natives of the French overseas territories to management

---

[24] Other participant organisations were state administrative bodies, local governments and large companies such as EDF and France Telecom.

positions in companies and administrations'.[25] The CFDT had also commissioned a study into structural discrimination within its organisation by the sociologist Philippe Bataille as far back as 1995 (Bataille 1997) and is now repeating the exercise to see what has changed in the last twenty years. The CGT textiles interviewee said that his union had an informal – and "very, very recent" - positive discrimination policy for recruiting people with immigrant background into senior positions: "I know that I'm here as a result of positive discrimination, because the union here they wanted that a bit, but I'm not sure it's the best way." However, only the CFDT confederation and CFDT finance/insurance interviewees mentioned the diversity discourse as having given an impulse to these policies.


## 4. Summary

This chapter has supported the suggestions made in Chapter Two that diversity management was introduced in France at a time of perceived crisis in the institutional order of French republicanism, and that as a result the socio-political discourse of diversity has dominated over an HRM discourse of diversity management. This has meant that diversity management in France has had to emphasise the importance of a social dialogue approach over a unilateral managerial approach. This chapter has also made the argument that the difficulties of reconciling diversity management with republican values have further contributed to the need for trade unions to be involved in translating diversity management into something socially legitimate. Due to the perceived crisis of the republican model of integration, the business case has primarily been about the need for French

---

[25] The study can be found here: http://www.credoc.fr/pdf/Sou/HCI.pdf

companies to demonstrate their social responsibility and legitimacy, rather than 'bottom line' performance arguments about 'harnessing' diversity to meet organisational goals, as is common in Anglo-Saxon diversity management discourses. Organisational motivations for 'doing diversity' have therefore primarily been normative isomorphic pressure. French diversity management avoids an approach which emphasises valuing differences, but it is not an individual approach either, despite the rhetoric. Rather it resembles much more the UK equal opportunities approach, targeting social groups with mild forms of positive action. I have also argued that the reconciliation of the concept of diversity with the institutional logic of French republicanism has resulted in a certain degree of 'revamping' of French republicanism through the promotion of positive action for ethnic minorities and the breaking (or at last cracking) of the taboo about accommodating religious diversity.

The French unions mainly emphasised the discrepancies between rhetoric (for image purposes) and implementation, which was facilitated by the vagueness of the notion of diversity. However, more than the depoliticisation of discrimination, the French unions emphasised that the notion of diversity had helped to bring employers "out of denial" about discrimination. At federation and company level, the inter-professional agreement seemed to have largely legitimised the notion of diversity, and although it was rarely used in practice it does seem to have spurred agreements on anti-discrimination and equal opportunities and led to more positive action. Whilst there were some criticisms that diversity agreements were little more than a rubber stamping exercise for unilaterally conceived management policies, this was a criticism of the quality of social dialogue in a particular sector or company rather

than of diversity policies themselves. The most skepsis concerning the discourse of diversity was found in the chemical sector where industrial relations were particularly adversarial, where recruitment of ethnic minorities was traditionally low, and where there was little pressure to reflect the clientele as compared to the service sectors.

The confederations' initial concerns that the notion of diversity may be contrary to French republican values were allayed during the negotiations for the inter-professional national agreement, and replaced by the belief that diversity discourses could contribute to a more pluralist republican discourse and the possibility of more positive action to combat ethnic discrimination. The ideological differences between French trade unions became particularly clear on this issue, however, with the FO strongly defending a purely meritocratic and equal treatment approach, which they argued should have a diverse workforce as its natural result if strictly implemented.

Whilst there was recognition amongst some of the interviewees that republican discourses could be used as justification for inaction, there were other interviewees who were using republicanism themselves for this purpose. There was no recognition at the time of the interviews though that the vagueness of the diversity concept was leading to the neglect of the specific issue of ethnic discrimination in favour of other less sensitive issues such as gender and disability.

Finally, I argue that the French unions' acceptance (or tolerance) of diversity discourses is not only explained by their involvement in social dialogue on diversity, as many of the interviewees who were critical of the lack of social dialogue on diversity in their sector were nevertheless accepting and sometimes even enthusiastic

about the discourse. I argue that they have generally accepted the concept of diversity because they were able to translate it into a robust institutional framework of republican values.

# Chapter Six:

# Trade union responses to diversity management in Sweden

## Introduction

The literature reviewed in Chapter Two indicated that the Social Democrat government was the first and foremost promoter of a discourse of diversity in Sweden and that the approach to diversity issues was intended by the Social Democrat government to be a three-pronged one. In this chapter I further argue that the institutionalisation of discourses of diversity in Sweden has (as in France) taken place primarily in socio-political and regulatory debates at national level as a result of a perceived crisis in the Swedish model of integration and multiculturalism rather than through institutional processes such as mimetic isomorphism of a management fashion, 'managerialization of the law' (Edelman et al. 2001), or a drive for softer regulation (Sahlin and Wedlin 2008). It is therefore this institutional crisis rather than the Swedish model of industrial relations, which primarily explains the role of unions in the definition of diversity discourses at national level.

Chapter Two also raised the issue of the quality of social dialogue on diversity issues, suggesting that relations between the Swedish social partners are no longer as cooperative and consensual as they once were and that it is not inconceivable that employers could have linked an individualist approach to diversity management to a strategy to increase pay differentials and undermine the power of the unions. This, as well as the change of government since 2006, the attacks on the Ghent system and the *Laval* judgement may have affected Swedish unions' involvement in diversity

issues and their responses to diversity discourses. Moreover, Swedish unions' own responsibility for the quality of social dialogue on diversity issues must be considered when analysing and critiquing their responses to diversity discourses.

Chapter Two also discussed the criticisms of everyday and structural racism within Swedish unions, which do not allow immigrant voices to be heard, leading to failure to prioritise ethnic minority grievances, and paternalistic control over ethnic minority workers (Mulinari and Neergaard 2005). Acknowledging and responding to these criticisms, the LO produced a document and handbook in 1998, entitled *Mångfald* ('Diversity', LO 1998a, LO 1998b). The answer provided in the document is integration as a mutual process in which immigrants and Swedes learn from each other (ibid). It appears then that Swedish unions thought the diversity discourse may be a useful tool in tackling their own weaknesses. In this chapter, however, I argue that after an initially enthusiastic response where the discourse of diversity was seen as the solution to the crisis of Swedish multiculturalism, this discourse then became problematic for Swedish unions (at least at the level of the national confederations) due to its emphasis on differences, which they decided was more likely to exacerbate rather than to solve the problems of Swedish multiculturalism.

1. **How has diversity management been presented in Sweden and why?**

As we saw in Chapter Two, diversity management was initially introduced and promoted in Sweden by the Social Democrat government in the 1990s through a regulatory approach due to increasing concerns about segregation and unemployment among immigrants and the failure of previous integration policies

(Omanovic 2006, Westin 2006, Rönnqvist 2008). It therefore appears to have had a social group rather than an individualist focus.

Do los Reyes (2001a,b) has discussed how the Swedish diversity discourse has been shaped by the Swedish version of multiculturalism. As we saw in Chapter One, there was an official (and sudden) switch from assimilationism to multiculturalism in the 1970s. In 1974 multiculturalism was officially inscribed in the constitution through the protection of the cultural rights of immigrants, and the Swedish government exhorted support for linguistic, religious and cultural groups who prefer to maintain their characteristics" (Runblom 1994:630). The government defined what it meant by multiculturalism with the concept of "equality, freedom of choice, and cooperation" (*jämlikhet, valfrihet, samverkan*). Equality was understood as parity between immigrants and Swedes regarding rights, duties, and opportunities. Freedom-of-choice meant immigrants' right to choose whether to retain their homeland culture, to 'become Swedes', or to blend both. Cooperation meant concord between majority and minority populations. However, De los Reyes (2001a,b) argues that what actually resulted was a hierarchical form of multiculturalism, which creates 'us and them' divisions between Swedes and immigrants, reifies stereotypes, and classifies minority cultures as inferior to the majority culture, thus paradoxically obliging members of minority groups to try to assimilate to the dominant culture in order to integrate.

It would therefore appear according to the literature review (see Chapter Two) that valuing differences has not been a very important dimension of diversity management in practice. On the other hand, it appears that although diversity

management was promoted as a solution to a social crisis, social justice arguments have been considered ineffective and the business case has therefore been an important dimension of the Swedish diversity management discourse. However, performance-related business case arguments do not seem to have been given credence. More analysis is therefore required of what kinds of business case arguments have been promoted, and why, in order to understand Swedish unions' responses to diversity management. The impact of the strong critiques of the Swedish diversity discourse made by prominent Swedish academics on government and union policies also needs to be explored.

## 1.1. From multiculturalism to *mångfald*

The Swedish word *mångfald* is used as the translation for both 'diversity' and 'diversity management'[26] although the English term 'diversity management' is popular amongst consultants, there being no specific Swedish translation for it.

In the mid-1990s when discourses of diversity came into use in Sweden, the Swedish version of multiculturalism and the Swedish model of integration were under political scrutiny and generally considered to be in crisis. The context was one of severe economic recession and considerably higher unemployment amongst people with an immigrant background: around 25% for immigrants in 1996, compared to around 9% for native-born Swedes (Hansen 2000). In Sweden, labour immigrants were allowed to come to Sweden on a permanent basis (rather than on a

---

[26] For example: "*I USA kallas det managing diversity, i Sverige säger vi mångfald*" (In the USA it's called managing diversity, in Sweden we say *mångfald*), explanation provided by the Ministry for Home Affairs in a brochure entitled *Mångfald och Möjligheter* (Diversity and Opportunities).

'guest worker' status) until 1971, when labour immigration was prohibited. The vast majority of non-EU immigrants since 1971 have come to Sweden as refugees[27] and "were allocated to parts of the country with few available jobs and high rates of unemployment among native Swedes… Refugees who had been placed in a municipality were not allowed to move elsewhere because the municipality would lose its subsidy" (Westin 2006).

The rise of right-wing extremism (the nationalist New Democracy Party surpassed the 4% threshold of votes to get into the parliament for the first time in 1991, they obtained 6% of the votes and 24 seats) further fuelled the debates about the crisis of Swedish multiculturalism. Several official government documents suggest that the discourse of multiculturalism was considered to have failed or at least not lived up to expectations. For example, the 1997 bill for a new integration policy, *Sweden, the future and diversity: from immigration policy to integration policy* (SOU 1997/1998/16) observes that previous policies had been directed at immigrants as a group and had therefore focussed on their cultural and ethnic background, thus contributing to the association of 'immigrantness' with 'differentness'. This had resulted in a strengthening of the division of the population into 'us and them' (*vi och dom*), which has led to the 'outsideness'/exclusion (*utanförskap*) experienced by many immigrants and their children in Swedish society (ibid p.17-18). But 'integration' was also considered a problematic concept because it could easily be interpreted in an assimilationist way, where the expectation is that immigrants become like 'ethnic Swedes'. The Immigration Committee in its 1996 report

---

[27] Refugee immigration was about 70% of total immigration inflow by the early 1990s, with a significant increase in the late 1980s and early 1990s due to the wars in Iraq, Iran and the Balkans (Hansen 2000).

therefore stated that immigrants should "not be made into objects by using expressions such as 'integrate immigrants' or 'the integration of immigrants'" (SOU 1996/55, p.73).

Hierarchical 'us and them (*vi och dom)* thinking' has been repeatedly identified in official government documents, independent expert committee reports and in critical academic literature as being *the* problem in Sweden concerning integration and ethnic discrimination and the reason why the Swedish form of multiculturalism is considered to have failed. According to the critics of *vi och dom*, this 'us and them thinking' includes the assumption that 'the other' is deficient and inferior and that Swedish integration policy has therefore focussed on helping these inferior groups to overcome their cultural deficiencies and become like Swedes. An independent expert committee report into structural discrimination commissioned by the Social Democrat government (SOU 2005/56, p.446) describes *vi och dom* thinking as a dichotomy between 'Swedes' and 'immigrants', where immigrants symbolise what Swedes are not and where a positive self-image of 'Swedes' is defined through projecting negative characteristics onto 'immigrants'. According to another government commissioned independent expert report into structural discrimination (SOU 2006/79, p.20), "immigrantness is associated with a deficit situation both with respect to competence, social skills, knowledge of society and conditions in working life." These two official reports (SOU 2005/56 and SOU 2006/79) criticised the 'cultural specificity thinking' in Swedish multiculturalist policy.

> "The dominant idea was that 'immigrants' came from cultures which
> differed significantly from the Swedish culture. They should keep their

'specificity' and not become like 'us' so as to facilitate the return to their 'home country'. (…) The cultural *specificity thinking* (emphasis in original) came dangerously close to the biological specificity thinking which was dominant in many European colonial countries including Sweden." (SOU 2006/79, p.12).

The official report on the 2006 Year of Cultural Diversity, entitled "Diversity is the future" (SOU 2007/50: *Mångfald är framtiden*), further defines the problems associated with the term 'multiculturalism' in Sweden:

"The concept multiculture is (…) problematic in several ways, perhaps particularly when it is used to differentiate and make comparisons between different 'delimitable' and 'distinguishable' 'cultures'. Such an outlook (…) risks homogenising and emphasising differences rather than likenesses between different cultures. (…) Another problem is that the multiculture concept is chiefly used to talk about different minority groups in society and less seldom to include the majority population. 'The multicultural society' has come to be synonymous with immigrants and immigrant descendants" (p.58-59).

That immigrants are considered 'deficient' in comparison to 'natives' may not seem a particularly unusual phenomenon or one which is peculiar to Sweden. Critics of Sweden's '*vi och dom* thinking', however, insist on the magnitude and particularly *moral* nature of the Swedish superiority complex by international comparison. SOU (2005/56, p.109) argues, "the Swedish collective image took on the role of the world's conscience (…) the self-image of a moral super power and world conscience

212

led to an inability for self-criticism or to see which problems were in Sweden" (p.109). The author attributes "widespread denial" that there is discrimination in Swedish society to "a conscious or sub-conscious assumption that Sweden is 'different' from other countries. Sweden, it is popularly assumed, lacks a history of racism and oppression of ethnic minorities" (p.44).

SOU (2005/56) goes on to argue that "the idea that Sweden stood outside of the European colonial project and was therefore spared from a racist inheritance must be rejected" (p.121). Sweden had pioneered race biology, setting up the first race biology research institute (replaced by the Institute for Medical Genetics in 1958), which concluded that mixing Sami, Lapps and Swedes was disadvantageous from the "superior race's" standpoint because the offspring would always have lower immunity to sickness and poor character. A sterilisation programme of the disabled and gypsies was also carried out in Sweden and continued at least into the 1960s (the laws permitting this were not revoked until 1975). The author of the report argues that this history of pioneering 'race biology' in Sweden has facilitated the *vi och dom* mentality (p.109). This document also challenges the typical view that Sweden is not "by birth or tradition a multicultural or multiethnic society" (Runblom 1994:632), arguing instead that this ignores Sweden's long history of oppression of domestic minorities such as the Sami, Finns, Jews and Roma.

These documents demonstrate that the Swedish version of multiculturalism had run into severe difficulties in the 1990s. The arrival of the discourse of diversity appeared to the Social Democrat government to provide the answer. The new discourse of *mångfald* was presented as a new and improved version of Swedish

multiculturalism. In 1997 the Social Democrat government presented a bill entitled "Sweden, the future and diversity – from immigration policy to integration policy" (SOU 1997/1998/16). The proposal stated that "as the term multiculture has been loaded with so many and different meanings, the government has increasingly moved on to talking about social diversity instead" (p.19). For the Social Democrat government, *mångfald* appeared to present a non-assimilationist type of integration and a move from a negatve emphasis on differences to a positive one. But did the *mångfald* discourse live up to expectations and prove to be a successful counter-discourse with which to combat "*vi och dom* thinking"?

### 1.2. *Mångfald* - a counter-discourse to *vi och dom* and 'different is inferior'?

The introduction of the *mångfald* discourse was certainly concomitant with significant advances in Swedish anti-discrimination policy and a move towards the kind of positive action measures common to the conventional UK version of an equal opportunities approach (Liff 1999, Kirton and Greene 2010). SOU (2005/56) also argues that the prevailing denial that racism and ethnic discrimination are an integrated part of Swedish society had been an obstacle to the development of anti-discrimination law until the late 1990s. In 1983, in response to a report from the Swedish Discrimination Committee, which found there was extensive ethnic discrimination in Sweden and that unemployment was twice as high for foreigners as it was for Swedes, the social partners replied that there was no discrimination for those already in the labour market because they were covered by collective agreements which treated everybody the same. Although the unions admitted there was discrimination for those trying to enter the labour market, the social partners'

joint position was that this should be dealt with through collective agreements and not legislation. The government agreed and rejected the recommendation for a new law (SOU 2005/56). Criticisms over the years from the UN eventually led to a government proposal for a law in 1993 (ibid). The commission set up to prepare the proposal explicitly stated (SOU 1992/96) that the law against ethnic discrimination should be weaker than the law on gender discrimination and should only deal with direct discrimination because:

"with ethnic discrimination the question is of an infinitely much more complicated situation. A single individual can belong to different ethnic groups depending on which factor is seen as decisive in a given context. (…) It is difficult to define an obvious group for comparison" (SOU 1992/96, p.158).

SOU (2005/56, p.119) points out the flawed logic of denial and lack of power perspective in this rationale. The 1993 proposal was criticised this time by the trade unions for being too weak, for not dealing with indirect discrimination and for not allowing the same presumption-based rule on the burden of proof as was the case in the gender equality law (ibid). The centre-right government ignored these criticisms, however, and the Law against ethnic discrimination was passed in 1994. Continued criticisms of the ineffectiveness of the 1994 law, along with very high unemployment amongst people with an immigrant background, social unrest caused by increasing ethnic ghettoisation in housing, and the increase in the popularity of the extreme right (embarrassing for a country which sees itself as a moral leader on

the world stage)[28] led in 1999 to the "Law on measures to combat ethnic discrimination in working life". The 1999 law introduced an obligation for employers to work together with employees to carry out "active measures to promote ethnic diversity". The employers' duties are to carry out measures to ensure that working conditions are suited to all workers regardless of ethnic belonging, to carry out measures to prevent workers being subjected to harassment/bullying, and to act so that people with different ethnic belonging are given the possibility to apply for available jobs. It was intended that the law be implemented through collective bargaining (see Chapter Two).

The "Handbook for active measures to promote ethnic diversity" (DO 1999), produced by the Discrimination Ombudsman in cooperation with the social partners on the instructions of the government advises companies to produce a written diversity policy or plan dealing with recruitment, working conditions and harassment. Examples of active measures in the handbook are: revising competence criteria for recruitment; advertising in other media than the usual channels in order to better reach certain groups; training managers, union representatives and employees to recognise harassment and discrimination and inform employees of sanctions; having discussions with the workforce to find out what needs there are and what measures can be taken to ensure all employees can develop in their jobs and that all work organisation, working time and conditions, holidays and job positions are adapted to the different needs (of different ethnic groups). However, the handbook also advises employers to see how foreign cultural and linguistic competences can be

---

[28] The EU would also have been an influential factor (Sweden became a member in 1995), as the proposal for the European Racial Equality Directive (passed in 2000) was also being debated at the time.

utilised in the organisation, which fits with a "harnessing differences" business case discourse of diversity management.

As have seen, the introduction of the *mångfald* discourse was concomitant with the identification of the *vi och dom* problem, highlighting the need to counter-act the logic that 'different is inferior'. The 'business case' for diversity, with its positive message about the economic and social benefits of ethnic diversity, was therefore greeted with enthusiasm in Sweden by political actors and social partners alike as an antidote to the logic that 'different is inferior' and was an important part of the Social Democrat government's diversity discourse. For example, a magazine produced by the government for the 1997 European year against racism entitled 'Diversity and Opportunities' contains articles such as 'How to make diversity profitable', 'Responsibility is good PR', 'Do you want to see profit?', 'Double competence', and 'Make a creative organisation'. The final report of the "Project on productive diversity in business life and in the labour market", started (Ds 2000/69) by the Labour Market Ministry in 1999 with the task of analysing "how gender, class, ethnicity, age, sexual orientation and disability affect individuals possibilities in the labour market, as well as how diversity in the business world can influence growth" (p.1). In the section on "Diversity and economic profitability" (p.91) the argument that receives by far the most attention is that heterogeneous work groups are more creative and innovative than homogenous work groups. This is presented as a whole new way of thinking compared to organisation theory (from the 1950s and 60s) that homogenous groups work better. The report also calls for more research in Sweden into the relationship between diversity and performance. The diversity discourse used in these documents emphasises that people with immigrant

217

background are expected to be the carriers of certain cultural competences which native Swedes lack and should be valued and utilised for these.

The appeal of the business case for diversity in Sweden - at least for its initial advocates - seems therefore to have been more about its positive message of the value of difference rather than the ambition of organisations to subject equality objectives to business imperatives, as Kirton and Greene (2010) argue was the case in the UK. In other words, the logic that 'different is inferior' had always provided a powerful business case *against* diversity in Sweden in the past, which social justice arguments seemingly struggled to overcome. This may also explain why critics claim that arguments for diversity other than economic ones were considered irrelevant and even self-defeating in Sweden. The diversity discourse in the documents mentioned above emphasises that people with immigrant background are expected to be the carriers of certain cultural competences which native Swedes lack and should be valued and utilised for these. However, the 'different is inferior' logic appears to have been so strongly institutionalised that according to Wrench (2002:80-81), the main business case arguments used in Sweden are labour market shortages and concern about company image, rather than the belief that a diverse workforce could really bring internal organisational advantages or that immigrants' cultural, social or linguistic experience could benefit the company or enrich the workplace for native employees.

De los Reyes (2001a,b) and Omanovic (2006, 2009) argue that the main argument for diversity presented by the Swedish government was an economic one, but not the usual business case argument of benefits to the bottom line. The main economic

argument for diversity used by the Social Democrat government was that discrimination of immigrants and their subsequently high levels of unemployment was putting too much of a burden on the welfare system. In his analysis of the Swedish government's discourse of diversity, Omanovic (2006:137) found that "Discrimination is described as a cost to citizens and companies since it results in increased social expenses such as benefits or subsidies that must be financed through taxes and various fees." De los Reyes (2001a,b) argues that, rather than putting the blame for the difficulties of the welfare state on the perpetrators of discrimination, this argument actually stigmatises immigrants as the cause of the economic problems, and because it is combined with an integration discourse which sees immigrants as needing help to acquire the cultural competences necessary to fit into Swedish society, it also blames them for their discrimination too because it is their difference that makes them deficient. This seems to contradict the stated aim of the diversity discourse to overcome the 'us and them thinking' created by the discourse of multiculturalism.

Rather than replacing the interpretive repertoires of 'us and them' and 'different is inferior' in the pre-existing discourses of multiculturalism and integration with an interpretive repertoire of 'mutual adjustment' then, the discourse of diversity seems instead to have incorporated the 'us and them' and 'difference is inferior' discourses. The recursive relationship between these pre-existing discourses and the discourse of diversity therefore seems to have produced contradictory interpretive repertoires for diversity in Sweden: on the one hand, people are still culture-carriers and native Swedes just need to be educated about the value of immigrants' competences so that all differences can be valued equally. On the other hand, people who are culturally

different need help learning to behave like Swedes so that they can integrate into Swedish society (rather than society and organisations needing to change in order to accommodate difference).

Another significant interpretive repertoire in the Swedish diversity discourse - but one which has not yet been particularly criticised in Swedish academic circles, - is that of 'ethnic Swedes'. The term appeared around the same time as the introduction of the diversity discourse into Swedish society and appears frequently in the documents of both sociologists and politicians as a politically correct categorisation. It was intended to solve the problem of how to refer to the majority population who are not at risk of being discriminated against on grounds of ethnicity. Whereas 'ethnic British' or 'ethnic American' would be unthinkable and unworkable terms, 'ethnic Swedish' is considered acceptable because, as Runblom (1994:628) points out, Sweden, like other Nordic countries stood out as ethnically homogeneous until relatively recently. Whereas 'white-British', 'black-British', 'Asian-British', 'African-American', 'Indian-American', etc. are terms based on the premise that there are several types of British and American person, 'ethnic Swede' is based on the premise that there is only one *real* type of Swede. Its discursive effect is therefore to feed far-right discourses about the differences between 'real Swedes' and immigrants, between 'us and them'.

The change of government in 2006 did not appear to re-ignite passion for the *mångfald* discourse at government level (according to the government's search engine, neither the Ministry for Integration nor the Labour Market have published any documents referring to *mångfald* since 2005). According to Davidsson (2010)

the term *utanförskap* was widely used by the centre-right Alliance in the 2006 election campaign. Davidsson (2010: 169) argues that *utanförskap* ('outsiderness') was "constructed as the consequence of the policies of the traditional welfare state that, according to the debate, led people to abuse the welfare programmes and therefore ended up in passivity and benefit dependency. In addition, the cultural differences between native Swedes and immigrants were constructed as a cause of the expanded *utanförskap*". Since the 2010 general election, when the far-right anti-immigration party *Sverige Demokraterna* won 20 seats in the Swedish parliament, there have been major reforms to integration policy. The centre-right minority coalition government (reliant on support particularly from the opposition Green Party) have taken a pro-immigration position, and focussed on programmes aiming to integrate immigrants by getting them into work as soon as possible (e.g. subsidised jobs and training places) rather than spending long periods of time in Swedish language courses (Wiesbrock 2011, MPI 2013). Although the discourse of the 2010-2014[29] coalition government emphasised the contribution immigrants make to the Swedish economy, the language remained focussed on 'integration' rather than a resurgence of the *mångfald* discourse.

In summary then, the concept of diversity management, or *mångfald,* was heralded in Sweden as the new solution to the failings of previous integration and multiculturalism policies due to its positive valuing of differences, which it was hoped would tackle the particularly Swedish problems of 'us and them thinking' and 'difference is inferior'. The valuing differences dimension does after all appear to

---

[29] Since the September 2014 elections, Sweden has been governed by a minority coalition of the Social Democrats and the Green Party.

have been an important dimension of the Swedish discourse of diversity management (if not practice). In this context the business case appears to have been an important tool for the Social Democrat government in its strategy of reforming the Swedish model of integration rather than as a means of subjecting equality objectives to business imperatives. *Mångfald* has also been associated with significant advances in equality and anti-discrimination legislation and the promotion of positive action. However, it would also appear that the hoped for shift from a negative emphasis on differences to a positive one was neither straightforward nor entirely successful.

## 2. To what extent have Swedish unions been involved in a social dialogue approach to diversity management and how may this influence their responses?

As we have seen, the discourse of diversity was initially far more prominent at a socio-political level than at the level of a de-politicised managerial strategy. The Social Democrat government promoted diversity management as a solution to the perceived crisis of the Swedish model of integration and therefore insisted on a social dialogue approach. The necessity of a social dialogue approach is also acknowledged in the practitioner-oriented guides to diversity management (e.g. Nilsson-Fägerlind 2004, who points out that the implementation of a diversity management policy is likely to fail if the trade unions are not involved in its design).

The social partners were involved in several government-led diversity initiatives from the mid-90s: From 1995 to 1997 the LO and TCO took part in a project started by the Discriminations Ombudsman called 'The Quintet' (*Kvintetten*), which also

involved large organisations such as the Post Office, MacDonalds, Handelsbank and Stockholm Energi, and produced the report 'Diversity is profitable' (*Mångfald löner sig*) in 1996. As well as being consulted during the drafting of the 1999 law on ethnic discrimination which introduced 'active measures to promote ethnic diversity' and which was intended to be implemented through collective bargaining and policed by the unions, the social partners in cooperation with the Discrimination Ombudsman also produced the 'Handbook for active measures to promote ethnic diversity' in 1999 (DO 1999). The Social Democrat government also instructed the social partners to work together to promote workplace diversity resulting in the Swedish social partners' 1998 joint guide for companies, authorities and organisations entitled 'Diversity in working life' (LO, SAF et al. 1998) and the establishment of a joint 'Council for diversity in working life' in 1998.

The introduction to the 1998 joint guide is entitled 'Diversity makes the most of human resources' and begins by pointing out that Sweden has become increasingly multicultural in recent years. It goes on to explain that many of those who have come to "our country" have difficulties entering the labour market. The reasons given for this are:

> "structural changes, and rationalisation, but even lack of knowledge and discrimination are part of the picture. Whatever the cause, it is a waste of human resources if we do not manage to make the most of the knowledge and experience which people with other cultural or ethnic backgrounds bring with them to Sweden" (LO, SAF et al. 1998).

After recommending that social partners work together at local level to increase diversity, the next section is entitled "Diversity pays". It states (among other things) that:

> "By building-in ethnic diversity the total level of competence in an organisation is raised and possibilities for good service and good business increase.
>
> (…)
>
> Companies and organisations which work with diversity have a good starting point for advancing in countries that workers have contact with and knowledge about" (LO, SAF et al. 1998).

Here we see that the diversity discourse used by the social partners in 1998 was one which emphasised that representatives of 'ethnic diversity' bring with them specific cultural competences and knowledge which are linked to their cultural background and which are expected to result in improved economic performance. Either the discourse is concerned only with first generation immigrants to Sweden, or it is assumed that the second and third generation descendants of immigrants who also have difficulties entering the labour market have inherited these cultural competences from their parents or grandparents. Given this interpretation of diversity, it is not surprising that the diversity discourse was heavily criticised by Swedish academics for offering no alternative to the traditional essentialism and representations of fundamental differences between social groups of the multiculturalism discourse (De los Reyes 2001a,b).

In 1998, the largest union confederation, LO (blue collar workers), produced a policy document (LO 1998a) entitled 'Diversity, a guide for integration in the workplace' and a handbook (LO 1998b), which according to Mahon (2002) represented a break with the paternalism of previous integration policies, where lack of integration was ascribed to immigrants' cultural deficiencies. The LO therefore seems to have considered the diversity discourse a useful tool in advancing equality agendas. However, neither document contains any business case argumentation about the value of immigrants' cultural competences. Instead the discourse revolves entirely around integration, discrimination and racism being issues of democracy, solidarity and justice. It would appear then that the LO only employed business case arguments in joint social partner initiatives.

### 2.1. The influence of academic criticisms of the Swedish diversity discourse

De los Reyes' (2001a,b) extensive criticisms of the discourse of diversity in Sweden are taken up in the two independent expert committee reports into structural discrimination commissioned by the Social Democrat government (SOU 2005/56 and 2006/79):

> "Employees with an immigrant background are often reduced to their portrayed differences in the form of their 'cultural competence' and 'ethnic belonging'... These portrayed cultural backgrounds are then used to reproduce 'cultural differences' through a so-called Diversity Policy" (SOU 2006/79, p.73).

225

SOU (2005/56, p.192-193) points out that the term '*mångfald*' was a much debated one. The report refers to de los Reyes' criticisms of the *mångfald* discourse that despite its seemingly optimistic message, the *mångfald* rhetoric risks making inequalities along ethnic lines permanent instead of lifting them. It has been created from preconceived ideas about ethnicity, difference and culture without taking account of the power relations which create discrimination and segregation. A policy which tries to celebrate difference, if it does not take account of power relations, risks hiding those power relations and making it natural to think of people in terms of hard and fast, unchanging groups. SOU (2006/79) also points to the risk of tokenism which results from a one-sided focus on *mångfald*: "An insight is needed that promoting diversity does not automatically reduce discrimination, whilst working against discrimination will lead to increased diversity. Working against discrimination puts the focus on what is important, i.e. the similarities between people, instead of diversity work which often focuses on people's differences" (p.453).

Both of these independent expert committee reports agreed with the academic studies which judged that the new integration and diversity policies were "little more than a name change" (SOU 2005/56, p.112), which ignored questions of power structures and had therefore not succeeded in breaking segregation. According to SOU (2006/79, p.13), the Immigration Committee, which had in 1996 identified the need "for a new policy which must try to break up the boundaries between 'us' and 'them', between 'Swedes' and 'immigrants'", had not been able to realise this vision and had paradoxically presented a policy which had strengthened these boundaries instead:

"Integration is thus reduced to the promotion of 'diversity' as defined in cultural terms. Power relations in society are neutralised and made irrelevant for social cohesion." (SOU 2006/79, p.22-23)

The 'diversity' discourse, which was intended to provide a counter-discourse to the "*vi och dom* thinking", was therefore rejected by the experts advising the government as being no different to the failed discourse of multiculturalism it was supposed to replace. The academic criticisms of the *mångfald* discourse soon influenced the Social Democrat government, as can be seen by the controversy caused by the "Official enquiry into power, integration and structural discrimination" in 2004. The researchers Masoud Kamali and Paulina De los Reyes accused the committee of only being interested in analysing and mapping the differences between Swedes and immigrants and not the power relations which led to these differences. They also accused the committee of marginalising researchers with a foreign background within the committee (SOU 2006/79, p.33-34). The Minister responsible (Mona Sahlin) supported Kamali and De los Reyes, abolished the original committee and set up a new one with Kamali as chair. Sahlin was criticised for "politicising research" (*Dagens Nyheter* 01.2004). Kamali and De los Reyes received death threats from right-wing extremists.

The academic critics of the Swedish diversity discourse also found receptive ears amongst the Swedish confederations (De los Reyes' critiques were published by SALTSA, a cooperation programme between the National Institute of Working Life,

LO, TCO and SACO[30]). In 2001 the LO launched a counter-discourse to diversity: 'Equal worth, equal rights' (*Lika värde, lika rätt)*, explaining in its policy document (LO 2001) that the *mångfald* discourse was problematic, or at least insufficient, as it can be used in many different ways and does not say anything about:

> "class or power relations, nor about equality or a just distribution of wealth or of welfare." (LO 2001).

The LO (2001) policy document explains that the word 'integration' is also problematic because it can be understood as assimilation, where 'people must renounce their identity by being forced to distance themselves from their name, origin, religion, mother tongue or appearance in order to be accepted.' For LO, "it is society and working life which needs to become more integrating and developing for all" and whatever word is used must be coupled with "an insight that what we are actually talking about is everyone's equal worth and equal right to live in a society without oppression and injustice".

Most significantly, in 2003 the social partners' Diversity Council was re-named the Council for Integration in Working Life and their joint 'Diversity in working life' guide was re-written and re-titled 'Integration in working life' (LO, SAF et al. 2003). The word *mångfald* and the references to 'ethnic Swedes' were expunged from the document and the section of the guide entitled 'Diversity pays' was re-titled 'Arguments for integration'. Two new sections were added to the guide; one arguing that 'Active measures can be carried out without ethnic monitoring', the other

---

[30] De los Reyes was also subsequently commissioned by TCO and its federations to produce a report on structural discrimination and attitudes towards ethnic discrimination within their unions. This report was not published and cannot be used here.

arguing against positive discrimination ('Positive special treatment based on ethnic belonging is itself discrimination')[31]. These name changes signified a rejection of the diversity discourse in national level social dialogue and had been driven (as I was informed by the SACO confederation level interviewees) by the LO confederation interviewee.

It seems then that involvement in a social dialogue approach does not necessarily result in unions responding positively to diversity management. Moreover, in the meantime, as discussed in Chapter Two, the Social Democrats lost power, the Ghent system and the Swedish model of industrial relations came attack (Kjellberg 2009b, Woolfson et al. 2010, Davasne 2009), and Swedish diversity consultants began constructing a diversity discourse which aims to 'managerialise the law' by subsuming legal ideals under managerial goals (Leiva 2011). It appears that the re-named Council for Integration has not been particularly active since 2003, the year of its last major project (the production of a DVD entitled 'Scenes from a working life - a film about preventing [ethnic] harassment and discrimination in the workplace'). For the first few years (2001 to 2005) the Council awarded annual 'distinctions' to organisations promoting integration in working life but there have been no more awards since 2007.

---

[31] It should be noted that the confederations' interpretation of the academic critiques of the diversity discourse was not necessarily what the academic critics had in mind. As we have seen above, De los Reyes criticised the emphasis on difference in the diversity discourse for strengthening 'us and them' mentalities by making people into 'culture-carriers' and argued that the emphasis should be on structural discrimination instead. She does not, however, appear to have taken a position with regard to 'positive special treatment' in order to redress structural discrimination.

### 3. In what ways are Swedish unions influencing the diversity discourse and what are the implications of union responses for equality agendas?

#### 3.1. A clear rejection of the diversity discourse by the confederations

Two of the confederation level interviewees (LO and SACO) who had been personally involved in this challenge to the diversity discourse explained that their over-riding concern with the diversity concept was its emphasis on cultural difference, which was dangerous in the Swedish context because it encouraged 'us and them' thinking, reinforced stereotypes and puts the focus on the people being discriminated rather than the people who are discriminating:

> "[W]e went away from it very quickly. Because it contributes to making this division and etiquettes and labels on people and makes it very static and it divides instead of building on their common rights and it becomes atomising and it puts emphasis on race and ethnics instead of rights and anti-discrimination. So we left it, we changed the name of our Council, (…) we were forced that word because of the European policies, very much, and we fought very hard to change things but when you put money behind policies and people want to work, they're kind of 'ok, we can put it but…' But we managed as long as we had the Social Democratic government, we put it away from all the agreements, you don't find it. Somehow it's there but only saying diversity of knowledge and competence, not ethnical or anything like that, of experience and competence, but not human kinds." (LO confederation)

Rejecting the *mångfald* discourse had been challenging for the confederations because "the political debaters and journalists and internally also, people were very enthusiastic and "'oh diversity is the best thing in the world!'" (LO). Nevertheless, the LO confederation interviewee considered the *mångfald* discourse to have been part of an ongoing trial and error learning process:

"when you do pioneer work, it costs so much more, it takes so much more energy from you because you have to really try and develop and 'oh no, this wasn't right, oh this is better, oh no, we're still going wrong, we have to go back here'. And that takes a lot of energy and a lot of money and a lot of time and a lot of discussions and a lot of problems."

As the two new sections in the revised social partners' guide indicate, *mångfald* and diversity management were associated with 'positive special treatment' and ethnic monitoring, however, this was only amongst the confederation level interviewees who had been involved in producing the joint social partner guide and handbook (Documents 12 and 13):

"[N]ow you hear about diversity everywhere, at workplace level where we think it puts the emphasis on things which are irrelevant. There are still people who talk about *mångfald* who are positive towards positive special treatment. And we're really very against that, we're against all forms of ethnic monitoring in the workplace. .. statistical monitoring presupposes differences which make it that one uses and thinks 'us and them'." (SACO confederation)

The SACO confederation interviewee provided an example of an unacceptable positive special treatment measure: "It can be that there are two candidates and they have equal merits and you choose the one which comes from a minority." In Sweden, such measures are legal as long as the candidates are equally qualified.[32] However, the SACO confederation interviewee's position was categorical that any "discrimination to counter discrimination is wrong". The LO's position in 1998 (set out in its *Mångfald* document and handbook, LO 1998a,b) was that 'positive special treatment' for immigrants of the type described by the SACO confederation interviewee should be encouraged. However, this position changed when the LO rejected the *mångfald* discourse in 2003. The LO confederation interviewee confirmed that she associated diversity management primarily with statistics on ethnicity and emphasising cultural differences:

> "and leading people out of conviction that you are very different because you come from different cultures, and managing differences, as if not everybody was different, you stress differences instead of what unite us." (LO confederation)

It was for these reasons according to the SACO and LO confederation interviewees that their unions had opposed the government's proposal to introduce compulsory company 'Diversity Plans' in the late 1990s (proposing instead to set up the Diversity Council discussed above). After the trade unions supported the employers in opposing Diversity Plans, the employers appear to have supported the trade unions

---

[32] There was a high profile case in 2007 involving places at Uppsala University which were reserved for students with an immigrant background. The Swedish Supreme Court ruled that this should only be allowed where the applicants with foreign background had equally high grades to the Swedish applicants, which was not the case.

in rejecting the diversity discourse. The website of the Swedish employers' confederation, Svenskt Naringsliv, appears to substantiate the Swedish confederation interviewees' claims that the national Swedish social partners jointly agreed to move away from a discourse of diversity to a discourse of 'integration'. Whereas the website's search tool produced 513 results for the word 'integration', the word '*mångfald*' produced only 16 results referring to workforce diversity, four of these pre-date the 2003 change in discourse and three others refer to the publication of government reports. In relation to diversity SN has also expressed clear opposition to any form of positive discrimination (SN 2006).

The opinion of the confederation level interviewees involved in the negotiation of the social partners' joint guide was that there was consensus amongst unions and employers at national level on the rejection of the diversity discourse but that employers at company level were being misled along the diversity management route by consultants:

> "And there were so many consultants, ... they were selling this stupidity with diversity managing and all that stuff and people were buying it because they were desperate and they had begun to see that something was wrong and people came along and said 'look! We have the solution, if you do like this or you count like that or if you use this method, my method, we know, we have specialists from England and there you have where you count people and you do all that'". (LO confederation)

The 2007 'Handbook for active measures in working life – for equal rights and opportunities'[33] (DO 2007) produced by the Discrimination Ombudsman in cooperation with the social partners was therefore intended to provide practical alternatives to collecting statistics on ethnicity[34]:

> "We gathered some employers and we discussed this issue, how could we go one step further and not counting. We're really trying to give other good examples so you won't use this consulting 'managing diversity' stuff." (LO confederation)

According to the LO confederation interviewee, the diversity concept had also introduced the term 'ethnic Swedes'. She recounted how the former Social Democrat minister and Discrimination Ombudswoman, Margareta Wadstein, had felt responsible for bringing the diversity concept to Sweden and expressed her regrets about this to the LO interviewee because she felt it had only contributed "to ethnifying more the country" and had been exploited by the far-right:

> "the extreme right like Sverige Demokraterna, they say we are all different cultures and that's why our culture has to have these quotas too

---

[33] The 1999 edition (DO 1999) was titled 'Handbook of active measures for promoting ethnic diversity in working life' (*Handbok för aktiva åtgärder för att främja etnisk mångfald i arbetslivet*).

[34] The 2007 handbook (DO 2007) does, however, give advice for organizations wishing to set qualitative targets and collect statistics on ethnicity: This is allowed as long as it is carried out anonymously and voluntarily and respondents must be informed of the uses that will be made of the data. Respondents must be able to define their ethnicity themselves and to state more than one ethnicity. The handbook considers this method preferable to using the data available using the national register (which contains the country of birth as well as the parents' countries of birth), which does not involve self-definition or asking for employees' consent.

and there are strictly Swedish people, ethnical Swedes, I mean you got

this, it's a very, very bad development, that a couple of years ago you

didn't talk about ethnical Swedes, ... and suddenly we were all ethnifying

each other." (LO confederation)

## 3.2. Limited knowledge of the confederation position at federation level

Whilst there was a clearly defined position regarding 'diversity' at confederation level, only two of the federations (Handelsanställda and Unionen) were familiar with this position. The LO confederation interviewee had warned me not to be surprised if the federations appeared to be off-message and explained that they were still talking about diversity 'because everybody used to use it', because the word 'integration' had problematic associations with assimilationism, and because the Swedish word for equality (*jämställdhet*) was reserved for gender issues. She felt, however, that the 'equal worth, equal rights' message, with its emphasis on similarities and 'what unites us', rather than on differences, had gotten through to the federations even if they were still using 'the wrong word'.

Whilst the LO and SACO confederation interviewees were critical of the role of consultants and the discourse of diversity management they were propagating, only the FFB and IFM interviewees mentioned consultants; the IFM interviewee was regularly contacted by consultants offering their services and the FFB was using consultants to deliver training to their representatives on how to negotiate equality and diversity plans. None of the federation interviewees, however, were familiar with anyone in their sector using the terms 'managing diversity' or 'diversity management'. They were only aware of the term *mångfald* being used and indeed for

most of the interviewees at federation level this term was unproblematic. The IFM and Kommunal interviewees for example, preferred the word *mångfald* to integration because it meant being pro-active rather than reactive to discrimination, and because it portrayed having different nationalities in the company as beneficial and an opportunity rather than as a problem. The IFM interviewee felt this was important because he saw the major problem in his sector as being:

> "the sort of racism where you want all immigrants to be like Swedes… I think that many of our members think that immigrants should be like us or that they should change whilst one of the things about *mångfald* is that different cultures make a plus, it means that you learn." (IFM)

For the IFM and Kommunal interviewees the Swedish problem was the inferiority ascribed to those who were different, and the resulting pressure to assimilate, and the positive emphasis on differences was therefore a good thing. The Byggnads, Kommunal, HRF and Finansförbundet interviewees shared the view that a diversity discourse was useful because it provided a more positive approach to accepting differences, whilst valuing and treating them equally. The Kommunal interviewee, whilst generally very enthusiastic about the diversity discourse, did, however, see potentially dangerous misuses of the diversity discourse where people are employed as symbolic tokens of diversity and their performance and behaviour are judged according to stereotypes about their ethnicity: "'oh, she said that, she did that because she has a different culture, because she's black", and "for a black woman she has done a good work!'" (Kommunal). She also felt that the term *mångfald* made it possible for organisations to "escape from their responsibilities" as they could say

they "have *mångfald* here" without having to doing anything about discrimination. The HRF interviewee saw a difference between her interpretation of *mångfald*, which was that "all people are equal in value" and the interpretation of the employers in her sector, which was that people could be valued differently according to their background. The FFB interviewee thought that *mångfald* perhaps was not the best word to use because "You think only about ethnical belonging or foreign background. You don't think about the other things that you see in the law like disability, sexual orientation and age now too."

The Handelsanställda and Unionen interviewees, who were familiar with the confederations' position due to their participation in the LO's Integration Committee and other projects, did find the diversity discourse problematic. This indicates that attitudes towards the diversity discourse at sector level were dependent on the extent of communication on the matter with the confederation level. The Handelsanställda interviewees said their opposition to the diversity discourse had first arisen during the discussions about whether to call for obligatory company level diversity plans and the categorisation of employees that this would entail:

> "We had a discussion with the Youth Party a couple of years ago because they wanted to stress that you should have diversity action plans and we from the trade union perspective said no, we're not in favour of diversity action plans as such because then it would kind of open up for employers to actually ask what's your sexual orientation, do you have a disability and so on, where do you come from, which is your country of origin etc. so to be able to prove that you follow a diversity action plan you have to

be able to show that you have different kinds of people and we said that this is not reasonable because I would for instance, I'm a diabetic, I wouldn't want my employer to question me about whether I have an illness, a chronic disease whatever, just to make a mark in a diversity action plan." (Handelsanställda, interviewee 1)

Both the Handelsanställda and Unionen interviewees felt that the diversity concept was a distraction from the real issues, which were structural discrimination, power and class:

"We had a bit of discussion about diversity being used as an excuse not to do power politics. So you have the diversity term to just say that people are different and you can do things in different ways and as an excuse for not looking at the power balance." (Handelsanställda, interviewee 2)

The Handelsanställda interviewees gave particular examples of how the diversity discourse could reinforce stereotypes and undermine solidarity in order to maintain power structures between 'ethnic Swedes' and 'non-ethnic Swedes':

Interviewee 2: And especially this was discussed in one area, in relation to violence against women and honour killings where there was a big discussion about whether the honour related violence is, whether you can excuse cultural behaviour like honour related violence or whether it should be punished and treated in the same as any other violence.

Interviewee 1: Which also made it possible actually in a way to say that 'well Swedish men, ethnical Swedish men are not violent'

238

Interviewee 2: 'Swedish men are more equal'

Interviewee 1: Yes, and the 'other men' are deviant and we only need to teach them to be good men. But 'those men' from other cultures, they represent something very different. (…)

Interviewee 2: And also for the women who don't have a Swedish background and have come to Sweden later on in life you start building up a picture where these women are oppressed by their men because these men are not 'equal', whereas Swedish men are. So you start building up a picture where you victimise these women a lot more than you do with Swedish women. So you start separating women from women in a way that is not very good for trying to redistribute power, changing power balances, and its somehow ok to say that they are oppressed because these women are not from Sweden. So it's kind of an in-built racism in the diversity term when it's used in the wrong way. (Handelsanställda interviewees)

Both the Unionen and the Handelsanställda interviewees, however, found trying to counter the appeal of the positive message of diversity within their unions was not easy. The Unionen interviewee found this particularly difficult among her more senior white male colleagues. One of the Handelsanställda interviewees said she had been trying to get the message out from their head office that "we don't use the term diversity", but explained that on this sort of issue:

"it's ok to think almost anything, if you don't like what is said it's always ok to think something else or to say something else, even though we have decisions saying (…) that this is how we view discrimination issues and inequality and so on."

### 3.3. Position on 'positive special treatment' and ethnic statistics at federation level

The SACO confederation interviewee explained that the official position of the confederation against ethnic statistics and 'positive special treatment' was not shared by all of the SACO federations and that they had had in relation to the *mångfald* question "a very long and lively discussion about positive treatment". A "minority" of SACO federations were in favour of some 'positive treatment', which was described as "catching-up measures". None of the LO and TCO federations interviewed mentioned 'positive special treatment' in relation to the *mångfald* discourse.

Regarding ethnic statistics, there was a much more mixed response amongst the federation level interviewees compared with the confederation level (see above). The statistics the interviewees' referred to concerned place of birth and place of birth of parents rather than the typically Anglo-American typologies of ethnicity, which they said were not allowed. Only the Unionen interviewee (herself from Iran) felt that these statistics were inadequate and was leaning towards favouring a typology relating to skin colour:

"I don't think how we can get to the racism issue if we can't say that it looks like this, I mean talking about being born in another country it doesn't really give you the reality. (…) They talk about 'Somalis, they have it really bad'. Well, they do but it's because they're black, other blacks face the same discrimination because of their colour. (…) I find it very difficult to talk about races because I don't believe there are races either but people are being treated as if there were races, maybe we should talk about colour like they do in the US." (Unionen)

However, the federation level interviewees generally did not see any special connection between *mångfald* or diversity management discourses and the collection of ethnic statistics. The exception was the FFB interviewee who knew of one bank that was collecting statistics on place of birth as part of their diversity plan but she did not think this was the most useful measure to use. She said her union was currently discussing the issue and had not reached a decision yet. The Byggnads and Kommunal interviewees were generally positive about the diversity discourse but wary towards ethnic statistics: they recognised the problems of not having any statistics, but were concerned that history had shown they could be dangerously misused. The FFB and Byggnads interviewees felt that 'competence-mapping', which included what languages people spoke, would be a useful alternative tool for promoting diversity. Although language competences could arguably be used to a certain extent as a proxy for ethnicity in positive action measures, this also fits with a 'harnessing differences' discourse of diversity, which could provide a meritocratic business case against people with language competences considered less useful in the labour market (the business case is discussed in section 3.4).

The HRF and IFM interviewees were positive towards both the diversity discourse and ethnic statistics; the IFM interviewee felt the latter were absolutely necessary in order to assess the situation with regard to discrimination and was collecting statistics on whether IFM union members or their parents were born outside of the Nordic countries or not. The Handelsanställda and Unionen interviewees were wary of the diversity discourse (see above) but more positive towards ethnic statistics: Although the Handelsanställda interviewees were against the collection of such statistics at company level for Diversity Plans, they were not against official statistics being collected on an anonymous and voluntary basis about people's place of birth and the place of birth of parents, and were already collecting such statistics in surveys of their members (although the response rate was quite low). The Unionen interviewee was interested to try wage-mapping for ethnicity as was already being done for gender, although she admitted this was a very "radical' and unpopular idea.

### 3.4. The business case for diversity: "no-one wants to be called racist"

Regarding the business case for diversity the LO confederation interviewee made it very clear that using business arguments for diversity was against LO policy. The employers had also agreed in the joint Council for Integration in Working Life (see above) not to use them either, although they still did:

> "We never used them in the LO, if some people happen to say something like that they're not talking based on policies, even in the Council, even there we left it out. So, because what are you going to do when it's not profitable, because you can't work with these issues

anymore because it's not going to give you any money. So we very, very early we left that argument, even with the employers, but they use them because again this stupid thing from the consultants." (LO confederation)

Despite not being very aware of the types of diversity management discourses used by Swedish consultants (see Chapter Two and Leiva 2011), some of the federation interviewees (HRF, TCO, Byggnads, Unionen) were nevertheless critical of employers using business case arguments about utilising *mångfald* strategically for cheap labour and prioritising business over social justice arguments. The HRF interviewee felt that employers usually presented *mångfald* as a cost that was prohibitively expensive, but that they also saw *mångfald* as a way of getting certain competences, such as language skills, without having to pay for them. The TCO and Byggnads interviewees had heard employers say that immigrants work longer hours for less money, and work harder without complaining, and the Byggnads interviewees felt that the employers in the construction industry were using the *mångfald* discourse in the Laval dispute (see Chapter Two) to accuse Byggnads of being xenophobic when it demanded that foreign workers in Sweden should be paid the same as Swedish workers. The Unionen interviewee was concerned that business case arguments could lead to unrealistic and discriminatory expectations of ethnic minority workers' performance:

"It's like if you hire a black person and expect this person to be more productive and then this person is just a normal person and not a super-

person and they don't make it then that company isn't going to hire a black person next time." (Unionen)

She also felt that the business case argument seemed to oversimplify the issues by focussing on what diversity should bring to the organisation and ignoring the need to change the organisation itself:

"Because people say things like 'well, we had *mångfald* but it didn't go very well so we stopped hiring *mångfald*'" (Unionen).

On the other hand, she felt that the business case arguments for diversity were often the result of well-meant but misguided intentions:

"But in a way I find that I understand that they bring up that perspective as well because it's like 'what do we do?' There's a lot of racism in the structure of society and getting to it is very difficult and sitting and criticising different methods isn't helping either because nothing's happening. So I think people do that in order to you know, 'well, you can do this'. But it's not really helping because that's not where the problem is." (Unionen)

However, several interviewees thought that business case arguments were not used very much for ethnic diversity anyway either because people generally did not believe that non-'ethnic Swedes' could perform as well or better than 'ethnic Swedes' (SACO, TCO, IFM, Byggnads) or because they were applied more in the case of gender (FFB, Handelsanställda, TCO). Almost all the interviewees said that they did not use business arguments themselves, except to say that diversity makes a

244

better working environment. On the whole though, business case arguments were generally not considered particularly problematic by the federation interviewees, apart from HRF and Unionen. This seemed to be because the most common business case argument which interviewees ascribed to employers was the need to reflect their customers and to present a good image of not being a racist company. The positive message of the *mångfald* discourse that "diversity is actually good for the companies" was welcomed by many of the interviewees (IFM, Byggnads, Kommunal, FFB) as a new way of thinking in Sweden which countered the wide-spread attitude that diversity was actually bad for performance. The IFM, Byggnads and Kommunal interviewees also identified a business case for the union itself to engage with diversity i.e. that if they had more diversity within the ranks of the union they would be more representative of the workforce and thus attract more members. The IFM interviewee did not think this argument was very effective at local level though: "they think that it creates a lot of problems, they say that different nationalities fight against each other and that you don't understand what they say and so on". He felt this would change with time. However, in the study commissioned by the LO into structural discrimination within the union (De los Reyes and Lundgren 2008?), the scepticism amongst local union officers towards arguments about the positive impact of diversity on performance was pointed out as a reason for not encouraging the *mångfald* discourse, as it contributed to 'us and them' thinking.

### 3.5. *Mångfald*, positive action and representativeness

All of the interviewees agreed that the *mångfald* discourse had been useful in at least getting people to come out of denial about discrimination (although the SACO

interviewees felt that this was a societal development, of which the *mångfald* discourse was a part, or a result, but not the cause):

> "There was a denial, and no conscience of the injustice and, there was no problem, there was no issue. I remember when I started you could get the answer 'we don't have any problem, we have immigrants' or 'we don't have any problem because we don't have any immigrants, we don't have any problems'".  (LO confederation)

As we saw in Chapter Two, the Swedish unions had been strongly criticised (Mulinari and Neergaard, 2005) for structural discrimination and paternalistic control of immigrant members, hindering their active participation in the union, failing to prioritise ethnic minority grievances by denying that migrant workers have different concerns and demands, and assuming that their interests can be properly represented by white native Swedes. The LO's 1998 document, *Mångfald,* was intended to address these issues, calling for (amongst other things) the unions' decision-making bodies to be representative of their membership, for immigrants' interests to be included in collective bargaining and for local networks of immigrant active union members to be set up. It also called for union representatives to support 'positive special treatment' (see above). The confederations rejection of the *mångfald* discourse in 2003 translated on the one hand into an objection to 'positive special treatment' and ethnic monitoring. On the other hand, in 2000 the LO launched its five year programme, *Kraftsamling för integration* ('Mustering of strengths for integration'), to intensify the integration work already being carried out as well as launching the *Lika värde, lika rätt* ('Equal value, equal rights') project involving all

of the LO federations. The 5 year programme was intended to make a real impact in breaking down social and ethnic segregation in Sweden. It should permeate the entire organisation and included research and data collection in order to map social and ethnic segregation, to develop policy and change strategies, and to mobilise and train union representatives. Despite its position against the collection of ethnic statistics in the workplace, the LO nevertheless felt it necessary to collect statistics for the first time on the percentage of its members and representatives with immigrant background (broken down into Nordic countries, the rest of Europe and the rest of the world) in order to tackle structural discrimination within its own organisation. Data was also collected on the regional and locally elected LO representatives' knowledge of anti-discrimination law, and of their own responsibilities, as well as on what experience they had of working against discrimination (LO 2006). This study concluded that most of the actions carried out against discrimination were reactive, whereas "the part of the law which foresees pre-emptive approaches seems to have less impact". The confederations therefore worked together with the Discrimination Ombudsman and some Swedish employers to produce the 'Handbook for active measures in working life' (LO 1998b), which intends to overcome negative attitudes towards tackling discrimination (such as "this isn't a priority for our members" or "we don't have these kinds of problems") by providing a guide to auditing working conditions and processes and suggesting possible active measures. The LO and TCO also commissioned academic studies into structural discrimination within their unions. According to the Unionen interviewee, the TCO also took part in the data collection on the ethnic background of their members and representatives. She felt, however, that "there's a lot of

mapping going on but nothing's being done about it because what you can see is the racism and that is the problem."

At confederation level then, the *mångfald* discourse, despite its subsequent rejection, appears to have been associated with a move towards tackling structural discrimination, more representativeness and positive action. It is worth noting, however, that in 2010 the network of 'immigrants active in the union' (*Fackligt Aktiva Invandrare, FAI)* was closed down due to lack of financial support. This network had been set up in 1997 in order to organise immigrants and to strengthen the representation and impact of immigrant members within the union movement (Mulinari and Neergaard 2005). Its aim had been to make itself unnecessary and then close itself down. The closing of the FAI casts some doubt over the unions' current commitment to representativeness.

At federation level, many of the new measures the interviewees associated with *mångfald* were typical of the milder end of conventional UK equal opportunities policies (Liff 1999, Kirton and Greene 2010), such as providing language training for immigrant workers, reviewing qualification criteria, advertising jobs in different media and stating on job adverts that applications were welcomed from people with immigrant background. It also seems that appropriation of the *mångfald* discourse by the interviewees or their unions was generally associated with relatively more attention to issues of structural discrimination and representativeness within the union.

The IFM interviewee felt that the *mångfald* discourse had led to some new types of actions such as "education" to create "some understanding about how people are

different and so on, but that is not very normal". However, he did not associate a diversity policy with specific actions to recruit people from different backgrounds although such measures were quite common ("very active") for women and older workers. He also felt the anonymous CV was a good idea. It was the IFM interviewee's task to draw up the new 'action plan for *mångfald'* which had been decided on at the IFM's last congress (in 2008). The IFM interviewee felt that a large part of this plan should be about tackling structural discrimination within the union by getting the regional and central levels of the organisation to reflect the membership (the local level of union officials was considered to be reasonably representative), tackling racial prejudices amongst members and local union officers, as well as getting better at educating shop stewards and local activists on how to get diversity action plans in the workplace (including topics such as competence development, recruitment, and supporting Swedish language education) and how to handle discrimination issues. The IFM interviewee also explained that as a 'heterosexual middle-aged white man' he had been given the job of being responsible for diversity issues within the union (even though he did not have very much experience with ethnic diversity issues) because he had worked with leadership and his manager felt that this would give the issue more status. This could be a case of continued paternalistic control over ethnic minorities within the union, or it could be a case of a generational problem identified by the last chairperson of the *FAI*; that when jobs within the union are in short supply, in order for someone new to get a position in the hierarchy, someone else that has been around longer may have to be ousted.

For the Kommunal interviewee, her union's actions for *mångfald* were about improving conditions and wages for workers in the lowest paid and most precarious jobs:

> "Kommunal tried to research the differences in wages for example based on ethnical background, not only in wages but even in working conditions, different forms of contract, and most of the members who have temporary employment have another ethnical background than Swedish. (...) Kommunal has tried in the latest negotiations to lift the wage levels for members with other ethnic origin by lifting the lowest wage levels."

The Kommunal interviewee felt that these were the kind of concrete measures which made ethnic minority members feel it was worth staying in the union. Kommunal had also carried out a study to show the effect that changing one's name from a foreign-sounding name to a Swedish-sounding name had on wage levels and career opportunities. The Kommunal interviewee talked about how the *mångfald* discourse had enabled them to talk about things in their Diversity Committee which people had been afraid to talk about before:

> "people were afraid of talking the problems they faced locally in workplaces when different groups meet (…) they are afraid of being labelled racists if they take up issues like "oh I have got a problem with members from minorities, they don't understand Swedish well" (…) So I influenced my colleague, I convinced her that it was important to provoke people to talk openly without being afraid of the label racist. (…) So we

250

found ways to make them speak about those things which they experienced as problems, which may not be problems. (…) And I think it was successful, we have discussed diversity as a question, islamophobia, cultural conflict (…) because you know there is a tendency to label everything as culture, every short-coming, everything which goes wrong, there are tendencies to show them as if they were a cultural problem. (…) We have discussed it, among the members of this working group, but I can't say it has been discussed amongst the members."

The Kommunal interviewee also felt that the *mångfald* discourse had opened up the union to LGBT issues. It appears then that the *mångfald* discourse within Kommunal has been associated with breaking down taboos and with prioritising ethnic minority grievances. This may well be due to Kommunal's policies on representativeness; according to Mahon (2002:65), Kommunal was "one of the few unions that went out of its way to ensure that its representatives to LO's Congress 2000 reflect the age, sex and ethnicity of its membership". The Kommunal interviewee was herself an immigrant from Ethiopia. She was, however, quite critical of Kommunal's representativeness: one fifth of its members had "some kind of foreign background" but they were not represented proportionally and there was "almost no representative in the leadership". This was considered to be a major problem, of which she felt the leadership was aware, because the proportion of these groups, for example in elderly care, was growing rapidly:

"and if Kommunal doesn't succeed to open itself and let them be represented by themselves it will weaken Kommunal as an organisation

and I think the leaders of the organisation are aware of that but I don't know, the organisation has not yet found the right way of working with this issue".

Moreover, since she had moved on to work on other issues, the discussion in Kommunal about structural discrimination and racism had ceased:

"that discussion has kind of stopped. This group, the diversity working group, it has not advanced, it has not continued. (…) So there hasn't been any kind of active work after that group had done what it wanted to do."

The Byggnads approach seemed to be more of an equal treatment rather than equal opportunities one. One of the Byggnads interviewees said *mångfald* was a "heavy word in Swedish", when asked why they replied that as a union they preferred to talk about "equal pay for equal work" and about "people's rights" rather than "working for more diverse labour market". Regarding the law on 'active measures' to promote diversity, they said that this had not had any impact at all "because our agreement doesn't discriminate anyone, it doesn't matter whether you're female or a man or black, brown or white, everybody gets paid equally". Active measures were therefore not considered necessary, although they admitted that their membership and the workers in the construction sector were "quite homogenous when it comes to both men and white skin" and that there were "well-spread prejudices against both female workers and foreign workers". The measure they were most interested in for tackling this problem was the anonymous CV (again an equal treatment approach) although they admitted that recruitment was "usually based on connections". The positive action measures they were carrying out were concerned with gender, which was

"easier to work with". Within the union they had had gender audits where they had "had to explain the situation", although they had apparently not had to do anything about the situation. They did not have any data on the nationalities of their membership and it seems that the nearest they got to positive action for ethnic minorities within the union and the sector was stating on job adverts that "we're looking for women or foreign background". However, the reasons they gave for having few ethnic minority workers in the sector were that people from ethnic minorities did not want to work in the construction sector because "that's the trade or job which is the least appreciated in their home society", or that immigrants were not sufficiently qualified:

> "Well Swedish construction workers have been quite well-paid for a long time and you could connect payment with education and the self-image of the Swedish construction worker is that he is well-educated in his skills. If you come from for example the Middle East, they lack the education that a Swedish construction worker has, at least that's our image of how it is. So I guess we have been sceptical against people from other countries to come and work with in Swedish construction places."

Their solution for dealing with this was that the state should provide more education and training for ethnic minorities. They explained that relations between the social partners were particularly bad in the construction sector precisely because they had been a very powerful union with "the best paid blue collar workers" and the employers had therefore started "attacking us all the time". It seemed that, given this situation, protecting their image of being a highly skilled workforce, and being a

'salary union' ("I think we're the only union saying that we're a 'salary union'; that we fight for salary all the time") was more important than working for a diverse labour market. They also felt that whilst it was easy to talk to the top management of big companies like Skanska about *mångfald*, it was not possible to make *mångfald* a priority at local level, where "you have the pressure of project time and when you then start to talk diversity, well it's not on the top agenda for bringing the business to a good status".

The Byggnads interviewees explained that they were in a phase of freshening up their integration and anti-xenophobia policies and that they wanted to "get it much more heavily into our everyday work" due to the "situation in Europe where really competition and also struggle from really brown and black forces is coming up". However, they did not feel that racism was a problem amongst their members; although they said that since the *Laval* verdict *Sverige Demokraterna* (the right-wing anti-immigration party) had been focussing on recruiting construction workers. They spoke of how tired they were of the media portraying Byggnads as racist and xenophobic since the *Laval* case and this may explain their reluctance to admit to the presence of racism amongst their members. It seems that high unemployment in the construction sector ("about 10% and the trend is not looking good"), adversarial industrial relations, a relatively low proportion of ethnic minority members, and the lack of necessity to reflect their customers compared with the service industries, meant that there were few pressures on Byggnads to carry out anything other than anti-racism campaigns

The FFB interviewee explained that in the banking sector they had been working on gender equality for a long time but it was only in 2007 that they took a decision in their congress to focus on *mångfald*. The interviewee put this down to the fact that the bank and finance sector was less 'multicultural' compared to other sectors. She was aware that other unions who had been working on this issue for longer preferred to call it something else, such as 'human rights' but the joint employer and trade union 'Equality Committee' (which had dealt only with gender equality issues) in the banking sector had nevertheless been renamed the 'Equality and Diversity Committee' in 2009 in response to the new Discrimination Law, although they had not decided yet what new activities to introduce concerning *mångfald*. The FFB's own activities for diversity so far had mainly concerned using external consultants (the same external consultants as the employers in the banking sector were using) for seminars and courses, for example on how to make a plan for equality and diversity.

Amongst the federation level interviewees who were more critical of the *mångfald* discourse and trying to steer their union away from it (Unionen and Handelsanställda), there was still the sentiment that the *mångfald* discourse had contributed to advancing their agendas. The Unionen interviewee felt that discrimination and racism had been neglected issues before the diversity discourse came along and that the *mångfald* discourse had contributed to achieving her strategic priority, which was to get anti-discrimination agreements at company level. She described this as:

> "a very radical thing to do because the whole collective bargaining system, at least here at Unionen it works like this, we have conferences all

over the country and the members say what they want the union to work within the next round of collective agreements, and usually the members want higher wages and other things, but usually higher wages. So we did this tour around the country, and yes, wages were very important, but there was a guy who went up from the LGBT network and said we should have anti-discrimination agreements within the next round of agreements, which was very radical." (Unionen)

The idea had been considered before but with little commitment until the *mångfald* discourse had become popular amongst her union leaders:

"…suddenly they changed their mind and said yes, it's going to be very important in the next round of agreements, which means that all the different delegates are going to have anti-discrimination as part of their negotiations with employers, which is very, very uncommon". (Unionen)

The Unionen interviewee was of the opinion that the members had only been able to make this demand at the congress because of the support they got from the LGBT network. She was therefore very keen to establish networks for other groups and although she was not keen to use the *mångfald* discourse herself, she could see its popularity within her union working in her favour in this respect.

The Handelsanställda interviewees' priority was also to get discrimination issues higher up on the unions' agenda and to train their shop stewards to be better at handling discrimination issues because "they tend to think it's difficult to handle discrimination issues (…) there's a lot of insecurity involved in handling

discrimination issues right". This was one of the reasons why they felt that the law on active measures to promote ethnic diversity had not had very much effect: "as a trade union we're not very good at demanding them". They felt that the *mångfald* discourse had "put emphasis on the fact that we need to do more, we need to be better, we need to have more knowledge about discrimination in the workplace". However, the focus of their work was on getting their members to connect LGBT and ethnicity issues with class, and to get the organisation:

> "to understand that it's not only redistribution of resources and material issues that is important, it's also important to look at the norms and the construction of the norms and stuff like that in a way that, and why it is important to work HBT questions, transsexuality and things like that and why it's important to view ethnicity in a sound way which is not doing the diversity thing and saying 'well they are like this because they are not from Sweden or from Europe or whatever'".

These interviewees also felt that tackling the racism within their membership was a big challenge and that the most appropriate way for trade unions to do this was from a class perspective rather than a diversity discourse focussing on ethnic differences:

> "I think that for us as a trade union movement we need to find ways of overcoming racial tendencies it may not really be racism but at least xenophobic views which exist among our members, because they do, and make our members see that these people who are not included in society become like a new working class and its always the class issue that we

257

need to focus on more than ethnic background issues." (Handelsanställda,

interviewee 1)

The Handelsanställda, interviewees recognised that representativeness was a

problem and that the management of the union was "very white Swedish". The union

was collecting statistics on immigrant background amongst members and

representatives, but although there were moves towards more gender balance at the

senior levels there did not appear to be anything for ethnic diversity.


## 4. Summary

'Diversity' in Sweden has been clearly associated with a focus on ethnic minority

groups rather than an individualistic approach. The diversity discourse was

introduced into Sweden primarily by the Social Democrat government, which

promoted it as a solution to a perceived crisis of integration and failure of the

Swedish discourse of multiculturalism. This explains why diversity management did

not initially represent a unilateral managerial strategy for improving performance

and subjecting equality objectives to business imperatives. It also appears to explain

why the federation interviewees generally did not perceive the business case for

diversity as a threat. Indeed, the interpretive repertoire of the positive value of

cultural differences seemed for many interviewees to be a good answer to the

hierarchical version of Swedish multiculturalism where 'different is inferior'.

Knowledge of the legal requirements for active measures to promote ethnic diversity,

as well as the specific guidance on how to implement these provided by the

Discrimination Ombudsman and the powers the law gives to trade unions to enforce

compliance (even if they were not using these powers) may also have contributed to the general lack of concern amongst interviewees about the business case for diversity. If Swedish diversity consultants have since succeeded in 'managerializing the law' with their diversity management discourse (Leiva 2011), Swedish unions arguably have only themselves to blame.

However, after an initial and short-lived enthusiastic response, the confederation level unions rejected the discourse of diversity due to its emphasis on ethnic differences, which they felt could only exacerbate the problems of 'us and them thinking'. The LO followed the admonitions of academic critics to focus on discrimination rather than diversity and invested a significant amount of time and money from 2001 to 2004 collecting data to 'map' discrimination in the labour market. An official counter-discourse of 'equal worth, equal rights' was therefore produced at confederation level, which should instead emphasise issues of class and the way these are structured by other issues such as gender and ethnicity. This policy had not necessarily filtered down to the federation level, however, where the diversity discourse was still often seen as the antidote to the particularly Swedish problem of viewing immigrants and 'other cultures' as inferior.

Whilst the diversity discourse may not be the most appropriate answer to the Swedish problems of integration and discrimination, it nevertheless seems to have contributed - at least for a while - to advancing the debates and policies around these issues. The unions actively using the *mångfald* discourse associated it with more representativeness and with tackling structural discrimination rather than it being "something unproblematic to be valued and celebrated" or removing "the linguistic

259

and discursive tools with which to describe and therefore tackle discrimination and disadvantage" (Greene et al. 2005:193). Nevertheless, there seems to be a lack of critical reflection amongst some federation interviewees on the dangers of a using *mångfald* discourse which stereotypes ethnic minorities as culture carriers and contributes to 'us and them thinking'. On the other hand, the use of alternative discourses amongst other federation interviewees did not seem to have had any considerable impact on the extent that their union was fostering active measures to promote equal opportunities for ethnic minorities, either within the sector or within the federations themselves.

# Chapter Seven:

# Trade union responses to diversity management in Germany

## Introduction

In Chapter Two, I argued that given the institutional environment for industrial relations in Germany a social dialogue based approach to diversity management is probably only to be expected in certain sectors and companies where trade unions and codetermination are strong. At national level, I argued that, given the erosion of German unions' structural, associational, organisational and institutional power, union involvement in a social dialogue approach to diversity in Germany is more likely to be considered necessary in the case of a perceived social crisis. If a perception of crisis with regard to diversity issues is absent, diversity management is likely to be left to the voluntary discretion of employers, with unions excluded from the policy-making discussions. However, as immigration is an issue of major societal concern and integration policies for existing immigrants and their descendants are the government's preferred alternative to further immigration (Meardi 2013), this would tend to support the case for unions being involved in diversity initiatives at national level, as they have been in immigration policy-making. Diversity management could be considered an 'update' to the *partnerschaftliches Verhalten* ('partnership behaviour') approach, contributing new ideas and methods to this already institutionalised social dialogue approach to tackling racial and ethnic discrimination. On the other hand, the existence of an already institutionalised social dialogue approach may facilitate the promotion of diversity management as a

supplementary or even an alternative unilateral approach focussed on the business case. The literature review revealed that there was strong employer resistance in Germany to the transposition of the EU equality directives (Merx and Vassilopoulou 2007, Bruchhagen et al. 2010). This may indicate that German employers are interested in diversity management as an alternative system of soft regulation. The analysis of German industrial relations in Chapter Two has therefore demonstrated that industrial relations traditions, employment regimes and the institutional and organisational strength of unions do not provide a sufficient explanation for the involvement (or non-involvement) of German trade unions in a social dialogue approach to diversity management.

Union responses to diversity discourses in Germany are also difficult to predict. German unions' attitudes to immigration and German corporatist involvement in migration policy making has made them reluctant to come forward in defence of undocumented immigrants (Meardi 2013). However, their attitudes towards immigration may mean they are attracted to a diversity discourse focussed on the integration of documented foreign workers. German institutions of citizenship (Brubaker 1992, Miera 2007) are also likely to be important for German unions' responses to diversity discourses. A diversity discourse which emphasises cultural differences may fit well with German institutions of citizenship, but whether German unions as counter-movements oppose this emphasis on cultural differences or, like the Danish unions in Greene et al. (2005), are enthusiastic about the anti-assimilationist potential of the diversity discourse, is unknown.

German unions have been slow to organise women and ethnic minorities (Gumbrell-McCormick and Hyman 2013) and have not prioritised supporting employees with a

migrant background (Whittal et al. 2009). This may be explained by the focus of German unions on *Produktivismus* (Hyman 2001:121), which has made them less interested in the low-skilled and service sector workers. The analysis of German unions' responses to diversity managementtherefore needs to explore how their responses relate to these issues.

## 1. How has diversity management been presented in Germany and why?

I argued in Chapter Two that diversity management in Germany seems to have been promoted primarily as a management strategy rather than as a solution to a socio-political crisis. The concept of diversity management was introduced to Germany initially through the influence of US multinationals (Süß and Kleiner 2007, Vedder 2006) and whilst the focus of academic research has been on the gender dimension, most German companies have associated diversity management with international and multi-cultural exposure (Bellard and Rüling 2001). The main motivations of company level diversity managers promoting diversity management were legal compliance and mimetic isomorphism, whereas societal reasons were either not given or scorned (Lederle 2007, Süß 2009). However, diffusion has not been widespread because German companies are not convinced of the organisational benefits of diversity management nor do they fear a loss of legitimacy from not introducing it (Süß and Kleiner 2007, Süß 2009). Moreover, the weak transposition of the EU Directives into national law the legal compliance argumentation is likely to have been instrumentalised by German diversity managers to bolster their status (Süß 2009). The employer organisations' opposition to the transposition of the EU Directives into German law is itself another indication that there was not a broadly

perceived problem regarding discrimination which the diversity discourse could be presented as a solution to. Apart from supporting initiatives such as the Diversity Charter (discussed in more depth below) there is little evidence of any normative or regulative pressure from the government regarding diversity policies either. On the contrary, German governments sent the opposite message by delaying the transposition of the EU Equality Directives (2000/43/EC and 2000/78/EC) until three years after the deadline and then implementing them minimalistically (Merx and Vassilopoulou 2007, Raasch and Rastetter 2009).

Based on the literature review I also argued in Chapter Two that an emphasis on cultural differences in diversity management does not appear to have been controversial. Here I argue that the concept of diversity management has been uncontroversial because it does not conflict with German ideas about multiculturalism. I then argue that the lack of either a perceived social crisis or a conflict between diversity management and German institutional logics are key to understanding how German employers and the German government have been able to make strategic use of diversity management.

Discourses of diversity (*Vielfalt*) and diversity management (the English is usually used, translations such as '*Vielfalt Management*' or '*Umgang mit Vielfalt*' are very rare) in the media and political discourse became more associated with cultural diversity from around 2004 when debates about multiculturalism were sparked by events in the Netherlands (Michalowski 2005, see below) and the riots in France in 2005. The practitioner oriented how-to guides and diversity management consultancy websites are mainly concerned with introducing the US prescriptive literature on diversity management to a German audience and explaining that

264

diversity management will be more difficult to introduce in 'monocultural' Germany. The website of the 'International Society for Diversity Management' (founded and managed by German diversity consultants) for example, states that the emphasis in Europe (by which they apparently mean Germany) "has been more on the challenges of intercultural management as well as equal opportunities for women". This is because "the future foretells increasing diversification of cultures, co-cultures and individual biographies" and "the recognition of these differences (…) is becoming ever more critical".

The government has also associated diversity primarily with immigrant background as can be seen from the campaign 'Diversity as an Opportunity' (*Vielfalt als Chance*) launched by the Federal Ministry for Migration, Refugees and Integration in 2007 aimed at sensitising employers to the benefits of ethnic and cultural diversity at work. However, there is no explicit focus on ethnicity in the text of the German Diversity Charter (despite its claim to be copying the French Diversity Charter).

However, if diversity management was not promoted in Germany as a solution to a broadly perceived problem regarding discrimination or the German model of integration, but *was* increasingly associated with cultural diversity, this does raise the questions of how the German model of integration has shaped German discourses of diversity management, and whether diversity management has had any effect on German discourses of integration.

### 1.1. The German model of integration

As we saw in Chapter One, the German model of citizenship since the foundation of the German nation state has been based on the idea of an ethnically homogenous community, with citizenship based on the principle of descent (*ius sanguinis*) and naturalisation of immigrants an exception to the rule (Brubaker 1992 and Miera 2007). According to Heckman (2003) this concept of an ethnic nation was challenged by the reform movement (including trade unions) of the 1960s and 1970s. Nevertheless, as the Turkish immigrants who came to Germany from the 1960s were invited on temporary *Gastarbeiter* contracts only and were not expected to stay, no official integration policies were implemented and the official government line up to 2001 was still that 'Germany is not a country of immigration' (*Deutschland ist kein Einwanderungsland*) (Küçükcan 2002).

The fashion for discourses of diversity arrived relatively late amongst German politicians and employers, with research into diversity management in the German-speaking area not taking off until around 2004 (Süß and Kleiner 2007). This may be explained by the social crisis in East Germany following the German reunification, which may well have overshadowed the situation of ethnic minorities. After reunification in 1990 unemployment soared in the 1990s and groups such as non-Germans, young people and women were particularly affected (Ebbinghaus and Eichhorst 2006). The extremely high unemployment in East Germany and the migration of many East Germans to West Germany led to increasing support for right-wing extremism and xenophobic violence in both East and West Germany throughout the 1990s. 49 people, including many children, lost their lives between 1990 and 1993 in racist arson attacks on Turkish families (Küçükcan 2002).

However, in the aftermath of reunification the central issue in public discourse was still not integration, but how to restrict and channel immigration (Miera 2007). Miera (2007:4) argues that "With the unification of East and West Germany the notion of an ethnic nation state and the conception of 'Germanness' as a positive point of reference gained new support." Denial that there is a problem with the German model of integration continues to dominate public discourse. Despite the evidence that most of the circa two million Turkish *Gastarbeiter* and their descendants living in Germany had no intention of leaving because they had not earned enough money to secure their future back in Turkey (Hunn 2005), it was generally still accepted by politicians and the media that Turks and Germans were culturally too different to integrate (Küçükcan 2002) and it is only since 2000 that children born in Germany of Turkish parents automatically have German nationality.

Slow acceptance of the multicultural reality led to the amended Citizenship Law in 2000 granting dual nationality until the age of 23 to children born in Germany with foreign parents. However, the conservative and liberal parties (CDU/CSU and FDP), with large popular support, continued to oppose dual nationalities, thereby continuing to operate a broadly exclusive citizenship, which "remains at heart based on ethno-cultural belonging" (Green 2005: 921-923). According to Peter Ramsauer, Chief Whip of the CSU (quoted on BBC 1999) "Germany so far has never had minority problems. By providing those people with a dual citizenship, we ... import minority problems." Although the German Social Democrat and Green Party coalition was in favour of far-reaching liberalisation of dual nationality, 68% of German voters were against their proposals in February 1999 (Green 2005:939). Green's (2005:924) assertion that "there has been little sustained academic

discussion of the politics of dual nationality in Germany" also substantiates the argument that the German model of integration has not been strongly called into question. In 2013 the grand coalition government of Christian Democrats and Social Democrats introduced further liberalisation of dual citizenship rules, allowing people born in Germany with foreign parents to keep both nationalities.

Whilst the riots in France raised some concerns that Germany's own problems of integration could also result in violence (Spiegel-online 29.11.2007), this did not materialise and was never really considered a serious threat. Wolfgang Schäuble (Christian Democrat Interior Minister) and Daniel Cohn-Bendit (Franco-German Green Party MEP) for example, believed that the social and urban planning problems, ghettoisation, unemployment and lack of training opportunities for young people from immigrant communities were far worse in France than in Germany and that there was therefore less potential for explosion (Spiegel-online 29.11.07 and 05.11.05).

In 2008 the Turkish President caused a great deal of controversy (Die Welt 11.02.08) by giving a speech to Turkish immigrants against being assimilated in Germany. It caused less controversy, however, than the more recent statements and publications by the chairman of the German Federal Bank and former Social Democrat politician, Thilo Sarrazin. In his bestselling book, *Deutschland schafft sich ab* ('Germany is abolishing itself'), published in 2010, Sarrazin blames the failure of integration in Germany on Muslim immigrants, accusing them of unwillingness to integrate and declaring that integration is 90% the responsibility of the immigrant. He has also stated in interviews that certain ethnic groups are genetically less intelligent than others and that these groups are making Germany increasingly stupid because they

have more children than the genetically more intelligent Germans (Spiegel-online 30.08.2010). Despite being sacked as chairman of the German Federal Bank for these statements, Sarrazin and his anti-Muslim and anti-immigrant discourse have broad popular support (Spiegel-online 05.09.2010). In October 2010, whilst distancing herself from Sarrazin's more extreme views, Chancellor Merkel joined in with criticism that not enough 'integration' had been demanded of immigrants in the past. Again the discourse used lays the blame with immigrants for being too different/deviant; failed integration is blamed on the toleration of forced marriages and girls refusing to take part in swimming lessons.

The German model of integration is one that demands a high degree of assimilation but is based on an assumption that such assimilation is extremely difficult to achieve in practice because the cultural differences are too great. This model has broad public support and has remained institutionally very stable in public discourse, even given the demographic developments that seriously challenge it. I have argued that the near absence of a perceived crisis regarding the German model of integration at the time diversity management was introduced meant that it was not promoted in Germany as a solution to a broadly perceived institutional crisis. Although the dominant public discourse acknowledges that there is a failure of integration in Germany, the blame is attributed to immigrants themselves and to policies of 'multiculturalism' (which never actually existed, see below), rather than assimilationism or discrimination. As the German model of integration was only criticised for not being assimilationist enough, the discourse of diversity did not represent a suitable solution to the perceived problem.

On the other hand, discourses of diversity and diversity management could - and have - been promoted by some actors as counter-discourses to discourses of assimilation or to the increasingly prevalent discourses of Islamophobia (as discussed in the section on trade union responses below). However, as we shall see in the following sections, the most prominent actors driving diversity management in Germany have pursued other agendas. Moreover, the German Chancellor, whilst patron of the German Diversity Charter, has declared that multiculturalism has "absolutely failed" and called for more assimilationist policies. In the next section I argue that the emphasis on difference in discourses of diversity management was not controversial in Germany and in fact seems to fit well with German ideas about multiculturalism.

## 1.2. The German debate about multiculturalism

Discourses of diversity took off in Germany at approximately the same time as debates about multiculturalism, fuelled by the murder of the filmmaker and columnist Theo van Gogh in the Netherlands in 2004. Until then, most German academic publications on diversity had been focussed on gender (see above). The murder of Theo van Gogh led to an intense political debate in the Netherlands and Germany (which had hitherto perceived its neighbour as a role model of multiculturalism) about the 'failure' of the Dutch model of integration (Michalowski 2005). Comparative research at the time revealed that unemployment amongst immigrants in the Netherlands was four times higher than amongst the native population but 'only' twice as high in Germany. This was attributed to the German

system of training and the better representation of migrants in trade unions and staff associations (ibid).

However, the multiculturalism debate in Germany at that time was very different to the debate going on in France and seemingly the opposite of the debate in Sweden. The Social Democrat Heinz Buschkowsky, for example, explained in 2005 that he stood for a multi-ethnic or multicultural society where 'many cultures live peacefully with one another' under 'a common democratic framework of laws and values'. But a multicultural society where 'many people bring their own life-designs and cultures into the community and from that a new multicultural identity is created, cannot exist. That would be to deny that people only feel secure in their own trusted culture' (quoted in Lanz 2007). In contrast to the Swedish Social Democrat government then, German politicians amongst both the Social Democrats and the Christian Democrats seem to prefer the distinct cultures living separately side by side but according to the rules of the dominant culture (*Leitkultur*) model of multiculturalism rather than move towards the 'melting pot of hybrid cultures'. This is also apparent in the opposition to dual nationalities (see above), which argues that being German is incompatible with being Turkish.

According to Lanz (2007) those proclaiming the death of multiculturalism in Germany usually choose to ignore "that the term multicultural is filled with every possible, and often contradictory, content according to one's political position". Buschowsky, for example, is referring to the failure of the 'melting pot of hybrid cultures' variety of multiculturalism. But it is highly questionable whether this variety of multiculturalism has ever existed in Germany, particularly given that the largest group of immigrants in Germany are the Turkish *Gastarbeiter* and their

271

descendants, who were never expected to integrate. Instead German 'multiculturalism' has consisted of ignoring the Turkish community in the hope that isolating it would prevent it from having any impact on the German *Leitkultur*. Whilst this policy has undoubtedly failed, it does not appear to be what people such as Chancellor Merkel are referring to when they declare that the solution to the failure of multiculturalism is to demand more assimilation. Miera (2007:2) argues that "within the dominant discourse acceptance of a *multicultural reality* is equated with a *political concept of multiculturalism*" (italics in original) which is blamed for current conflicts. The solution to multiculturalism offered by the conservatives was the protection of the German *Leitkultur*. Whilst the *Leitkultur* concept was criticised by the Red-Green coalition for its assimilationist approach and at first broadly perceived as encouraging right wing extremism it now has popular support and is often used against Muslim immigrants who are portrayed as incompatible with the rejection of anti-Semitism demanded by the concept of *Leitkultur* (Meira 2007).

However, whilst the term 'multiculturalism' is itself no longer politically in vogue, its content lives on in the currently popular concept of 'intercultural dialogue', which emphasises the differences between the Islamic and the western worlds and seeks to avoid conflict through dialogue between the two. Again, there are competing uses of the term 'intercultural dialogue', which map on to those of 'multiculturalism' (i.e. 'melting pot of hybrid cultures' versus 'distinct cultures within a dominant cultural framework') (Horn 2008).

To sum up, although the German government's discourse claims that multiculturalism is dead and more assimilation is necessary on the part of immigrants, the institutional logic is still one based on a belief in fundamental and

unbridgeable differences between cultures. As assimilation can therefore never truly be possible, some form of multiculturalism must still be alive, a hierarchical one which emphasises the distinctness of cultures, one which provides fertile ground for, and little cause for conflict with, discourses of diversity and diversity management. One could even argue that the word *Vielfalt* (diversity) has subtly replaced the unfashionable word 'multiculturalism' in the political discourse as a currently more acceptable label for this hierarchy of distinct cultures. The 'management' of diversity arguably also fits well with the discourse of the German *Leitkultur* dominating other cultures.

### 1.3. A recursive relationship between diversity management and the German model of integration?

As we have seen, the emphasis on difference inherent in the notion of diversity did not elicit any controversial debate in Germany and in fact seems to fit well with German ideas about multiculturalism. This is further substantiated by the findings in Chapter Two that diversity managers, human resource managers and works council representatives did not see the need for diversity management to be adapted to the German cultural environment (Süß and Kleiner 2007) and that approaches emphasising cultural differences are not as controversial in Germany as they are in France and Sweden.

This suggests that discourses of diversity and diversity management do not seem to have had any particular effect on debates about multiculturalism or integration. Fick (2008) claims that companies practising diversity management "make an important contribution to the socio-political discussion about cultural diversity and have the

lasting effect of preventing political decision-makers falling back into a 'monocultural era'". However, this seems highly debatable given for example the political declarations about the failure of multiculturalism. I would argue that this lack of recursivity is probably because discourses of diversity and diversity management fit so well with, and therefore do not present any challenges to, the dominant institutional logic that emphasises cultural differences, and also because this institutional logic is very stable rather than in crisis.

I argue that the uncontroversial nature of discourses of diversity management (due to the lack of conflict with German multiculturalism), combined with the lack of a perceived crisis in the German model of integration, left the German employers and German government free, as we shall see in the next sections, to strategically use diversity management as part of their drive for a soft law approach to equality and anti-discrimination which prioritises the business case and bypasses trade union involvement.

### 1.4. Diversity management and the business case as deregulation strategy

In 2006 German employers and the Christian Democrat Party decided to promote diversity management by copying the French example of a Diversity Charter (discussed in more detail below), of which Chancellor Merkel is the patron. Whilst they were promoting diversity management, the employers and politicians from the Christian Democrat Party (which came to power in coalition with the Social Democrats in 2005) were also investing heavily in two major campaigns, the 'New Social Market Economy Initiative' (INSM), and a campaign against the EU anti-

discrimination Directives. The discourse of diversity driven by the German government and employers need to be analysed in the light of these two campaigns.

We have already seen that the German employers, countenanced by the German government, were heavily involved in resisting a regulatory approach to gender equality and driving instead a voluntary soft law approach which excluded trade unions. The 'New Social Market Economy Initiative' of the German employer associations was founded in 2000 with the aim of persuading the German public of the need for deregulatory economic reforms. The campaign has invested hugely in PR in the mass media, including talk shows, soap operas and MTV (Speth 2004). Hans Tietmeyer, former Bundesbank president and head of the INSM, explained that "the new social market economy is identical with the Anglo-Saxon, the American principle" (Tietmeyer 2001:22). The INSM campaign "aims to engage with, and transform, prevailing societal norms of social justice. The first component is that a social market is a free one, not one burdened by regulation and welfare-state interventionism" (Kindermann 2003:18).

The German employer associations' campaign against the implementation of the EU anti-discrimination Directives, which they proclaimed hailed the end of private autonomy and contractual freedom and would lead to an avalanche of litigation (Merx and Vassilopolou 2007, Raasch and Rastetter 2009), was orchestrated by the INSM and succeeded in delaying transposition of the Directives until 2006, considerably after the 2003 deadlines. According to the employers association, the BDA, their principal problem with the German Anti-discrimination Law is the reversal of the burden of proof, which makes it the employers' responsibility to prove that discrimination has not taken place rather than the employee's

responsibility to prove that it has.[35] The Federal Anti-Discrimination Agency (ADS), a body required by the EU equality directives, was finally established in 2006, but was given only very limited competences in comparison to other EU countries (Bambal 2009). Given the decentralised federal structure of the German Länder, it is remarkable that the ADS existed only at national level, without any equivalent advisory bodies at regional level. Even more remarkable was the position of the first Director of the ADS, Martina Koeppen, concerning the role of the agency. In an interview with the Frankfurter Allgemeine Zeitung, she warned against stricter discrimination rules, which she believed would be "a blow to the German economy" and according to Bambal (2009), "Koeppen justified protection from discrimination purely from an economic perspective – other than mentions of economic profitability she never spoke out publicly for comprehensive protection". The first Director of the ADS declared on its website that "a lasting alliance with employers was the central and comprehensive concern" of the agency, and whilst employers, politicians and members of the church were invited to the first congress of the ADS, requests for invitations from NGOs and trade unions were ignored (Bambal 2009). The BDA and the German government's approach to diversity management and the German Diversity Charter can therefore be seen as a reflection of the unilateral employer approach to anti-discrimination, as well as a strategic arm of the deregulatory ideology of the INSM.

The BDA's webpage devoted to "Diversity in the economy" explains that the Charter was initiated as a "fundamental commitment to the economic usefulness of

---

[35] http://www.bda-online.de/www/arbeitgeber.nsf/id/DE_Antidiskriminierung As far as I have been able to ascertain, Germany is the only country that has objected to the reversal of the burden of proof in the EU directive.

diversity and commitment to tolerance, fairness and appreciation of people in companies and in public institutions." There are no non-business arguments for companies to engage with diversity management on this webpage, but there is a strong implication that if a diversity approach does not have the effect of increasing the success of the company, it is not worth pursuing:

> "Companies, which integrate a Diversity approach into their personnel policy, primarily interpret the diversity of the employees as a business opportunity for all areas of the company".

And just in case the reader has still not understood that diversity management means putting economic arguments first, the BDA goes on to add:

> "These fora are especially to be used in order to emphatically remind everyone involved of the economic and integrated character of diversity management. Diversity, even cultural diversity, only leads to competitive advantage for the company if relevant business-economic problems can be sufficiently taken into account. The goal of diversity is not diversity at any price or merely for diversity's sake, but is aligned with concrete goals such as the improvement of innovative capacity, the strengthening of employer brands or better sales approaches."

This is echoed in the (only) stated goal of the 'Diversity as Opportunity' campaign launched by the Federal Ministry for Migration, Refugees and Integration: "The aim is to sharpen awareness in companies, administration and other organisations that cultural diversity is an important economic resource." The website of the 'International Society for Diversity Management' (consultants) also stresses that

diversity management represents "a movement away from equal opportunity (…) and the conscious striving toward a scientific as well as ethical and results-oriented approach". Interestingly, this website's description of diversity and diversity management does not mention 'discrimination' anywhere but instead presents "the challenges of diversity management" as entirely about managing "the serious conflicts and communicative and operational tensions, which take their high toll on an organization's bottom line."

According to the German government and German employers, the German Diversity Charter was supposed to be an imitation of the French employers' initiative in 2004. Unlike the French Diversity Charter, however, the German Diversity Charter makes no mention of social dialogue on the issue of diversity, nor has it been followed (as it was in France in 2006) by any national level negotiations. In fact, there has been a very notable absence of trade union involvement at national level in the diversity initiatives of the German government and employers. A search of the website for the Diversity Charter, for example, including its many newsletters and archives, did not find any reference to a trade union participant in any of the many events or conferences organised under the auspices of the Charter. And a survey sent out in March 2013 to the signatories of the Diversity Charter asked about virtually every aspect of their diversity management policy (motives, target groups, actions, results, level at which it is managed, etc.) apart from the involvement of employees or their representatives. Mention of social dialogue or involvement of unions or works councils in the practitioner oriented how-to guides and consultancy websites is also very rare.

The BDA's position on diversity can also be analysed in the light of their stance on

migration policy where the unions had to be involved and social consensus was prioritised over economic rationality (Meardi 2013), with employers having to agree to the unions' demands for transitional restrictions on immigration. This may have made them all the more determined not to involve unions in their diversity initiatives so that the business case could be prioritised over social justice arguments.

According to this analysis of the socio-political context then, diversity management in Germany has been driven by political and economic actors who want to weaken anti-discrimination legislation, make employers unilaterally responsible for anti-discrimination policies, and define 'diversity' as a strategy which first and foremost serves business objectives. The German diversity discourse also fits with discourses which emphasise cultural boundaries and the dominance of a *Leitkultur*. So what has been the response of German trade unions to diversity management?

**2. To what extent have German unions been involved in a social dialogue approach to diversity management and how may this influence their responses?**

In the following sections I argue that, in contrast to both France and Sweden, the German unions' responses to diversity management are largely explained by their involvement (or not) in social dialogue on diversity and the strength of social dialogue and codetermination in general. Where these were not particularly strong or felt to be under threat, diversity management was thought to be problematic either for the type of business case arguments used or for the perceived discrepancies between the rhetoric and implementation. Conceptual issues around emphasising difference, on the other hand, were generally uncontroversial.

There was a clear divide in the responses of interviewees regarding their involvement in the institutionalisation of discourses of diversity. On the one hand, interviewees who considered that codetermination in their company or sector was strong and social dialogue cooperative and constructive (BASF, VW and the chemicals sector) were very much involved, even taking a leading role, in defining and operationalising the discourse of diversity with management. On the other hand, where works councils were less powerful and social dialogue more adversarial, interviewees felt that employers preferred a unilateral approach to diversity management, even to the point of trying to substitute it for institutionalised forms of joint regulation.

The IGBCE, BASF and VW interviewees were very positive about social dialogue in general and on diversity issues in particular. The BASF and VW interviewees emphasised the strength of their works councils and co-determination, which have resulted in the 'high road' strategies of the companies and their success in weathering the economic crisis. The BASF interviewee, for example, explained that the works council in Ludwigshafen alone had on average 1,500 employees and that trade union representatives in BASF had acquired co-decision rights through company agreements which were unique in Germany. He also described the many committees, "which are in continuous dialogue". Most importantly, BASF is a European company rather than a German company and as such was "outside of the law" and had "defined its own norms through an agreement on participation, so we are free, we have our own constitution (…) we have a very strong culture of participation".

In this context of very strong co-determination BASF had negotiated and developed an array of progressive policies under the heading of diversity, such as a bilingual kindergarten, child care provision for employees who have to go away on business trips, programmes to promote women into the top management levels, a disabled workers' representative and a disabled workers' committee, as well as a special company for disabled workers who could not be integrated into the rest of the company, a project to give young people of immigrant origin with no school leaving qualifications a year of training to attain the level required for an apprenticeship with BASF, and for older workers there was a *Demography and generations at work* project, an occupational health centre with "a European reputation" and lifelong learning programmes. All of these policies and measures had been negotiated with the works council through company agreements with "corresponding monitoring to see that the goals are achieved".

The VW interviewee also described the social dialogue and co-determination situation of VW as exceptional within its sector. Due to VW's history as a state-owned company it had "extended co-determination" going well beyond the legal requirements; "we have a different history but we've maintained that over the years, decades. It hasn't gone under". VW is seen in Germany as the model of successful 'co-management'[36] in which management and works council are partners who pursue common goals but also mutually recognise their different interests and successfully translate these into common policies (Dombois 2009). In the early

---

[36] See Dombois (2009) for an analysis of 'the VW works council affair' when in 2005 it was revealed that the chairman of the VW works council, in collusion with the head of human resources, had been for many years misusing company resources and privileges for personal purposes (including brothel visits). "Strong co-management allows for an effective compromise of company's and workers' interests; but it may be based on hierarchical order and concentration of power resources at costs of transparency and participation" (207).

1990s the role of the works council transformed from controller of management and protector of employees to "co-manager" and active promoter of innovation and change as an equal rather than junior partner (Haipeter 2000). "Co-management with a works council that is as strong in terms of ideas as it is in terms of conflict requires the de facto extension of the areas of negotiation and codetermination far beyond the legal framework (…) with the result that *shareholder* and *workholder* interests are to a high degree balanced out" (Dombois 2009:210).

As with BASF, all the diversity management policies in VW were a matter of social dialogue. Indeed, the first example of a policy measure provided on the company website under the heading *Equal opportunities and diversity management as success strategy* was the company agreement on *Partnership behaviour in the workplace,* although interestingly the latest version of this agreement (from 2007) does not actually mention the words 'diversity' or 'diversity management' anywhere.

The IGBCE interviewee had initiated a 'Diversity Management' agreement for the chemicals sector in 2008 (see below). Although this sector agreement is actually only a joint declaration rather than a binding agreement (it is intended to promote the negotiation of binding agreements at company level), the IGBCE is here playing a leading role in defining the discourse of diversity management at sector level[37], as the IGBCE interviewee put it: "that came from me, the idea, the conception. I did it together with the employers but it was me who drove it forward because I think that it's very important."

---

[37] This definition is discussed in detail in the following sections.

According to the other interviewees, however, such social dialogue on the subject of diversity was the exception in Germany, particularly during the current economic crisis, either because companies did not want to involve their works councils in their diversity initiatives or because very few companies were doing anything with diversity management anyway:

> "We have certain, let me say 'hard' subjects where we have agreed on a certain co-determination, for example on the budget for health, everything to do with health could be seen as diversity (...) Then there are of course, let me say, returning to work after parental leave (…) that can also come under diversity. Otherwise it's difficult, for the 'soft' things they inform the works councils but they don't really want us involved." (Kommerz-Dresdner)

Lack of social dialogue on diversity issues could also be due to weak works councils and/or lack of interest amongst some works councils. The IGM interviewee felt that lack of interest on the part of works councils regarding diversity and discrimination issues was a particularly important problem within the metal sector (with some exceptions such as VW):

> "there aren't any diversity strategies, and I think that our works councils are not very occupied with that. And when it does come they sometimes even block it. (…) there's no awareness about it. That's what I experience. I carry out trainings on the subject. (...) First of all there's no sufficient awareness that there is discrimination. An individual idea of what normality is. Many of our works councillors are Germans, they find it

normal that it's like that. And many of the representatives in the works councils with migrant background, they avoid conflict, because there are conflicts. And the explanations are very often performance explanations, e.g. "they're not well trained, they can't speak German", with such explanations they try to justify things." (IGM)

The DGB and IGM interviewees contrasted the unilateral employer approach of diversity management with *Partnerschaftliches Verhalten* (partnership behaviour), which was the German social partners' joint response to the right wing extremism of the 1990s. Whereas *Partnerschaftliches Verhalten* was an approach based on collective agreements, diversity has so far been a very "top-down process", which according to a document produced by DGB Educational Institute (*DGB Bildungswerk*) entitled 'Partners for diversity' (*Partner für Vielfalt*[38]) "must be actively counteracted in order to develop a concept of diversity which is both top-down and bottom-up." The bottom-up process promoted by the DGB consists of addressing diversity through the areas of organisational development, staff development and vocational training as these are areas that require participation and co-determination:

Our diversity concept …

- makes works councils able to drive and co-construct diversity processes, independent of whether management already has an existing diversity management concept or not.

---

[38] Document dated 15.07.2008. http://www.migration-online.de/beitrag._cGlkPSZhbXA7X19wcmludD0xJmFtcDtpZD02MzEy_.html

- provides approaches for strengthening the responsibility for diversity amongst management and winning them over to a joint implementation of diversity processes where there is no existing diversity management concept.

- can be introduced into companies through the works council.

- therefore complements the top-down processes with a bottom-up movement in an integrated diversity concept.

- thereby represents the completing building block of a business-oriented overall diversity strategy in the sense of more participatory possibilities for co-design of the company's development, because diversity processes can only be successful in the long-term if the concept is supported and co-constructed at all levels of the company.

- sees itself as not in competition with business activity but rather as a conscientious contribution to worker representation as well as an integral component of the successful implementation of an overall diversity strategy, and in this way guarantees and promotes constructive communication between management and works council.
  (*DGB Bildungswerk, 'Partner für Vielfalt'*)

In the experience of the DGB and Ver.Di interviewees, however, the Diversity Charter was actually being used to undermine equality legislation, and avoid social dialogue and the co-determination system:

"it must also be said that this concept of the Charter from our viewpoint is also a bit of a counter attack against the attempt via the General Equal Treatment Law to somehow establish a broader campaign for equal treatment. And some of the companies who have signed [the Diversity Charter] have said to us 'For us it's about voluntariness, and we have absolutely no wish for any kind of legal regulation which would force us into anything'. And in so far we have been relatively sceptical about this charter from the beginning because when the management of a company commits itself on a voluntary basis to a general declaration (...) then our Works Councillors in the companies get nothing from that, because they have no legal possibilities to react when for example certain population groups are excluded from training. (…) they [the employers] are partly using the Diversity Charter as a counter-argument. They say 'why do we need to sign an agreement? We've signed the Diversity Charter and that's enough'". (DGB)

"among the advocates of diversity there is the opinion that this law [on special rights for disabled people at work] should be abolished (…) under the cover of diversity they say 'everyone should be able to use their abilities without limitation, so why do we need the Disabled Workers' Law? That only hinders them'. And in the large companies there is a special representative for the disabled workers and if the law was abolished the representative would of course also go. In the statements of these people it's often that institutionalised possibilities of interest representation

of certain groups should be changed through a voluntary diversity management." (Ver.Di)

There was also experience of the Diversity Charter being used to exclude trade unions from the discussion altogether:

"At first I thought that [diversity] could be an idea where social partners could do something together (...) But it didn't come to that. There was considerable financial support from the EU and this support in Germany (…) was given unilaterally to the employers so that they could polish their image. (…) they organised an event with support from the Ministry, I called and wrote to the Ministry to say I was interested and I would like to be there and they never even sent an answer although I'm the person responsible for this issue in one of the biggest trade unions in Germany. It's obvious they don't want any cooperation, that's clear." (Ver.Di)

In summary then, it appears that where the co-determination system and social dialogue are (still) strong, German unions - where they are so inclined - have been able to co-define the diversity management discourse and use it to pursue their own equality and anti-discrimination agendas, or choose to employ other discourses in their company agreements instead, such as 'partnership behaviour'. Where this is not the case, it appears that diversity management can be used as a strategy to take equality and anti-discrimination protection out of the sphere of social dialogue. How has this affected the unions' conceptions of and responses to discourses of diversity?

## 2.1. Conceptions/definitions of 'diversity' (*Vielfalt*) and 'diversity management'

It became apparent in the course of the interviews that most of the interviewees (DGB, IGM, IGBCE, BASF, VW) associated diversity and diversity management primarily with cultural and ethnic diversity. All of these interviewees except IGM were male and all except BASF had a specific role within their union relating to the integration of immigrant workers. The (female) interviewees from the service sector unions (Ver.Di, Lufthansa, Kommerz-Dresdner) on the other hand, used broader definitions, which also included gender, disability, sexual orientation and age.

Interviewees were asked where they thought the terms 'diversity' and 'diversity management' came from, who had introduced them in Germany, how these terms differed from 'equality' and 'non-discrimination', whether they used these terms themselves, whether they felt that employers and unions had the same understanding of these terms, and whether these terms were ever used in a way which they found problematic.

According to their responses to these questions, the interviewees could be roughly divided into two groups; on the one hand were the interviewees from the largest cross sector and sector unions, and on the other hand were the company level interviewees. This may be explained by the specialised roles and expertise in the area of equality and discrimination issues amongst the former group, compared to the company level interviewees for whom these issues were usually just one of their many responsibilities.

Interviewees from the three largest unions, (DGB, Ver.Di and IGM) had very clear

definitions of diversity management as a purely top-down 'management tool' or 'strategy' which had nothing to do with anti-discrimination:

> "that has to be said very clearly, it does not come from anti-discrimination policy. (…) but rather how the potential can better be used for company profit." (DGB)

> "It's clear that it is a management strategy, from the companies. Very strongly management oriented. (…) it isn't really about justice. It's about 'how can I take customer groups and other into account in my company strategy?' It's about waking the potential of the workforce and serving customers. That's good, but for us as a trade union it's not enough. (…) the demand for equality is more in that, the idea of solidarity and equal treatment and truly equal participation. There are overlaps but the strategy is actually a different one." (IGM)

These interviewees maintained that 'diversity' had therefore not really entered the vocabulary of their union:

> "I would distance myself from the term for trade union work, we have to have our own terms for what we want to achieve politically for people." (Ver.Di)

At company level, however, interviewees did not have the same clear understanding of diversity management as a management strategy. The VW interviewee said he saw *Vielfalt* and diversity management as just a new name "for what we've been doing already for ages". For the BASF and VW interviewees diversity discourses became popular as a result of globalisation and internationalisation but do not add

289

anything substantively new in terms of approaches or policies:

> "I would say that the first time I heard this term I understood it as nothing other than what we have here already – that diverse employees who come from different countries and cultures, who are working here, whether it's, within management mainly we are a colourful, when I look at our management its colourful. (…) I think it is in the framework/context of this whole globalisation, the internationalisation of the company is automatic." (VW)

The IGBCE interviewee felt the diversity discourse had provided an opportunity to expand on the existing sector-level agreements on anti-discrimination and equal chances to include substantively new measures of positive action (these are discussed in more detail below):

> "With diversity, the issue has been given a new push, because it comes from America this diversity term, and because of that it has become more well-known and that is an opportunity for us because everyone is talking about diversity and so we can expand the agreements that we already have." (IGBCE)

The Lufthansa interviewee felt that the concept of diversity had contributed to making equality and anti-discrimination issues more socially acceptable, or was at least a manifestation of a general social development in that direction:

> "It's no longer, diversity is no longer an interest-led demand from the unions or from individual groups who have felt they have been disadvantaged in the sense that they haven't found the appropriate place. It

290

is now simply so that one can debate this with the companies because it has become a standard, a social standard and not just a demand. (…) It belongs to the correct tone and is not just a demand from politically alternative thinking people. (…) before it sounded almost indecent when one demanded something like that. (…) It was an additional demand from the unions which was going to cost money again. Yes and that is simply something which is more strongly accepted and where companies have the feeling they can market it." (Lufthansa)

For the Kommerz-Dresdner interviewee diversity discourses presented a way of reinvigorating old debates but do not really add anything substantively new:

"They [the employer] tried at the time (…) to use the term to emphasise the importance of the issue, somehow the issue seemed more important when it was put under this banner than it had done in the past because relatively little had been done in the past." (Kommerz-Dresdner)

Only one company level interviewee (Lufthansa) saw it as adding anything new or different to traditional terms such as equality and non-discrimination. She saw diversity as a more pro-active approach than simply not discriminating:

"It's more, it's more in that it means actually looking to see that diversity comes about in companies and then at the same time that the people are not discriminated against, so that diversity doesn't only protect but also promotes. In so far, it is something different." (Lufthansa).

In summary, there was a rough divide between the interviewees from the larger unions with a specialised role and expertise in this area on the one hand, and the

company level interviewees on the other. For most of the former group, diversity management represented a new strategic approach based on profit maximisation that was very different to equality and non-discrimination approaches based on social justice. For the latter group, diversity management generally did not really add anything new to traditional approaches apart from a more positive discourse about equality and non-discrimination. In some cases, however, it was felt that this positive discourse could potentially enable a more proactive positive action approach.

### 2.2. The business case for diversity

Interviewees were asked whether the 'business case', as it is known in English-speaking countries, was a new phenomenon associated with diversity discourses, what kind of business case arguments employers used, whether the interviewees themselves used business arguments (and if so, which ones), and whether there were any business arguments that they found problematic.

Where social dialogue was strong, the business case for equality and diversity appeared to be one of 'what is good for employees is good for business' rather than that the diversity of the workers should be used to serve business objectives. Where social dialogue was perceived to be under threat, business case arguments were seen as problematic in various ways but were used pragmatically and were generally not considered to be anything new or particularly related to discourses of diversity.

Concerning the use of the 'business case' for diversity, most interviewees had a pragmatic approach saying either that they had always had to use business arguments because they would not get anywhere with employers otherwise, or that they used

economic arguments where it served their objectives:

> "I think sometimes the only way to achieve anything is to motivate the employer with figures. I think the approach must always be to achieve as much as possible for the affected people and if I have the feeling that I can do that with economic arguments then I'll use them. The most important thing is the result. (…) They've always been used, at least in the last 10 or 15 years profitability has been emphasised and especially in companies like the banks where they need to satisfy shareholders they use these arguments to appeal to them." (Kommerz-Dresdner)

> "all companies in the past, whether or not they have been forced to do certain things by either the unions or legislation, have only ever implemented anything using business considerations, always. That is nothing new. (…) I would say with the political standpoint or morals I won't get very far. The possibility of pushing something through with employers must from the principle, always be a bit economically based." (Lufthansa)

The DGB interviewee felt that although the use of economic arguments was not new, companies were using the diversity management discourse to legitimise them more and to put economic arguments more in the foreground. The Ver.Di interviewee saw the use of economic arguments as a new phenomenon at the political level of discourse (rather than at company level), which was associated with diversity management. This interviewee was the only one to say she would never use economic arguments 'out of principle' and that business case arguments could be

293

dangerous because "rights do not stem from economic success but rather from national and international laws, the dignity of the person."

The interviewees from the three largest unions considered that business arguments could conflict with moral arguments and therefore needed to be used carefully. The IGM interviewee was concerned that diversity management could be used to justify the neglect of social justice issues if there was no perceived bottom-line economic benefit:

> "You have to see what you can do with it, so that I don't instrumentalise diversity e.g. as long as it helps you to sell more cars to gay people or migrants it's great but if it's really about equal pay then it's not great." (IGM)

For the DGB interviewee the danger of business arguments was in the potential for people to be essentialised according to their ethnic background: "when for example (…) groups are put together not according to their competence but according to their ethnic background". Whilst the Ver.Di interviewee felt that expecting certain competences from people according to stereotypes was a common aspect of the diversity discourse: "The most common argument I've heard is that diversity management helps companies to produce products which correspond to the diversity of the customers in the market. For example 'men would never want pink cars but women like pink cars!'" (Ver.Di)

For the Lufthansa interviewee the problem with business case arguments was that they are fair weather arguments and are quickly dropped in times of economic difficulty: "in my experience, diversity is interesting for companies when they can

profit from it (…) but when there are difficult times economically as in the last year and a half, yes, then diversity falls quite behind." For many of the interviewees, the business case argument that a diversity management policy is good for the company's image could be problematic as this often leads to empty declarations which are not implemented:

> "when people think that it's enough to just talk about diversity management and don't actually do anything. And in my opinion it's also a bit of a fashion thing, when they think 'yes, it's important that we can show to the outside world that we have a diversity policy, and we do so much and it's such an important issue for us'. It's like when the old Dresdner Bank got the certification to say that it was a company which helps women get back into work after having children but it's completely not true, I would say 60 or 70% of women who really want to get back to work after having a baby have to fight to do so." (Kommerz-Dresdner)

> "I think it's a good approach, it just shocked me a bit because at the moment it's not playing any role in the everyday practice of companies. (…) I have to laugh right now because in the debate last week Lufthansa completely ignored the question 'so what's happening with diversity management then?' I think that with regards to quality standards it's a good argument to use externally that a company has a diversity management policy. Because externally in fact companies like very much to say that they do diversity management. (…) I can't think of any area at the moment, irrespective of whether the Charter has been signed or not, where diversity management is being proactively carried out and that it comes to

any debates. And externally, in the sense of PR, public relations, it's more that 'we are a company of diversity', yes? 'We are colourful.'" (Lufthansa)

The IGBCE and VW interviewees did not appear to see a discourse of harnessing cultural competences as a problem. The IGBCE interviewee may appear uncritical of the dangers of a discourse based on the idea of harnessing the cultural competences of people with immigrant background (which as well as potentially reinforcing stereotypes also implies that people with immigrant background are only useful if they possess these competences and that they should only be employed if the company needs these competences, thus providing several business arguments for not 'doing diversity'). But this interviewee explained his frustration at how little he had been able to achieve in the past using anti-discrimination discourses:

> "We used to call these agreements 'anti-discrimination agreements' but we noticed that this was perceived negatively and we had problems to communicate it in the companies and through our multiplicators and union officers because, as a rule, everyone of them said "we don't have any discrimination."

With diversity management the IGBCE interviewee had finally found something that the employers would get on board with:

> "before it was always the case that we campaigned for it unilaterally, and when it's only the union which is doing it then it's more difficult. And now we have the employers with us in the boat, that we negotiate such agreements, then it's easier (…) because they've recognised that it's necessary and that they also get something out of it." (IGBCE)

296

Although this does not necessarily signify that the employers and works councils in his sector (chemicals and mining) have come out of denial about discrimination, it may suggest that the business case discourse of diversity management has offered them an opportunity to tackle discrimination without admitting liability for it. Such a reading seems to be supported by the social partner agreement (initiated by the IGBCE interviewee) in the chemicals sector: The concrete measures proposed in the agreement contain several examples of positive action for addressing discrimination and disadvantage, which entail substantial investment on the part of companies. The agreement is justified, however, using purely practical business arguments with particular emphasis on the interpretive repertoire of harnessing cultural competences for business objectives:

> The companies in the chemical industry can profit from the different cultural backgrounds of its workers. (…) This diversity signifies an asset for the companies because, for example, every single worker can bring into the work process the skills and experiences acquired through their cultural background. A [female] colleague of Muslim faith will possess, for example, by means of her knowledge of religious customs a particular sensitivity when dealing with customers and colleagues from the corresponding cultural circle. (Social partner agreement on Diversity Management in the chemical sector, 2008)

Although the IGBCE interviewee was perhaps too uncritical of the diversity management discourse he was using, he was not naïve; he was pragmatically exploiting and manipulating any business argument which could further his goals:

"we know very well that we have potential in the companies which is wasted and our goal is simply that the potential should be better used. (…) my primary goal as worker representative is that the people I represent, our colleagues have a better position in the companies which includes better pay and if I achieve that, that they climb in the wage and salary scales and in the hierarchy of the company then I've done something for them. And if the employers also get something out of that then that's fine with me." (IGBCE)

Moreover, when asked whether his union in its capacity as an employer would sign the German employers' Diversity Charter, he refused:

"I wasn't against that, but when I asked what preconditions there are, she said to me that there weren't any at all, and I was like 'what do you mean none at all?! (…) who checks afterwards, who monitors it and says have you fulfilled your commitment or not?' (…) Just so that they can say 'look isn't it a fantastic thing, the trade unions have signed it too!' I'm too smart for that." (IGBCE)

The BASF and VW interviewees saw diversity as a win-win situation in which there is no conflict between economic and moral arguments. This absence of conflict is explained by their understanding of the basic business argument, which is that the social argument for diversity *is* the business argument, i.e. if the workers are treated fairly - in bad times as well as good - they will be more motivated, there will be less conflict and the company will therefore run more effectively and productively. The fundamental business argument is therefore that what is good for the workers is good

for the company, rather than that the diversity of the workers must be harnessed to serve business objectives:

> "Diversity, in sum, is the success of the company, nothing else. If you have a company where there are always frictions then they do everything except work efficiently. That's when you get sabotage. (…) That's why we also have from the IGBCE a project called 'Good Work'. It's the question 'what is good work?' That there are jobs, good working conditions, good pay, equal pay. (…) we always make sure that we get a win-win situation, because in the end they see that the workers will only follow them if they always see that there is a fair balance between the social obligations of the company and the employer interests. (…) More participation brings the company further and creates a greater degree of employee satisfaction and that is also the side effect of what we're trying to do with diversity. (…) I would say that if one does diversity only, not out of conviction but only because it brings economic advantages, well then everything, it's not wrong but one shouldn't do diversity only for those reasons, but rather one should have the basic conviction that diversity is necessary and that the side-effect is that economic bonuses come out of it." (BASF)

In summary then, on the whole the interviewees did not see the use of economic arguments as anything new in Germany, although it was felt the diversity management discourse was being used to further legitimise these arguments. The interviewees with specialised roles from the largest unions saw the potential for conflict between business and social justice arguments. The company level interviewees on the other hand were less concerned with the substance of business

case arguments than with their status as mere rhetoric. As we have seen, however, whether business case arguments were considered problematic or not also depended on what kind of arguments were used and this in turn depended on the strength of social dialogue and codetermination; where the latter were considered to be under threat, business arguments based on instrumentalising the diversity of employees, particularly when this involved essentialising and reinforcing stereotypes, were considered problematic. Where social dialogue and codetermination were strong, such arguments were employed enthusiastically in combination with concrete measures to promote equal opportunities and/or business arguments based on the fair treatment of workers reducing conflict, and improving morale and cooperation in the company. The strength of social dialogue and codetermination therefore appears to be the most important factor in explaining German trade union responses to the business case for diversity.

### 3. In what ways are German unions influencing the diversity discourse and what are the implications of union responses for equality agendas?

There was not the same concern amongst the German interviewees around emphasising differences as there was amongst the French and Swedish interviewees; none of the German interviewees associated diversity management with concerns about the danger of positive discrimination or ethnic monitoring. The collection of voluntary and anonymous statistics on ethnicity (in terms of 'immigrant background' rather than racial typologies) in order to address inequalities was considered useful by all of the interviewees:

> "That would be possible in Germany and certainly also useful/sensible in
> order to get differences but differentiating according to race would be quite
> a problem because of the historical significance. Although we need of
> course to find something for black Germans because at the moment they go
> missing in all statistics, they don't show up anywhere." (DGB)

Other interviewees spoke of the need for better statistics on immigrant background
as currently the statistics only differentiated between Germans and non-Germans, but
this was not considered a controversial matter and it was thought that the Federal
Statistics Office was beginning to make such statistics available.

The interviewees generally seemed comfortable using interpretive repertoires which
emphasise cultural differences; these did not appear to be controversial in the
German context. The notion of 'intercultural opening' (*interkulturelle Öffnung*) was
particularly popular and seemed to equate to the 'melting pot of hybrid cultures' idea
of multiculturalism. The education union, GEW, for example, has an explicit pro-
diversity policy. On its website it uses a broad definition of *Vielfalt*, most often
referring to sexual orientation and gender equality, but when it does refer to
ethnicity, it is always in connection with 'inter-cultural opening' and 'intercultural
education'. The educational institute of the DGB also refers to its diversity approach
as 'intercultural opening' (in its '*Partner für Vielfalt'* document, see footnote 11).
The document sees an emphasis on difference as an essential part of the diversity
approach to tackling inequality:

> A successful diversity strategy (…) understands diversity and differences
> as having particular potential for the implementation of equal

opportunities, for the improvement of integration in the company, for the broader appreciation of the workers, for the increased use of available resources and competences, for increasing the general attractiveness of the workplace, for improved customer service, for increasing competitive advantage. ('*Partner für Vielfalt',* DGB Bildungswerk)

The IGM interviewee on the other hand was working to promote 'intercultural opening' as an alternative discourse to diversity management: "I deliberately don't say diversity because that is very strongly associated with business or management strategies, when we talk about it we say rather intercultural orientation, intercultural opening or intercultural equality policy." Her alternative discourse also differentiates itself from diversity management because it emphasises solidarity over differences:

"They [employers] emphasise the differences and as a trade union we say: 'accept differences but strengthen what we have in common'. (…) The status of the dependent worker, that is central, and it must remain so otherwise I switch back to groups again. That could be the problem with diversity, that I say 'there are the gays, there are the older ones, the younger ones, the women', but the thing they have in common is that they are all dependent workers." (IGM)

The DGB interviewee also found the emphasis on difference in diversity management can be problematic - when it reduces people to their ethnic background and treats immigrants as a homogenous group:

"As for the question of competences, there we have a bit of a problem with that not because we think people don't have competences but because the

presupposition in some management strategies is a classification according to ethnic origin. (…) people with social and cultural backgrounds are thus reduced to their ethnic origin." (DGB)

The IGBCE and VW interviewees, on the other hand, did not appear to see this as a problem, although it is perhaps relevant that these two interviewees were Italian immigrants and drew in framing their understandings of diversity on their perceptions of the contribution their own cultural background had made to the company:

"When one engages with biculturality, bilingualism, due to globalisation these people can be much better used because they bring more with them than those who don't have that. And then for example a young person who comes here doesn't have to work on the assembly line, he can be put in an office and work on the business they have with Turkey because he knows the mentality and the language and can successfully negotiate when it comes to selling products abroad. That's our argument, bilingualism, that it should be better used, the potential which is already there in the companies." (IGBCE)

The BASF interviewee described diversity management as emerging originally from globalisation and the organisational requirements of transnational companies. The description appears to be closely related to the concept of 'cross-cultural management', which is often based on fairly fixed, stereotypical and essentialised notions of culture, rather than being about combating discrimination:

"We noticed in the context of globalisation that we need that [diversity management]. Because if one acts as a transnational company but doesn't understand the cultures, then it is doomed to fail. As we wanted to enter China, this is just a banal example, then we were negotiating with the Chinese and they were nodding in a friendly way and we as Europeans thought that meant 'yes'. And then this exchange continued and they came here, with a high-ranking delegation and then we realised how important it is that you understand the culture and everything. We had Chinese and Korean. We sent for example our chef to China for months so that he could learn to cook real Chinese food, not this pseudo-Chinese food that we get in Europe, real Chinese food. So that means grasping diversity through intercultural competence." (BASF)

However, this interviewee later described 'diversity' as the integration into one concept of the traditional trade union demands for gender equality, integration of foreign workers, non-discrimination, equal opportunities, respect and tolerance amongst colleagues, etc., which he said was "not about strengthening differences, they are simply there and one has to accept them. An Arab is different to us mid-Europeans." (BASF)

Whilst diversity management was generally not considered particularly controversial for its emphasis on ethnic differences, two of the German interviewees (IGM and Kommerz-Dresdner) identified problems with an individual approach to promoting differences in diversity management (the promoting individual differences dimension was not problematised by any of the French or Swedish interviewees). The other German interviewees saw diversity management as a social group rather

304

than an individual approach). For the Kommerz-Dresdner interviewee the difficulties of implementing such an individual approach in practice mean that "it's less about 'how do we find solutions' than about just saying there are differences." For the IGM interviewee promoting individual differences was not the same thing as equal opportunities: "That has something to do with the idea of justice. I would say equal opportunities for all and they [employers] would probably say promotion of individual differences."

Positive action measures targeting people of immigrant background were also uncontroversial and were being promoted both within the IGM interviewee's counter approach to diversity management as well as the IGBCE interviewee's diversity management approach. The handbook co-produced by the IGM interviewee for implementing 'intercultural equality policy' (entitled 'Accept differences, strengthen commonalities') recommends several positive action measures that are based on a differential treatment approach, such as organisational analyses and equality audits according to nationality or ethnic origin in companies and trade unions, targeted training and development measures for people with migrant background where they are over-represented in the lower levels of the company, recruitment drives targeted at people of migrant origin for higher-ranking positions, proportional representation of immigrants in works councils and staff councils as well as an immigrant representative (like the existing representatives for women and disabled workers), and support for the self-organisation of migrant workers.

The IGBCE interviewee explained that the positive action measures proposed in the chemicals sector diversity management agreement went beyond the simple equal treatment and commitment-not-to-discriminate approach of previous agreements.

They included language and vocational training courses for workers with immigrant background, integration into working life of young people with no school leaving qualifications, diversifying management positions, and work-life balance measures. The IGBCE interviewee also explained that one of the main tools he was campaigning for with diversity management was the use of "status analyses" in companies carried out by independent researchers because:

> "We are of the opinion that there is still disadvantage in companies for migrants. (…) It's not about them not being paid equally for equal work, it's about supporting them in the company, it's about how many management positions do they have? And why is it so? When they've been working in the company for 20 or 30 years is it that they're more stupid than the others or it certainly has something to do with that no-one has paid any attention to them, that if they have training and support they're just as capable as the others of climbing the hierarchy." (IGBCE)

The DGB felt that the diversity concept had had an effect on the way the DGB dealt with questions of diversity and non-discrimination by helping his union to move from an equal treatment to a more equal opportunities approach:

> "thanks to that we could more clearly recognise that the old concept of equal treatment had to be supplemented, which we had already done before but the diversity concept strengthened us a bit in that, a bit in the change from equal treatment to equal opportunities." (DGB)

Some of the interviewees also spoke of the need for more positive action within their union in order for it to be more representative of ethnic minority workers. For the

Ver.Di and Lufthansa interviewees this was an issue of resources rather than mentalities:

> "We don't have quotas for migrants but we're working on recruiting more people with migration background into the union. We haven't had chance before because Ver.Di is a merger of five unions and there were too many Germans here anyway and we had a social plan first of all to cut the personnel down, and now we can gradually start recruiting a few young people and we try to get people with migration background. (…) it could do this more systematically. And we certainly need special programmes for membership recruitment because there are areas in the service sector where the conditions are very bad and where there are no works councils or union representation. And we need to invest quite a lot in those areas to get a union structure." (Ver.Di)

As mentioned above, the IGM interviewee felt that works councils in the metal sector were in denial about discrimination and even tried to block measures to tackle it. She also felt that she had to struggle to get commitment to these issues at the highest level of the union:

> "As far as personnel and resources are concerned we're in a poor position. The subject of immigration and migration is always a controversial one and now due to the crisis situation there is a position here which should be filled but isn't. (…) The fact is though that in the IGM this approach is not in our organisation at the personnel or organisation level. That has to be said very clearly. (…) we also have a works council here and even in the

works council it's not planned, that is for the organisation itself. So my

efforts and strivings are for the immigration policy here to be defined

differently and that the subject of intercultural opening must be included."

(IGM)

The IGBCE had the same problem of tackling denial about discrimination within the

membership and works councils but had the support of his union in addressing this.

As with employers, he found that the positive language of diversity had made it

easier to sell his anti-discrimination initiatives to his own members:

"anti-discrimination was perceived as too negative by our representatives

in the works councils because they told us there was no discrimination in

their companies and if an anti-discrimination agreement were negotiated

then they said that means they are automatically admitting that people were

discriminated against in their company and that wasn't so." (IGBCE)

However, he was not relying solely on the use of business case arguments for

diversity management to achieve his objectives (see above) and was also heavily

involved in organising campaigns against racism and Islamophobia amongst union

members.

In summary, the emphasis on cultural and ethnic group differences inherent in

diversity management was generally not considered controversial amongst the

German interviewees, nor were policies based on a differential treatment approach

towards people with immigrant background in order to redress inequalities. Where

diversity management was problematised for its emphasis on ethnic group

differences this was not due to associations with positive discrimination or ethnic

monitoring. Rather it was due to the association of ethnic differences with particular competences and business performance and the potentially stereotyping and segregationist implications of such a discourse.

## 4. Summary

Diversity management appears to have been disseminated in Germany primarily through processes of mimetic isomorphism of a management fashion from the US rather than being promoted as the solution to a socio-political problem which existing institutions cannot solve. I have argued that this was possible because a discourse of diversity emphasising difference fitted well with German models of integration and ideas about multiculturalism, and these were relatively stable institutionally and broadly perceived to be appropriate and unproblematic. I have also argued that the lack of a perceived institutional crisis combined with the lack of conflict between diversity management and German ideas about multiculturalism meant that the advocates and champions of diversity management in Germany were able to avoid trade union involvement in their diversity management initiatives and thus drive forward a discourse of diversity management that focussed largely on the business case for diversity and promoted a soft law approach to equality and anti-discrimination.

The responses of the German trade union interviewees to diversity management corresponded to the fragmented nature of the German system of industrial relations (see Chapter Two) and can be divided into three categories. Interviewees from the largest national unions with formal roles and specialised expertise in the area of equality and non-discrimination - except IGBCE - saw diversity management as a

strategy to weaken social dialogue. The second group of interviewees had no formal role or specialised expertise in this area and were from female dominated service sector companies where codetermination is not particularly strong. For these interviewees, diversity management was not seen as a threat in itself but rarely went beyond mere rhetoric, particularly in the current economic climate, and diversity initiatives - where there were any - were largely set unilaterally by the company. The third group of interviewees comprised the IGBCE and interviewees from male dominated manufacturing sector companies where codetermination is very strong. For these interviewees, diversity management was not seen as a threat at all and the interviewees were heavily involved in defining it. Diversity initiatives were negotiated through collective agreements and the interviewees decided whether or not to employ discourses of diversity within these agreements or other discourses (such as 'partnership behaviour') which emphasise solidarity rather than the business case. Interviewees in the chemical sector were particularly enthusiastic about diversity management and employing arguments about utilising differences whilst seemingly uncritical of the potential of this business case discourse to reinforce stereotypes and cultural boundaries and commodify labour. However, these interviewees also associated pragmatic utilisation of diversity management with significant advances in positive action measures compared to previous equality and anti-discrimination arguments. Even interviewees who were highly critical of diversity management (DGB and IGM) acknowledged that it had contributed to a move from an equal treatment approach towards an equal opportunities approach based on positive action.

# Chapter Eight:

# Trade unions and diversity management in France, Sweden and Germany compared

## Introduction

The aim of this research was to provide a contextualised cross-national comparison of trade union responses to diversity management, which also takes into account the role of unions in the construction of discourses of diversity by 1) examining how diversity management has been presented in each country (i.e. what are unions responding to) and why, 2) assessing to what extent (and why) trade unions have been involved in a social dialogue approach to diversity management and how their involvement may influence their responses, 3) examining in what ways unions may be influencing diversity discourses, and exploring the potential implications of unions' responses to diversity management for equality agendas.

In Chapter Three I argued that an historical institutionalism analysis of state traditions of labour relations would predict a social dialogue approach to diversity (at national, sector and company level) in Sweden and Germany due to their corporatist traditions (Crouch 1993, 2012). Whereas this prediction appeared to be correct for Sweden (according to the literature review), for Germany, the literature review (Chapter Two) indicated that a social dialogue approach was probably only likely in the case of a perceived social crisis regarding diversity issues, or in sectors where codetermination was still strong. I also argued that an HI analysis could not explain the apparent social dialogue approach in France. I therefore argued in Chapter Three that discursive institutionalism (Schmidt 2006, 2008, 2010) provided a more fruitful

approach as it focusses on explaining the unexpected rather than on predicting the expected. The usefulness of the DI approach in this respect has been further borne out by the findings regarding union responses to diversity management. An HI and sociological institutionalism approach would tend to predict support for diversity management from unions in Sweden and Germany, due to their consensus-seeking industrial relations traditions, and their citizenship and integration institutions which emphasise ethnic differences. On the other hand it would predict union opposition to diversity management in France due to adversarial unions and citizenship institutions which do not acknowledge ethnic difference. The findings of my research are, however, counter-intuitive to the sociological and historical institutionalism predictions.

**Table 4: Historical/sociological institutionalism predictions versus findings**

|  | HI/SI PREDICTIONS | | FINDINGS | |
|---|---|---|---|---|
|  | **Social dialogue approach** | **Response** | **Social dialogue approach** | **Response** |
| **FR** | No | Negative | Yes | Accepting/tolerated |
| **SE** | Yes | Positive | Yes | Confederation level: negative  Federation level: positive |
| **DE** | Yes | Positive | No, except where codetermination strong | Negative, except where codetermination strong |

### 1. How has diversity management been presented and why?

It was assumed during the research design that how diversity management is presented and why (i.e. how diversity management is shaped by the institutional environment) would affect trade union involvement. In other words, research question 1 provided the necessary contextualisation for the main contribution of this research, which is the comparison of trade union involvement in and responses to diversity management (research questions 2 and 3).

The findings in the empirical chapters revealed that diversity management differs in each country along the four dimensions identified by Kirton and Greene (2010). In France diversity management has emphasised the importance of a social dialogue approach over a unilateral managerial approach. The business case has primarily been about the need for French companies to demonstrate their social responsibility rather than 'bottom line' performance arguments about 'harnessing' diversity. Rather than valuing individual differences, French diversity management has targeted social groups with mild forms of positive action and is therefore closer to the UK equal opportunities approach than Anglo-Saxon diversity management approaches. In Sweden, *mångfald* has been clearly associated with a valuing differences approach but with a focus on ethnic minority groups rather than on individual differences. It has emphasised a social dialogue approach and, initially at least, was not promoted as a means of subjecting equality objectives to business imperatives. In Germany, diversity management has tended to emphasise a voluntary and unilateral managerial approach which prioritises performance arguments over social justice arguments - except in sectors and organisations where unions and co-determination are still

strong. German diversity management has also emphasised valuing social group (particularly cultural) differences.

**Table 5: The four dimensions of diversity management**

|  | Valuing difference vs 'sameness' | Individual vs social group | Business case vs social justice arguments | Voluntary, unilateral managerial vs social dialogue approach |
|---|---|---|---|---|
| **FR** | Sameness | Social group | Social justice | Social dialogue |
| **SE** | Difference | Social group | Social justice | Social dialogue |
| **DE** | Difference | Social group | Business case | Managerial |

The empirical chapters described how the sameness versus difference and individual versus social group dimensions have been shaped by national models of integration, and how the relationship between them has been a dynamic and recursive one.

The business case versus social justice and voluntary unilateral versus social dialogue dimensions, on the other hand, appear to have been shaped by processes of institutionalisation, i.e. whether diversity management was introduced and promoted as a solution to perceived institutional crisis, or as an alternative form of (soft) regulation. This is discussed in more depth under research question 2, which compares (among other things) how the processes of institutionalisation have influenced the extent of social dialogue and the nature of business case arguments (and thus union responses to them). Section 2 also compares how the institutional environment (unions' 'background ideational abilities') and the recursive

relationship between this environment and diversity discourses has shaped union responses to diversity management.

## 2. Social dialogue and institutional influences on union responses to diversity management

Research question 2 compares the extent of union involvement in a social dialogue approach and the reasons for this. Whilst Schmidt's DI seeks to explain the unexpected by asking who said what to whom, when, where, how and why, I also needed to understand why X was allowed to be heard whereas Y was not, as this is pivotal in explaining union involvement and thus their responses to diversity management. I therefore argued that the involvement of trade unions in a social dialogue approach to diversity management can be (largely) explained using theories about processes of institutionalisation. Section 2.1 looks at the empirical findings in the light of this argument. Section 2.2 then compares how union responses may have been influenced by their involvement in a social dialogue approach.

As discussed in Chapter Three, discursive institutionalists are particularly interested in the dynamic and recursive nature of institutionalisation - both the ideas and discourses being institutionalised on the one hand, and the institutional environment on the other may be changed in the process (Schmidt 2008, Kjaer and Pedersen (2001). Sociological institutionalism on the other hand would treat the institutional environment (for example citizenship institutions and ideologies about multiculturalism) as a static force exerting a one-way influence on diversity management. The findings show that union responses to diversity management change as the discourse and the institutional environment evolve in response to each

other. Section 2.4 therefore looks at how unions' responses to diversity management are shaped by their institutional environment or their 'background ideational abilities' (Schmidt 2008), but does so whilst taking into account the recursive relationship between diversity management and the institutional environment. The findings from section 2 are summarised in Table 6.

### 2.1. Extent of union involvement

The findings of the empirical chapters have confirmed the argument made in Chapter Two that an analysis of state traditions of labour relations in each country is insufficient to explain union involvement in a social dialogue approach to diversity management. Given the still considerable associational and organisational strength of Swedish unions and the continuing institutional strength of social partnership it was to be expected that Swedish unions would be heavily involved. In France, however, union involvement was not so much of a given and diversity management could conceivably have been introduced as a strategy for bringing equality issues out of the sphere of social dialogue and into unilateral management control. It does not appear, however, that this was the case. In Germany, a look 'through the telescope' at the corporatist traditions of informal peak level cooperation would lead to predictions of trade union involvement in diversity initiatives. Social dialogue was considered necessary for dealing with the perceived crisis caused by xenophobic violence in the early years after reunification, in defining migration policy, and when managing the financial crisis. But it was not considered necessary (by the government and employer organisations) when drafting and implementing national gender equality policies in the late 90s/early noughties. This indicates that union involvement could

have been considered necessary for dealing with diversity issues at national level if these were perceived to present a situation of societal crisis. As discussed in Chapter Two, migration policy was considered to be an issue of major societal concern, with the employers having to concede to the unions' demands for delaying migration from the new EU Member States. Integration policies were offered as a preferred alternative (Meardi 2013), which would tend also to support the case for unions being involved in diversity initiatives at national level. However, this turned out not to be the case. At sector and company level the pronounced divide between the still strong corporatist arrangements of social dialogue in traditional manufacturing and the public sector on the one hand, and the almost absence of trade union representation and works councils elsewhere (Hassel 2007, Artus 2013) led to the seemingly correct prediction that trade union involvement in diversity initiatives was likely to be sector-dependent.

The empirical chapters have demonstrated that social dialogue on diversity takes different forms across countries, sectors and companies. It ranges from codetermination at one end of the spectrum, where unions take the leading role in designing and implementing diversity management policies, through the genuine negotiation of agreements to promote diversity, or agreements on working conditions which indirectly target disadvantaged groups, to joint initiatives and projects, to the 'negotiation' of collective agreements which unions are invited to sign or reject but which involve virtually no bargaining.

In Sweden the approach at national level has been legislation in which the government has put the responsibility on unions to pressurise employers into action and not to passively allow employers to do nothing. The legislative approach has

been complimented by joint declarations and initiatives/projects rather than negotiated commitments, but it appears that there has generally not been a great deal of social dialogue activity at either national, sector or company level (although this does not take into account unions' and employers' unilateral initiatives). In France the approach at national level has been negotiations driven by the promoters of diversity management and the government in order to pressurise companies into involving unions, for example through new rights on recruitment and evaluation procedures, and the obligatory annual meeting of the enlarged works council. Whilst there appears to have been a relatively significant amount of social dialogue activity at sector and company level, including some genuine and innovative cooperation, a substantial percentage of diversity agreements merely provide a façade of social dialogue, due either to poor relations between the negotiating partners or union weakness at workplace level. In Germany, social dialogue on diversity at national level has been conspicuous by its absence. At sector and company level social dialogue on diversity depends on the existence of strong works councils and generally appears to be a case of all (i.e. co-determination) or nothing.

The analysis in the empirical chapters of who said what to whom, when, why and how supports the argument made in Chapter Three that there is an important link between the types of mechanisms/processes of institutionalisation of diversity management on the one hand, and trade unions' role as actors within these processes on the other, and that these dynamic processes of institutionalisation are perhaps more important than the static institutional structure for determining their involvement. The analysis of who said what to whom, when, why and how has also

revealed the ways in which processes of institutionalisation are used strategically to influence the relative power of the actors.

In Chapter Three, I suggested that the types of mechanisms/processes of institutionalisation of diversity management could be categorised according to supply and demand-side explanations. In France and Sweden the introduction of diversity management seems to be explained less by supply-side factors, although these can still be found; for example in Sweden, the LO confederation interviewee explained that they had been "forced" to use the word 'diversity' by EU policies and project funding: "we fought very hard to change things but when you put money behind policies and people want to work, they're kind of 'ok, we'll use it but…'". The LO and SACO confederation interviewees also spoke of the "big market" which diversity management had created for consultants in Sweden and the influence of diversity management consultants from the UK and US. However, in France and Sweden the introduction and diffusion of diversity management seems to have been motivated primarily by demand-side factors, i.e. the search for a solution to a perceived social crisis, which pre-existing institutions could not provide an answer to: thus in France the notion of diversity was seen as providing a solution to the problems of French republicanism, whilst in Sweden it was seen as providing a solution to the problems of Swedish multiculturalism. These demand-side factors then facilitated the supply-side factors mentioned above.


### 2.1.1. France

The riots that began in 2005 were the critical incident which elevated what was already perceived as a significant social problem to the prominence of a social crisis

in the institutional order of French republicanism. As a result the HRM discourse of diversity management introduced around the same time has been dominated by a socio-political discourse which promotes the notion of 'diversity' as the solution to the failures of French republicanism in combating ethnic and racial discrimination. The major concern of diversity management in France has therefore been social peace and cohesion rather than business performance and the commodification of labour, which in turn explains why the *discourse* of diversity (as opposed to the practices) used by all French actors (the state, employer organisations, employers, diversity professionals) emphasise the importance of trade union involvement in a social dialogue approach over a unilateral managerial top-down approach.

It could be argued that French employers saw a voluntary social dialogue approach as a soft option to the threat of regulation as trade unions are generally weak at workplace level and (as discussed in Chapter Two) company agreements are usually drawn up by employers and then presented to the unions for them to sign or reject. Even if the employers had agreed to compulsory company level negotiations on 'cultural' diversity, there is no obligation in French law to reach an agreement. The fact that President Chirac threatened employers with legislation if they did not make progress in promoting diversity seems to support this argument. However, it is very unclear what form legislation to force the promotion of 'cultural' diversity could have taken in the French context, other than imposing compulsory negotiations, which the main champions of diversity management on the employer side (e.g. the ANDRH and Yazid Sabeg, author of the Diversity Charter) were calling for anyway. The employer organisations refused to accept compulsory company or sector level negotiations in the 2006 national inter-professional agreement (ANI) on diversity but

even if they had been imposed through legislation, such laws are rarely enforced. The 'soft option' hypothesis is therefore not altogether convincing. Moreover, the 'Diversity Label' is only awarded to large companies if they have negotiated an agreement, exemplary companies are therefore those which negotiate. It seems more plausible then that union involvement was a normative requirement for organisations dealing with the much mediatised 'crisis of French republicanism'.

Moreover, union involvement appears to have been all the more necessary due to the controversy caused by the concept of diversity, or more precisely the clash between the institutional logic of French republicanism and the emphasis on difference inherent in diversity management. This clash necessitated the process or 'institutional work' (Lawrence et al. 2011) of translating the concept of diversity into a socially legitimate discourse. Barth (2007) for example argues that union involvement is necessary in order to prevent "wrong interpretations" of what diversity management is. Involving unions therefore appears to provide a certifying stamp of the 'right', socially legitimate interpretation. Wrench (2004) argues that union *responses* to diversity discourses are explained by industrial relations systems and social ideologies about multiculturalism. I argue that social ideologies about multiculturalism can also affect union *involvement* in the construction of diversity discourses.

As argued in Chapter Five, the promotion of social dialogue in the French employers' discourse of diversity may well be for the most part more rhetoric than reality, and the quality of the social dialogue that does take place may be questionable. However, it cannot be argued about French diversity management, as Greene and Kirton (2009:192) argue about the UK, "that theoretically at least DM

threatens to marginalize the union role". Indeed, one could even argue that the recursive relationship between diversity management and the institutional environment has been positive for industrial relations in France: for example there were changes in the normative institutions of social dialogue in terms of allowing younger generations of delegates to negotiate, and the involvement of civil society organisations. There were also changes in the scope and quality of social dialogue at national level, for example through the involvement of unions in awarding the Diversity Label and the new workplace rights provided by the ANI.

### 2.1.2. Sweden

As already stated above, given the traditions for industrial relations in Sweden one would expect the unions to be involved in joint or bipartite diversity initiatives, particularly under a Social Democrat government. In Sweden in fact, the Social Democrat government was the driving force and foremost promoter of such initiatives due to the perception of crisis in Swedish multiculturalism. This made trade union involvement even more likely. However, the unions were not just involved from the start in operationalising the concept of diversity management through social dialogue; they were even able to convince the Swedish employers' confederation and the government to drop the discourse of diversity (or at least replace the word 'diversity' with the word 'integration'). This cannot be ascribed simply to the institutional power of the unions. Rather, they were able to do this because the discourse of diversity, which they had originally greeted as a solution to the problems of integration that Swedish multiculturalism had failed to solve, itself proved to be an inappropriate solution in the Swedish context. Both the mechanism

for institutionalisation and the recursive nature of this mechanism therefore contribute to explaining trade union involvement and their relative power as actors in the process.

### 2.1.3. Germany

In Germany on the other hand the introduction and diffusion of diversity management started much later, and again, critical incidents (in particular, reunification) can be seen as a significant factor in determining the processes of institutionalisation, which in turn help to explain the involvement (or not) of trade unions. As I argued in Chapter Seven, the German model of integration has never really been questioned or perceived to be in crisis. The model has had broad public support and has remained institutionally very stable in public discourse, even given the demographic developments that seriously challenge it. Although the public discourse has more recently acknowledged that there is a failure of integration in Germany, the German model of integration is generally considered to be at fault only in so far as it has not been assimilationist enough. Whilst on the one hand the emphasis on difference inherent in diversity management did not conflict with the German model of integration (and conceptions of '*multikulti*') and was therefore not controversial, on the other hand the concept of diversity does not provide a very suitable response to the perception of insufficient assimilation. Therefore when integration did become a major political issue, the concept of diversity was not promoted as the solution to a social problem which existing institutions could not solve.

Instead the introduction and diffusion of diversity management began with supply-side processes of institutionalisation, i.e. via American multinational corporations, and the influence of EU programmes and project funding. Mimetic processes of institutionalisation can also be seen in the decision of the German government and German employers to follow the example of the French employers' Diversity Charter. However, the content of the German Diversity Charter reflects demand-side factors in the form of the Federation of German Employers' (BDA) drive for deregulation, and thus a unilateral managerial approach rather than the search for a solution to a perceived social crisis based on social dialogue. It seems that there is a recursive relationship between the institutional environment and diversity management in that the instability of German industrial relations coupled with the institutional robustness of the German model of integration enabled the BDA and the German government to focus on the 'bottom-line' business case rather than the social justice aspect of the diversity discourse, and then subsequently to use this business case focussed diversity management to exclude unions as part of a broader strategy to undermine social dialogue.

### 2.2. How involvement (or not) in a social dialogue approach affects union responses to diversity management

Whilst an analysis of the processes through which diversity management is institutionalised is useful in explaining the involvement (or not) of trade unions, these processes do not provide sufficient explanation for why unions accept, tolerate, embrace or reject diversity management: Diversity management was introduced in both France and Sweden as the solution to a social crisis and was based on a social

dialogue approach, yet the Swedish confederations chose to reject the concept of *mångfald,* whilst the French unions were generally accepting and tolerant of the concept of diversity even where they were very critical of the quality of social dialogue.

In Germany the situation appears more straightforward as the responses of the interviewees to diversity management correlated to the strength of social dialogue and co-determination within the sectors and companies: Where social dialogue was being generally undermined, German unions saw diversity management as another device in this strategy. Where social dialogue was still strong they were both heavily involved in diversity initiatives and positive about the concept. Such a 'telescopic' look at varieties of union models, however, also proves to be insufficient in explaining the differing responses in France and Sweden.

In France the stereotype is of highly politicised and oppositional unions, yet the CFDT has been working towards a compromise-based social partnership relationship since the 1980s and the CGT has also formally abandoned its reluctance to accept compromise (Gumbrell-McCormick and Hyman 2013). It is therefore difficult to predict union responses apart from that the CFDT may be the most receptive to the diversity discourse promoted by employers (which does seem to have been the case). But matters in France with regard to the notion of diversity are considerably complicated by French republicanism, which makes predictions difficult: unions' responses could be predicted to be negative based on a combination of political and oppositional unionism and French republicanism. Or they could be predicted to be receptive based on a combination of moves towards more cooperative social partnership and critiques of the failings of republicanism. Either way it seems that

the way diversity management interacts with the institutional environment of French republicanism is at least equally important as varieties of industrial relations and unionism.

In Sweden, varieties of unionism and industrial relations do not seem to be very useful in explaining unions' responses to diversity management; Given the Swedish model of seeking institutionalised compromises for a positive-sum economic strategy of modernisation (Gumbrell-McCormick and Hyman 2013), one would have expected positive responses from the Swedish unions to diversity management.

In order then to understand the differing responses of the French and Swedish unions the following sections examine how these responses were shaped by the processes of institutionalisation and unions' 'background ideational abilities' (Schmidt 2006, 2008).


## 2.3. Institutional influences on the business case and union responses

As argued in Chapter One, the types of business case arguments that are considered acceptable can vary between countries as well as between sectors and workplaces and this will affect unions' responses to diversity management. This section compares how the processes of institutionalisation have influenced the nature of business case arguments, and thus union responses to them.

As discussed above, the major concern of diversity management in France has been social peace and cohesion rather than business performance and the commodification of labour. This explains why the business case in the French discourse of diversity is primarily about the need for French companies to demonstrate their social

responsibility, rather than about 'harnessing' differences to meet organisational goals, as is common in Anglo-Saxon diversity management discourses. The insistence of the foremost French proponents of diversity management on a social dialogue approach also appears to have counteracted the risk of non-socially responsible business motivations becoming dominant. This seems to explain why the French trade union interviewees generally appeared so unconcerned by the business case for diversity - the large majority considered that employers' main motivations for engaging with diversity were society's expectations of them (i.e. company image). There were also several comments about management's diversity policies being motivated by the need for social cohesion and less conflict within the company. Business arguments for diversity were generally only considered problematic in terms of the gap between rhetoric and implementation.

In Sweden, the appeal of the business case for diversity seems to have been more about its positive message of the value of difference rather than the need to link equality objectives to business imperatives (as Kirton and Greene 2010 argue was the case in the UK). The belief that 'different is inferior' had always provided a powerful business case against diversity in Sweden in the past, which social justice arguments seemingly struggled to overcome. The business case for diversity, with its positive message about the economic and social benefits of ethnic diversity, was therefore greeted with enthusiasm in Sweden by political actors and social partners alike as a counter-discourse to 'different is inferior'. It appears then that the same business case arguments can be used in different contexts (e.g. Sweden and the UK) for different purposes. However, the 'different is inferior' logic appears to have been so strongly institutionalised that according to Wrench (2002:80-81), the main

business case arguments used in Sweden are labour market shortages and concern about company image, rather than the belief that a diverse workforce could really bring internal organisational advantages or that immigrants' cultural, social or linguistic experience could benefit the company or enrich the workplace for native employees. This probably explains why business case arguments were generally not considered particularly problematic. Whilst the LO confederation interviewee felt that unions should not be using business arguments themselves, the positive message of the *mångfald* discourse that "diversity is actually good for the companies" was welcomed by many of the interviewees and seen as a really new way of thinking in Sweden. However, some interviewees thought that business case arguments were not used very much anyway because people generally did not believe that non-'ethnic Swedes' could perform as well or better than 'ethnic Swedes'. Therefore the most common business case argument which interviewees ascribed to employers was the need to reflect their customers and to present a good image of not being a racist company – arguments that are neither particularly "partial and contingent" (Dickens 1999) nor commodifying (Kirton and Greene 2006).

In Germany 'bottom-line' business case arguments have very much taken priority over social justice arguments in the diversity management discourse of the BDA and the German government. The BDA's webpage devoted to "Diversity in the economy" provides no non-business arguments for companies to engage with diversity, but rather seeks to "emphatically remind everyone" that "the goal of diversity is not diversity at any price or merely for diversity's sake, but is aligned with concrete goals such as the improvement of innovative capacity, the strengthening of employer brands or better sales approaches." Although the German

union interviewees did not see the use of economic arguments as anything particularly new in Germany, whether they considered business case arguments problematic depended on the strength of social dialogue and codetermination. Where the latter were considered to be under threat from diversity management, business arguments based on harnessing the diversity of employees were considered problematic. Where social dialogue and codetermination were strong, such arguments were employed enthusiastically in combination with social justice arguments and concrete measures to promote equal opportunities. The strength of social dialogue and codetermination therefore appears to be the most important factor in explaining German trade union responses to the business case for diversity.

The business case then not only takes different forms in different contexts, but even the same forms can have different significance within different contexts. This needs to be taken into account when assessing whether (as Greene et al. 2005 suggest) unions' positive attitudes towards the business case imply an uncritical acceptance of diversity discourses (this will be discussed in part 3 below).

### 2.4. Institutional processes and 'background ideational' influences on union responses to 'sameness' and difference approaches

This section looks at the recursive relationship between diversity management and institutional logics about 'sameness' and difference. It compares how this recursive relationship and unions' 'background ideational abilities' shape their responses to diversity management.

In the context of French republicanism the concept of diversity - with its inherent emphasis on difference and association with Anglo-Saxon ways of doing things -

meant that national debates around diversity focussed on the controversial questions of "whether France should adopt affirmative action types of policies in the area of ethnic diversity" (Bender et al. 2010:83), and the related question of whether France should allow the introduction of statistics on ethnicity (Wieviorka 2008). As discussed in Chapter Five, these two issues are widely regarded to be completely contrary to French republican values. The proponents of diversity management, which originated around the issue of ethnic discrimination, have therefore either chosen or been compelled to avoid emphasising ethnic differences. This has influenced the way that diversity consultants and HR managers have focussed more on a 'sameness' approach to tackling group-based discrimination rather than on valuing either individual or group-based differences. The French interviewees generally did not see the diversity concept as emphasising differences either because they had (in the negotiations for the inter-professional national agreement in 2006) defined it so as not to do this; they had purposefully translated diversity into a concept which conformed to republican values. The Constitutional Committee's rejection of President Sarkozy's proposals *à l'américaine* further cemented this French republican version of diversity.

However, due to the perceived institutional crisis of republicanism in France, the recursive relationship between the concept of diversity and the model of integration was quite significant. The concept of diversity opened up the way for a more in-depth public debate about what form French republicanism should take, leading to clarification about what is possible within the law regarding positive action (which turned out to be more than was generally believed). The institutionalisation of diversity management therefore appeared to contribute to a certain revamping of the

institutional environment of French republicanism. This was generally welcomed by the French trade unions, who - except for the FO - tended to associate the diversity concept with more positive action in relation to gender equality, the integration of disabled workers, the career development of older workers, and at least the possibility of more positive action measures in relation to diversity of origins.

In Sweden, (as discussed above) the perceived institutional problem was with the hierarchy of differences in Swedish multiculturalism between 'us and them'. Diversity management was therefore welcomed as a new and improved form of multiculturalism, which was supposed to emphasise the equal value of differences. However, the strongly institutionalised logic of Swedish assimilationism made it practically impossible for any discourse emphasising differences *not* to perpetuate 'us and them thinking'. The diversity discourse was heavily criticised in Sweden by academics influential to the Social Democrat Party and the unions for reifying stereotypes about cultural differences between 'us and them', perpetuating cultural hierarchies and treating immigrants as in need of education about values (democracy, equality, responsibility) that are assumed to be inherent to Swedes. It therefore did not offer an alternative to the problematic dominant discourse of (hierarchical) multiculturalism. For the confederation level interviewees, the recursive relationship between the diversity concept and the institutional environment had taken them on a "learning curve" in which enthusiasm for the concept had been replaced by rejection. For the federation level interviewees who were not yet aware of the confederations' official rejection of the diversity discourse, it was still viewed positively as an antidote to the particular problems of the Swedish model of integration.

In Germany the emphasis on difference inherent in the notion of diversity did not elicit any controversial debate and in fact seems to fit well with the institutionally robust German ideologies about integration and multiculturalism, which stress the distinct separation of cultures. There therefore appears to have been little recursivity between the two; diversity management does not seem to have had any particular effect on debates about multiculturalism or integration. This explains why there was not the same concern amongst the German interviewees around emphasising differences as there was amongst the French and Swedish interviewees; none of the German interviewees associated diversity management with concerns about the danger of positive discrimination or ethnic monitoring. The emphasis on cultural and ethnic group differences inherent in diversity management was generally not considered controversial amongst the German interviewees, nor were policies based on a differential treatment approach towards people with immigrant background in order to redress inequalities. For most of the interviewees diversity management was simply about "accepting that there are differences" and they were comfortable using interpretive repertoires about cultural differences.

The research findings indicate that there is more recursivity between discourses of diversity and the institutional framework where the latter is unstable or in crisis (although this is perhaps just another way of making the rather intuitive argument that institutional change is more likely where there is institutional instability). For example, where there is an institutionally unstable model of integration (France and Sweden), the diversity concept has influenced approaches to dealing with difference. Whereas an institutionally stable model of integration (Germany) means little recursivity regarding difference. An institutionally unstable environment for

industrial relations in Germany means recursivity between the diversity concept and social dialogue, whereas in France this was outweighed by the greater importance attached to the crisis of republicanism.

### 2.5. Robustness of the institutional framework

The argument here is that the institutional robustness of ideologies about integration and multiculturalism largely explains why in France the union interviewees came to accept or at least tolerate the discourse of diversity, whereas in Sweden the *avant garde* of union policy-makers came to reject it (see Table 6).

Wrench (2002) suggested that diversity discourses would be more problematic in countries such as France where multiculturalism is not supported. However, whilst the notion of diversity was controversial at first in France due to the potential conflict with French republicanism it was translated to conform to French republicanism and accepted. French republicanism was considered to be in enough of a crisis in 2007 for the President of the Republic to be able to suggest that the constitution be changed to allow positive discrimination based on ethnic belonging and statistics on ethnicity in order to measure discrimination. Despite this perceived crisis, however, the values of the Republic proved to be so robustly institutionalised that proponents of a diversity discourse that challenged it (notably the President and his Diversity Commissioner) were forced to reposition. Eventually, the institutional robustness of French republicanism provided a terrain stable enough for the discourse of diversity (*version mise en conformité*) to take hold. The French union interviewees did not see a problem in reconciling a discourse of diversity with republican values and viewed the negotiation of the national inter-professional

333

agreement on diversity as part of the process of affirming and revamping French republicanism.

In Sweden, on the other hand, multiculturalism had not taken on the same rule-like status in thought as French republicanism and did not therefore provide a stable terrain into which to implant a Swedish version of diversity. It seems that the *mångfald* discourse was introduced in Sweden within a weakly institutionalised discourse of multiculturalism: In terms of Scott's (2008) framework, the discourse of multiculturalism appears to have been regulatively institutionalised in Sweden, but less so normatively and cognitively.

The differing responses of the French and Swedish unions - despite the significant involvement of both in a social dialogue approach to diversity management - therefore seem to be explained by the recursive relationship between discourses of diversity and the institutionalised models of integration, and the robustness (or not) of these models. Table 6 summarises the findings from section 2.

**Table 6: Mechanisms and processes of institutionalisation of diversity discourses and their effects on union involvement and responses**

| | INSTITUTIONAL MECHANISMS | | | PROCESSES OF INSTITUTION-ALISATION | EFFECTS OF MECHANISMS & PROCESSES | | |
|---|---|---|---|---|---|---|---|
| | Perceived crisis of integration model | DM conflicts with institutional logic about difference | Robust institutional framework for integration | | Business case | Social dialogue approach | Response to diversity discourse |
| FR | ✔ | Initially yes. Then resolved due to ➜ | ✔ | Search for solution to problem existing institutions cannot solve<br><br>Normative isomorphism<br><br>Layering of positive action | Social legitimacy | ✔ | Accepting/tolerated |
| SE | ✔ | Initially no. Then yes due to ➜ | X | Search for solution to problem existing institutions cannot solve | Social legitimacy | ✔ | Confederation level: Rejection.<br><br>Most federations: Positive response. |
| DE | X | X | ✔ | Mimetic isomorphism<br><br>Driving, or layering, of alternative soft regulation | Profit maximisation | Confederation level, and sectors where social dialogue institutions under erosion: X | Confederation level, and sectors where social dialogue institutions under erosion: Negative response |
| | | | | | 'High road' employee relations | Sectors and companies with very strong co-determination: ✔ | Sectors and companies with very strong co-determination: Positive response |

## 3. Union influence on discourses of diversity

Section 2 looked at how the institutional environment shapes diversity management (and *vice versa*), and how unions' 'background ideational abilities' shape their responses to diversity management. These institutional influences set the parameters for unions' (and indeed other actors e.g. employer associations, governments, HR managers, diversity consultants) attempts to use diversity management strategically, which is the subject of research question 3. This section therefore explores how unions have used their 'foreground discursive abilities' (Schmidt 2008) in order to engage critically with diversity management (and their institutional environment) and the power relations these promote. In other words, how might unions have influenced diversity discourses (and *vice versa*), and what are the potential implications of their responses for equality agendas?

Such an analysis is particularly salient as trade unions are still generally expected to be oppositional movements in Gramsci's (1998) sense and, as Meardi (2013) points out, they can legitimately engage in 'position wars' over hegemony, contesting dominant discourses rather than simply being defined by them. Greene et al. (2005) argue that "the language of diversity is overwhelmingly positive" and "the problem with this positive language is that it removes the linguistic and discursive tools with which to describe and therefore tackle discrimination and disadvantage; instead, diversity becomes something unproblematic to be valued and celebrated" (p.193). I argue, however, that before such judgements can be made, a DI analysis is required of how unions and other actors define and use diversity discourses strategically, and the power relations they promote.

How unions' role as an oppositional movement is important for their responses to diversity management can be seen from a discursive institutionalism analysis of who said what to whom, when, why and how. In particular, the identity of the main actors promoting diversity management seems to be important. So, for example, in France trade unions were initially sceptical of the notion of diversity because the discourse was being driven by the largest French private sector companies, and President Chirac. They were particularly mistrustful of the most prominent promoter of the discourse of diversity, President Sarkozy, as he was also associated with hardline immigration policies and had previously tried to introduce ethnic statistics for juvenile delinquency. His championing of a positive discrimination approach to diversity was considered by his critics to be yet another of his attempts to americanise France and to divert attention from the social aspects of inequality. The unions' scepticism was allayed, however, by the social dialogue approach to diversity (through the negotiation of the 2006 interprofessional national agreement) and the Constitutional Committee's rejection of President Sarkozy's proposals for promoting diversity. In Sweden, on the other hand, the discourse of *mångfald* was driven primarily by the Social Democrat government rather than Swedish employers and was received favourably at first by the unions. In Germany, as mentioned above, diversity policies were initially promoted primarily by American multinationals and associated by unions with American or Anglo-Saxon management styles. From 2006 diversity management was championed by the BDA, which was still vehemently opposing the transposition of the EU equality directives, and the CDU Chancellor who in 2004 had declared that "the multicultural society has failed terrifically"

(faz.net 21.11.2004). Interviewees from the German confederation of unions (the DGB) and the two largest unions (Ver.Di and IGM) had very clear definitions of diversity management as a purely top-down management tool or strategy which had nothing to do with anti-discrimination. It therefore appears to matter for trade union responses - at least initially - whether discourses of diversity are driven by left or right wing governments, as the ambiguity of the word 'diversity' allows for interpretations to suit different ideologies.

### 3.1. Strategic uses, critical responses, power relations, and the impact of a social dialogue approach: France

In France critics have argued that politicians have used the diversity discourse for political gain (e.g. election campaigning amongst ethnic minorities), and as a veil or decoy for other policies on social equality and immigration. Employers on the other hand have used the diversity discourse to come out of denial about discrimination without harming their reputation - and if possible even enhancing it - by blaming the previous denial of ethnic discrimination on the taboos of society and the constraints of French republicanism which meant that ethnic differences could not be talked about and discrimination was difficult to measure. Probably out of practical necessity, the association of French HR managers (ANDRH) has been at the forefront of efforts in France to break the taboo around religious diversity in the workplace and to provide practical proposals on how to implement this.

As discussed above, the challenge to French republicanism made social dialogue on how to promote diversity a necessity for employers, but the chance to enhance their

reputation also seems to have made social dialogue on diversity desirable for them. However, the foremost promoters of the diversity discourse amongst employers advocated collective agreements on diversity at company, sector and territorial level for other reasons apart from image, such as avoiding a discourse of façade and an over-reliance on partial and contingent business motivations. The co-author of the employers' Diversity Charter, Yazid Sabeg, even argued that diversity was an issue which could be used to revitalise social dialogue in general. Diversity management consultants also advocated social dialogue as a means of preventing 'wrong interpretations' of diversity.

This seems to explain why the French interviewees did not associate the diversity discourse with the marginalisation of unions. However, in some cases the unions felt that their involvement was limited by employers simply to the negotiation and signing of agreements rather than involvement in joint actions (although this was not considered something peculiar to diversity initiatives). Medef, for example, had not (even up to January 2014) fixed a date for the follow up meeting foreseen in the 2006 ANI, despite several requests from the CFDT, CFTC and the CGT. According to the CFDT, Medef has preferred to carry out its diversity initiatives unilaterally. Social dialogue has therefore arguably served in many cases merely as a rubber stamp of social legitimacy for employers. Moreover, the content of company or sector level agreements rarely goes beyond repeating legal obligations (Cornet 2014) and the rhetoric of diversity has often been translated into practice simply by becoming the new name for pre-existing policies (Bereni 2009). The vagueness of

the term diversity therefore means that it can serve as little more than a public relations exercise.

Amongst the unions, it seems that only really the CFDT has pursued a deliberate policy of strategically using the diversity discourse - with the aim of obtaining agreements on equality issues. However, few of the agreements on diversity negotiated since the ANI have tackled ethnic discrimination, the social partners preferring to deal with the less "sensitive" issues of gender equality and disability, where there are already legal obligations (Cornet 2014). This has also been the case for employers' unilateral diversity initiatives (Doytcheva 2009, Bereni 2009, charte-diversite.com 2011). Nevertheless, there have been several sector and company level agreements which contain a commitment to recruit more diversely in terms of ethnicity by favouring disadvantaged youths and people encountering integration difficulties.

For the French unions, particularly at confederation level, the primary critique of the notion of diversity was that unlike other terms such as equal treatment or equal opportunities, 'diversity' was too vague in terms of a concrete approach. It could mean "everything and nothing" and therefore needed to be supplemented with more precise terms in the texts of agreements. All the confederation interviewees recognised the usefulness of the term, however, for getting employers out of denial about discrimination and to the negotiating table. For the federation and company level interviewees on the other hand, the 2006 ANI had legitimised the diversity discourse, proving its conformity with French republicanism. White male CFDT federation interviewees with no specific expertise in diversity issues were the most

positive about the diversity discourse. This was due to the 2006 ANI but apparently also to the ethos of the CFDT to strive for cooperative social partnership. As mentioned above, the business case was not considered particularly threatening either, critiques of it being mostly concerned with the gap between rhetoric and practice rather than the prioritising of economic imperatives over social justice arguments, although there were some concerns about the dangers of business case arguments reinforcing stereotypes and the ethnic segregation of jobs.

The foremost promoters of the diversity discourse amongst employers and the Sarkozy government have used it to push for more positive action or even positive discrimination with regard to ethnic minorities. An individualist approach to difference was therefore not considered by the interviewees to be either a component of the concept of diversity or a problem. The CFDT and CGT interviewees tended to associate diversity with more positive action for which there was generally strong support. The CGT confederation interviewee thought that such measures were more possible now because the discourse of diversity had enabled employers, unions and society as a whole to start talking about the issue of ethnic discrimination which had previously been considered "too sensitive" to deal with. He also felt that the diversity discourse could be used to improve republicanism. According to the CFDT confederation interviewee: "it's the *debate* about diversity which has got things moving, not the notion of diversity itself", the debate had spurred his union "to prove they could go further". Amongst the CFDT and CGT there were criticisms of the republican discourse being used as an excuse for inaction or for maintaining the status quo. However, even amongst the CFDT and CGT interviewees there were

expressions of reticence at tackling such a 'sensitive' issue as ethnic discrimination. Such fears were largely due to a lack of experience and expertise in the area but nevertheless demonstrate the potential for unions to use the purported constraints of republicanism in order to justify inaction. The FO interviewees on the other hand were very concerned that diversity should not be about anything other than equal treatment. The responses of the French confederations therefore differed along ideological lines i.e. with regard to republicanism, positive action and visions of social partnership.

In contrast to the interviewees in Sweden there was little mention amongst the French interviewees of whether the diversity discourse was useful in tackling discrimination and denial about discrimination within their own union membership. This may be due to the very small number of French union members (who are invariably activists with a union role), but also due to political rivalries between French unions, which make it difficult for them to publicly admit their faults and weaknesses. The FO confederation interviewee, for example, did not see the lack of representativeness of women and ethnic minorities within the union structures as the result of any 'real discrimination'. The CFDT on the other hand had commissioned academic studies into discrimination within its organisation since as far back as 1995. Regarding representativeness, the CGT and CFDT had official requirements for achieving parity between men and women within their leadership structures, as well as policies for addressing the representativeness of people with immigrant background within the structures of their union, whereas the FO had categorically rejected these types of policies. Although the CGT textiles interviewee said the

CGT's positive action policies for people with immigrant background were "very, very recent", only the CFDT confederation and CFDT finance/insurance interviewees mentioned the diversity discourse as having given an impulse to these policies.

The analysis of how diversity discourses are used strategically, what power relations they institutionalise and how French unions critically respond to this, is an ambivalent one. Most significantly, despite the possibilities opened up by the diversity discourse for promoting a less colour-blind form of French republicanism, employers and unions are still using the emphasis on difference in diversity discourses and the discourse of republicanism as justifications for inaction with regard to tackling the 'sensitive' issue of ethnic discrimination (Doytcheva 2010, Bereni 2009, charte-diversite.com 2011, Cornet 2014). Rather than diversity becoming "something unproblematic to be valued and celebrated" (Greene et al. 2005:193), the neglect of ethnic discrimination is facilitated by the vagueness of the diversity discourse.

### 3.2. Strategic uses, critical responses, power relations, and the impact of a social dialogue approach: Sweden

In Sweden, as in France, the diversity discourse has proved useful in opening up doors by creating win-win situations, and in stimulating debates on how to progress equality and integration agendas. Swedish employers have also been able to take advantage of the diversity discourse to come out of denial about discrimination without harming their reputation, again by being able to blame discrimination on

broader societal ideologies and mentalities. Indeed, the LO and SACO confederations' critiques of the dangers of the diversity discourse in emphasising "our differences instead of what unites us" were aimed at Swedish society rather than at employers' motives or use of the diversity discourse as a 'divide and rule' strategy. The TCO confederation and the construction federation interviewees on the other hand felt this did happen on occasion, for example in the Laval dispute, to portray the union as xenophobic or to justify the employment of immigrants because they are 'cheap and work harder'. The general feeling amongst the interviewees, however, was that the (few) employers who were really interested or actually doing anything about diversity were genuinely just trying to do something (even if misguided) about discrimination, or at least demonstrate they were not racist.

Not appearing to be racist was, according to other academic research (De los Reyes 2001a,b, Wrench 2004, Leijon and Omanovic 2006) as well as the union interviewees, the primary motivation of Swedish employers for engaging with diversity, rather than a genuine belief that a diverse workforce can improve economic performance. In this sense it may not have contributed greatly to countering attitudes that 'different is inferior', which was the Social Democrat government's motive for promoting the discourse. As discussed above, the diversity discourse was heavily criticised by Swedish academics for reinforcing cultural hierarchies, but whilst the Social Democrat government was receptive to these criticisms from 2001 onwards, the introduction and promotion of the diversity discourse in the 1990s was nevertheless concomitant with significant advances in anti-discrimination policy and law. Similarly, whilst the union confederations

officially distanced themselves from the diversity discourse in 2003, several of the federations claimed to be using the diversity discourse to promote positive action, tackle taboo subjects, and get discrimination onto the bargaining agenda.

In Sweden, as we have already seen, the diversity discourse has been associated first and foremost with tackling ethnic discrimination and an individualist approach has therefore not been a component for criticism. After an initially enthusiastic response to the diversity discourse promoted by the Social Democrat government, the LO confederation, in response to academic criticisms, launched a counter-discourse based on class, *lika värde, lika rätt* ('equal worth, equal rights'), emphasising what unites workers instead of their differences. Despite ultimately rejecting the diversity discourse, it was therefore considered by the confederation interviewees to have contributed to their learning curve in finding the right solutions. The use of business case arguments was rejected by the confederations along with the *mångfald* discourse. Prior to this, the confederations, like the government, had been using an essentialising discourse of harnessing specific cultural competences, with the aim of combating attitudes that 'different is inferior'.

However, the critical position amongst the *avant garde* of the confederations had not been communicated to all of the federations, although the LO confederation interviewee felt they understood the message even if they were still using the 'wrong word'. The federation interviewees, for example, generally did not perceive the business case for diversity as a threat. Indeed, the discourse of the positive value of cultural differences still seemed for many interviewees to be a good answer to the hierarchical version of Swedish multiculturalism where 'different is inferior'.

Knowledge of the legal requirements for active measures to promote ethnic diversity and the powers the law gives to trade unions to enforce compliance may also have contributed to the general lack of concern amongst interviewees about the business case for diversity. The LO interviewee was also very critical of the term 'ethnic Swedes', which had come into common usage at the same time as the diversity discourse and which contributed to reifying ideas about the cultural and biological differences between 'real' Swedes and immigrants. Again, this position had not been communicated to the federations.

The LO and SACO interviewees' critique of the diversity discourse was also aimed sharply at its association with positive discrimination and the collection of ethnic statistics, which they were strongly against, although not all of the federations agreed with them on this point. However, whilst the confederations' official rejection of the *mångfald* discourse included a rejection of 'positive special treatment' and ethnic monitoring, the LO simultaneously launched a five year programme to "muster strength for integration" and "make a real impact on social and ethnic segregation". At confederation level, the *mångfald* discourse, despite its subsequent rejection, appears to have been associated with a move towards more positive action and representativeness and tackling structural discrimination, although the closing in 2010 of the network of 'immigrants active in the union' (*Fackligt Aktiva Invandrare)*casts some doubt over the confederations' current commitment to representativeness.

At federation level, many of the new measures the interviewees associated with *mångfald* policies were typical of the milder end of conventional UK equal

346

opportunities policies (Liff 1999, Kirton and Greene 2010). Even amongst the federation level interviewees who were more critical of the *mångfald* discourse and trying to steer their union away from it, there was still the sentiment that the *mångfald* discourse had contributed to advancing their agendas, e.g. in getting a commitment for local unions to negotiate anti-discrimination agreements at company level. At federation level, appropriation of the *mångfald* discourse was generally associated with relatively more attention to issues of structural discrimination and representativeness within the union and changing attitudes amongst the membership. However, the Swedish interviewees admitted that their local representatives were not good at demanding the active measures for promoting diversity which the law had delegated responsibility to them for. If Swedish diversity consultants succeed in 'managerialising the law' (as Leiva 2011 argues they are now attempting to do) Swedish unions will arguably only have themselves to blame.

In terms of how diversity discourses are used strategically, what power relations they institutionalise and how Swedish unions critically respond to this, the analysis is again ambivalent. In one sense, even if the diversity discourse did not turn out to be the most appropriate answer to the Swedish problems of integration and discrimination, it has still contributed to the learning curve in which debates and policies around these issues have advanced. The unions actively using the *mångfald* discourse associated it with more representativeness and with tackling structural discrimination rather than it being "something unproblematic to be valued and celebrated" or removing "the linguistic and discursive tools with which to describe and therefore tackle discrimination and disadvantage" (Greene et al. 2005:193).

Nevertheless, there seems to be a lack of critical reflection amongst some federation interviewees on the dangers of a using *mångfald* discourse which stereotypes ethnic minorities as culture carriers and contributes to 'us and them thinking'. On the other hand, the use of alternative discourses amongst other federation interviewees did not seem to have been more successful in fostering active measures to promote equal opportunities for ethnic minorities, either within the sector or within the federations themselves.

### 3.3. Strategic uses, critical responses, power relations, and the impact of a social dialogue approach: Germany

In Germany the effect of the strategic use of the diversity discourse on institutionalised power relations seems to be less ambiguous. Diversity management did not provoke debates about the German model of integration, but *Vielfalt* may have replaced multiculturalism as the fashionable and politically acceptable euphemism for the hierarchy of cultures. The clear emphasis on prioritising the business case allowed German employers and the German government to use diversity management to marginalise unions and undermine social dialogue. Otherwise, employers seem to have had little strategic use for diversity management except in marketing terms (presenting a modern image by dressing up old policies with a fashionable new name), but not for coming out of denial about discrimination 'in style'. The BDA discourse of diversity essentially states that discrimination should be allowed if it is economically necessary. The BDA had reluctantly had to agree to prioritising social consensus over economic rationality and to the

transitional restrictions the unions wanted in migration policy. This may well have made the BDA all the more determined to ensure that diversity management should not involve the unions and entail sacrificing business arguments to social ones.

In Germany the interviewees fell into two groups: the larger unions (except for the IGBCE) with a specialised role and expertise were very critical of diversity management as a management strategy entirely about profit maximisation that prioritised economic arguments, had nothing to do with social justice and was being used to marginalise unions. The company level interviewees on the other hand generally thought business case arguments were nothing new and that the diversity discourse did not really add anything substantively new apart from more positive language. Despite this, however, the company level interviewees thought the fashion for the diversity discourse had helped to reinvigorate old policies and made anti-discrimination issues more socially acceptable. Some associated diversity with a more proactive approach in contrast to anti-discrimination and even the DGB interviewee associated it with a move from equal treatment to equal opportunities in DGB policy. The chemicals sector union stood out for its enthusiastic and strategic use of the diversity management discourse. The IGBCE interviewee said the diversity discourse had allowed him to expand previous equality and anti-discrimination agreements to include more positive action measures and it had also helped him to overcome denial about discrimination within his membership (which seemed to be more of a problem than amongst employers). He was very enthusiastic about his own interpretation of diversity management, which he was taking the leading role in promoting in his sector and which the employers appeared to be

following relatively compliantly. He had refused, however, to sign the employers' Diversity Charter as it contained no binding commitments or monitoring mechanisms. There was no criticism of diversity discourses from the VW and BASF interviewees (VW and BASF being extreme examples of German corporatism) but on closer inspection, the texts of the agreements which the VW interviewee had referred to as 'diversity' agreements were actually using altogether different discourses. It seems that where co-determination was strong, unions were able to strategically use the diversity discourse in ways which furthered their own agenda, or were simply replacing the discourse with their own discourses.

Where social dialogue was not strong interviewees were more critical of the 'fair weather' nature of business case arguments but felt such arguments were largely just rhetoric anyway and all but one were prepared to use business case arguments themselves. Where social dialogue was strong the business case was, however, being inverted to fit 'high road' employment relations arguments which removed the case for diversity being contingent on economic results i.e. the business case was not about identifying business goals and using diversity to attain them, but rather fairness at work was the goal at all times and economic success depended on it.

In contrast to France and Sweden, where an emphasis on individual differences was not considered to be either a component of diversity discourses nor a problem, two of the German interviewees mentioned the individualist approach as potentially problematic (in terms of its limitations in addressing group disadvantage). The DGB interviewee was the only one to mention the dangers of the emphasis on group difference in reducing people to their ethnicity. The IGBCE, VW and BASF

interviewees, on the other hand, had no problem with a discourse about harnessing cultural differences. Given the robustness of the German institutional model of 'assimilationist multiculturalism', it is perhaps unsurprising that unions were not very critical of the emphasis on group differences in the diversity discourse. On the other hand, as oppositional movements with a legitimate role as challengers of hegemonic discourses[39] they could have been more critical of the dangers of emphasising cultural differences in Germany. However, whilst being generally comfortable with potentially stereotyping interpretive repertoires emphasising cultural differences ('intercultural dialogue' for example was very popular), the German interviewees were also comfortable with fairly strong positive action measures. Indeed, the IGBCE interviewee was pragmatically exploiting any argument that furthered his goals in this direction and was also using the diversity discourse as a counter-discourse to Islamophobia and assimilation. Some of the interviewees, mainly from service sector unions, spoke of the need for more positive action within their union in order for it to be more representative of ethnic minority workers. However, the diversity discourse only seemed weakly related to the recognition of this need or strategies for tackling it.

The German unions' were either strongly critical of the business case focus of the diversity discourse, or using it pragmatically whilst critical of the gap between rhetoric and reality, or positive towards the diversity management discourse because they had the power to change the substance of it to fit their own agendas. In general

---

[39] As they have been for example in arguing for permanent rather than temporary immigration (Meardi 2013).

they were less critical, however, of the potential dangers of a hegemonic discourse which essentialises cultural differences and reinforces cultural boundaries.

## 4. Conclusion

Greene et al. (2005:193) ask whether "the acknowledgement of the effects of different contexts mean that we should uncritically accept that unions in different countries are justified in responding differently to diversity management?" They criticise Danish unions, for example, for not being critical of the individualist approach of diversity management. This research, however, suggests that in some countries (e.g. Sweden and Germany) it is the emphasis on cultural differences which is potentially more problematic for equality agendas. At the same time, discourses of diversity seem to have created more openness to positive action measures (rather than less as Greene et al. suggested) in all three of the countries studied here. This research has also demonstrated that a social dialogue approach to diversity impacts on how contingent and partial business case arguments are and thus affects union responses to them. It has also shown that unions in different countries find diversity discourses problematic for quite different reasons: for being a unilateral management strategy focussed on profit maximisation and undermining equality regulation in Germany, for emphasising cultural differences in Sweden, for being little more than a PR exercise in France[40]. The response to Greene et al.'s question is therefore that different contexts do justify unions responding differently

---

[40] Kirton and Greene (2010) seem to argue that the focus on the individual is the most problematic aspect for UK unions.

to discourses of diversity, and that their responses can (and should) be analysed in relation to those contexts without falling into uncritical cultural relativism. Criticisms of diversity discourses which may be valid for the UK (for example, a voluntary and individual-based approach, partial and contingent business case arguments which commodify labour), may not be as applicable or significant everywhere. Different contexts will probably require different critiques (for example, discourses that essentialise cultural differences in Germany and Sweden, or that marginalise the question of ethnic discrimination in France). Union responses to diversity discourses need to be critiqued in relation to the implications for equality agendas and power relations within their particular context in order to avoid both ethnocentrism and cultural relativism.

As Kirton and Greene (2010) explain, both sameness and difference approaches can be problematic and it is difficult to identify policy that takes into account when people should be treated the same and when differences need to be recognised; neither equality nor diversity approaches offer an ideal solution. Nevertheless, it seems clear that appropriating a diversity discourse which emphasises utilising social group differences or a diversity discourse which emphasises valuing individual differences but not combating social group disadvantage are not ideal strategies for unions to tackle discrimination. On the other hand, however, a diversity discourse which insists individual differences can only be valued by combating social group disadvantage does not seem to remove the "linguistic and discursive tools with which to describe and therefore tackle discrimination and disadvantage". Moreover, even if it also seems clear that unions cannot appropriate partial and contingent

business case arguments in order to tackle discrimination and disadvantage, Kirton and Greene (2010) recognise that the social justice/business case divide can be a 'false dilemma' and that unions can appropriate business case arguments that are about social legitimacy or 'high road' employee relations.

Whether trade unions can appropriate the language of diversity (management) in order to tackle discrimination and disadvantage appears to depend largely on whether diversity management emphasises a social dialogue approach or not. This in turn seems to depend on the mechanisms and processes through which diversity management is institutionalised, which actors are promoting it, and why. However, even in the case of a social dialogue approach, appropriating the language of diversity (management) in order to tackle discrimination and disadvantage is still only possible under certain circumstances, to a certain extent, and not without risks.

# Chapter Nine: Conclusion

**Introduction**

How to combine equality and diversity has been a growing issue in employment relations and for trade unions. In this regard, diversity management has been a particularly sensitive test. This thesis has addressed the paucity of research into trade union responses to diversity management. It has shown that unions' influence over diversity management and their responses to it vary by country, but in ways that are not generally expected. This chapter highlights the key findings and contribution to comparative studies of diversity management and industrial relations issues.

## 1. Key findings

The key findings of this research are particularly interesting due to their counter-intuitiveness: In France, the voluntary (rather than state imposed) social dialogue approach on the part of French employers was surprising, as was the genuine dialogue in the negotiations at national level and in some sectors, and the acceptance/tolerance of the notions of diversity and diversity management amongst French unions. In Sweden, with its tradition of cooperative and consensus-seeking industrial relations, the rejection of the diversity discourse by the Swedish union confederations could not be explained in terms of industrial relations traditions either. In Germany, where there had been a tripartite approach to immigration policy and a social dialogue approach to dealing with xenophobic violence in the 1990s, the exclusion of unions from national level diversity initiatives was also unexpected.

Importantly, whilst unions in all three countries problematised the notions of diversity and diversity management, they did so to varying extents and for quite different reasons (which were also different to the ways in which UK unions problematized diversity management according to Green and Kirton 2009). Where diversity management emphasised a social dialogue approach, business case arguments were more about the need for social legitimacy or high road employee relations, and less about harnessing and utilising differences. This appears to explain why the business case dimension of diversity management was less problematic for unions in France and Sweden. In Germany, on the other hand, where diversity management was not promoted as the solution to a perceived crisis in the model of integration, it was used to undermine social dialogue and prioritise bottom line business case arguments over social justice arguments. This appears to explain the negative responses to diversity management of unions in Germany. The study has therefore provided an empirical contribution regarding the relationship between social dialogue and diversity management, and in particular on the types of business case arguments which are dominant or considered appropriate. The responses of unions to diversity management are, however, not dependent on their involvement in a social dialogue approach as the Swedish union confederations rejected the notion of diversity due to its emphasis on cultural differences.

## 2. Discursive institutionalism as a lens for understanding diversity management and industrial relations issues

The key findings of this research are counter-intuitive to the predictions which would be derived from a sociological and historical institutionalism approach. The thesis therefore demonstrated the usefulness of Schmidt's (2006, 2008, 2010) discursive institutionalism approach for its focus on explaining the unexpected rather than on predicting the expected, using the 'who said what, when, where and why' approach. By integrating insights from the historical and sociological institutionalisms with the DI focus on recursivity, this research has demonstrated the uses of Schmidt's integrated approach to DI as an analytical lens for comparative industrial relations scholars, who often intuitively take a discursive institutionalism approach without realising it.

Hall and Taylor (1996) famously argued for an integrated approach to the 'new institutionalisms' by examining their strengths and limitations and to what extent they can complement one another. The features of HI and SI they identified have each been integrated into the analysis in this research: the relationship between individual behaviour and institutions as either based on strategic calculation or a 'cultural approach', the uneven distribution of power by institutions, the path dependent mediation of operative forces by institutions in a given context, the relationship between institutions and ideas or beliefs, the breakdown of the divide between 'institutional' and 'cultural' explanations by defining cognitive scripts and moral templates as institutions, the mutually constitutive nature of institutions and

individual action, and the diffusion of new institutional practices which enhance the social legitimacy of the organisation.

This integrated approach can be seen in the analysis of the French employers' preference for social dialogue on diversity, which it was argued was a cultural rather than strategic calculation approach, and expressed their need for social legitimacy. In contrast, the German employers' used diversity management strategically in order to undermine social dialogue in line with their attempts to redefine the *Sozialmarktwirtschaft*. But this was only possible due to the lack of a perceived crisis in the German model of integration i.e. due to the way that institutions distribute power and access to decision-making. In France and Sweden, on the other hand, access to decision-making on diversity management was granted to unions by the perceived crisis in the model of integration. Path dependency can be seen in the way that the institutional framework of French republicanism mediated diversity management so as not to emphasise differences, whereas the institutional framework of multiculturalism in Sweden mediated diversity management so as to emphasise differences. In Germany, path dependency meant that certain positive action measures and a discourse of utilising differences were less controversial than in France and Sweden.

So far though, this analysis lacks attention to the recursive nature of the relationship between the idea and discourse of diversity management and the institutional framework for integration and industrial relations. The thesis argued that the majority of institutionalist research into diversity management has taken a sociological institutionalism approach which sees the institutional environment as

exerting a one-directional influence on discourses and practices of diversity management. The DI approach, on the other hand, revealed that union responses to diversity management changed as the discourse and the institutional environment evolve in response to each other. For example, the French and Swedish unions were generally positive about the way in which the diversity concept had contributed to the debates and critiques about institutionalised models of integration in France and Sweden. In France, the social dialogue approach at national level contributed to allaying union fears about the concept of diversity (management) so that most French unions saw the potential for it to improve rather than threaten French republicanism. The Swedish confederations on the other hand went from accepting diversity management as a solution to the failings of Swedish multiculturalism to rejecting it for exacerbating these failings. According to path dependency theory, the continuity of a path is only punctuated by exogenous factors such as critical junctures. So for example, the explanations provided by Streeck and Hassel (2003) for the crumbling pillars of industrial relations in Germany are changing world markets and reunification. This thesis has argued, however, that the continuity and stability of the German model of integration allowed the new idea of diversity management to be used endogenously to undermine social dialogue. Rather than focussing only on how institutions shape ideas then, this research has considered how they change each other.

The discursive institutionalist approach of analysing 'who said what to whom, when, where and why' also avoids an overly deterministic view of institutions (common in SI and HI approaches) by applying Schmidt's concept of actors' 'foreground

discursive abilities' which enable them to use ideas and discourse to change their institutional environment. This study has demonstrated that this is a useful approach to analysing in what ways union responses have been influenced by their 'background ideational abilities' (the institutional environment) and in what ways they were using their 'foreground discursive abilities' to engage critically with diversity management and their institutional environment. So for example, the thesis explored how some French unionists were using the cultural-cognitive institution of French republicanism as an excuse not to engage with certain aspects of diversity management, whilst others were trying to use the idea of diversity in order to modernise French republicanism. In Germany and Sweden, there were unionists who were using their background ideational abilities to promote a diversity management which emphasised cultural differences, whilst others were using their foreground discursive abilities in order to resist the same thing.

The DI approach taken in this research, which focusses on the recursive nature of the relationships between ideas and institutions and on the foreground discursive and background ideational abilities of actors, can be depicted as in figure 3.

Figure 3: The recursive relationship between institutions, actors and ideas
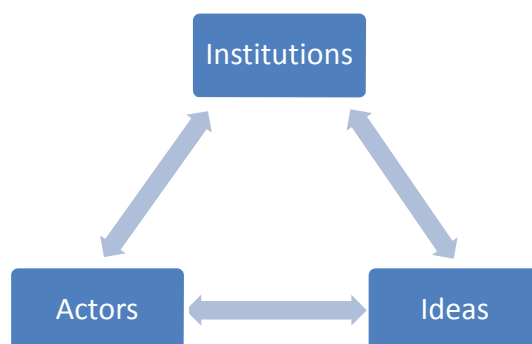
The integrated DI approach asks when ideas matter for institutional change and when they do not, and when other things matter more. For example in Germany the idea of diversity management did not really matter for change in the model of integration but it did matter in facilitating employers' strategy of change in industrial relations. In France the idea of diversity management did matter for change in the model of integration and also to some extent in industrial relations. In Sweden the idea of diversity management did not matter for industrial relations but did contribute to the ongoing state of flux in the institutional framework for integration.

As well as exploring how the idea of diversity management has mattered for institutional change, this thesis has also theorised the underlying causal mechanisms for when and why diversity management is likely to emphasise trade union involvement in a social dialogue approach.

## 3. Causal mechanisms

Based on the institutionalised traditions of state labour relations, the HI approach explains change either through exogenous factors (e.g. critical incidents, material conditions such as changes in labour market structure, ideas such as neoliberalism) or structural explanations such as incremental change through layering, conversion, atrophy and drift. This study has demonstrated, however, that these factors are not sufficient to explain the relative power of trade unions in the institutionalisation of diversity management, or their responses to it.

A discursive institutionalist approach of 'who said what…' on the other hand can reveal other important explanatory factors. In the case of a social dialogue versus a unilateral managerial approach to diversity management these factors are the mechanisms and processes of institutionalisation. Diversity management appears to provide space for unions when it is promoted as the solution to a perceived crisis in the institutionalised model of integration; and more urgently so when it challenges the existing institutional logics of integration. The analysis in the empirical chapters supports the argument that diversity management in France and Sweden was primarily perceived and promoted as a solution to a crisis which pre-existing institutions could not solve. Suchman (1995:43) argues that in such cases it is more likely that actors participate in "a more thorough-going 'theorization' of the situation (…) and, in particular, of which solutions are appropriate in which contexts". In the case of diversity management I argued that this theorisation work will impact on which actors are considered necessary and appropriate in the process. The findings indicate that this is particularly the case where the Anglo-Saxon version of diversity management, based on Anglo-Saxon institutional logics concerning approaches to 'sameness' and difference, conflicts with institutional logics in other societal contexts (for example France). Here there is likely to be more need for translation, and the greater the need for translation (or the greater the conflict of logics), the greater the likelihood that trade unions will be considered necessary in the process in order to bring greater legitimacy to the translated version.

In Germany on the other hand, where the institutionalised model of integration was only weakly challenged and the emphasis on difference inherent in diversity

management was not controversial, the diffusion of diversity management appears to be explained primarily by the demand-side motivations of employers in driving a softer regulatory set-up. In this case diversity management is more likely to emphasise a top-down, unilateral managerial approach based on business case justifications.

The findings also provide empirical evidence for Gumbrell-McCormick and Hyman's (2013) argument that moral and discursive power, rather than structural, associational, organisational and institutional strength, is more important in the battle of ideas, or in this case, in the battle over a social dialogue versus unilateral managerial approach to diversity management. This study builds on Gumbrell-McCormick and Hyman's (2013) proposition by exploring how the mechanisms and processes of institutionalisation confer moral and discursive power. The implications are that where the processes of institutionalisation do not confer this moral or discursive power on unions, they will need to work harder to counter the hegemonic diversity discourse with the 'sword of justice'. This research therefore complements Gumbrell-McCormick and Hyman's (2013) bottom-up approach with a top-down perspective.

A discursive institutionalist approach of 'who said what…' reveals another important explanatory factor for union responses to diversity management, that is the identity and motivations of the actors promoting diversity management; the political Right in France, the Social Democrat government in Sweden, multinationals in Germany. The identity and motivations of the actors promoting diversity

management, however, are largely shaped by the mechanisms (discussed above) through which diversity management is institutionalised.

Applying a critical realist approach to identifying underlying causal mechanisms, this thesis also argued that union responses to diversity management also depended on whether there was a robustly institutionalised model of integration into which diversity management could be translated in order to be socially legitimate; the 'bottom-up' model of French republicanism has repeatedly proven itself capable of surviving crises and adapting to change. The version of multiculturalism which the Swedish Social Democrat government has relatively recently tried to impose in a top-down manner, on the other hand, has not acquired the same status of orthodoxy. The German model of integration, in contrast to both the French and the Swedish, has rarely been challenged.

The theorisation of underlying causal mechanisms for unions' involvement (or not) in a social dialogue approach to diversity management also provides a contribution to institutional theory. Hall and Taylor (1996) argue that central to the sociological institutionalism approach is the question of what confers 'legitimacy' or 'social appropriateness' on some institutional arrangements but not on others. This research has contributed to this question by theorising the role that mechanisms of institutionalisation play in conferring social legitimacy on social dialogue. Existing institutional studies have taken actors as the given starting point, beginning with the identification of who the actors are but not how it came to be these actors. In historical and sociological institutionalism actorhood and agency are assumed to be socially conferred, whereas Schmidt's discursive institutionalism argues that

actorhood is the result of actors' own communicative powers of persuasion in political power struggles for legitimacy. This research emphasises that the dynamic mechanisms and processes of institutionalisation and the 'institutional work' they require, rather than (static) institutions, which confer legitimacy to be an actor.

## 4. Implications for policy and practice

The findings of this thesis have practical implications for policy-makers. It provides knowledge for trade unions about the experiences of unions in other countries and is also useful in making the argument for a social dialogue approach to diversity management. For European and national policy-makers it provides knowledge about how and when a social dialogue approach is more likely and how diversity management discourses and policies can be affected by a social dialogue approach (or lack thereof). For management, particularly in multinational companies, a better understanding of how and why union responses to their policies may vary in different countries may be useful, given that most research on diversity management involves interviews with managers who often state that unions are not very interested in their diversity initiatives.

It was hoped that this research could contribute to the challenge for unions of tackling racism, xenophobia and discrimination by providing helpful insights into if, when and how unions can appropriate discourses of diversity. The findings have therefore also highlighted some of the potential stumbling blocks when unions appropriate discourses of diversity and diversity management as well as how unions'

ideological responses to diversity discourses can advance or impede progress in equality agendas. In doing so, this research has also demonstrated the value of discursive institutionalism for comparative research which provides a thorough contextualisation of power relations whilst seeking to avoid both ethnocentrism and cultural relativism.

## 5. Suggestions for further research

This research has analysed trade union responses to diversity management with a focus on the perspectives of union strategists and policy developers at the national and sector levels in France, Sweden and Germany, allowing for a degree of generalisation at these levels in these countries. This is, however, merely one aspect (although an aspect which lays the groundwork and sets the context for other aspects) of the important issue of how diversity management affects union strategies for equality and *vice versa*. A great deal of research is still required into the outcomes of union strategies and social dialogue on diversity management. Such research would be most fruitfully carried out through ethnographic studies which could compare the outcomes of social dialogue in organisations across different sectors in one of the countries studied here or could compare organisations in the same sector across the countries studied here. Comparisons of the outcomes of social dialogue on diversity with unilateral managerial diversity management policies in organisations within the same sector would also yield important information on the ways in which trade unions' responses to diversity management can advance or impede equality.

# REFERENCES

Addison, J.T., Bryson, A., Teixeira, P., Pahnke, A., Bellmann, L. (2010) The State of Collective Bargaining and Worker Representation in Germany: The Erosion Continues. IZA Discussion Paper no.5030 June 2010. Institute for the Study of Labor (IZA).

Adler, L.H., Fichter, M. (2014) Germany: Success at the Core, Unresolved Challenges at the Periphery. In: L.H. Adler, M. Tapia, L. Turner (eds) *Mobilizing against Inequality. Unions, Immigrant Workers, and the Crisis of Capitalism*. Cornell University Press.

Amselle, J.L. (2009) L'ethnicisation des rapports sociaux en France. Réalité objective ou representation "intéressée" du corps social ? In: CARSED (collectif), *Le retour de la race. Contre les "statistiques ethniques"*. Éditions de l'Aube.

Andolfatto, D. (2007) (ed) *Les syndicats en France*. La Documentation Française.

ANI (2006) Accord national interprofessionnel sur l'égalité de traitement, la non-discrimination et la diversité dans l emploi.

Artus, I. (2010): Interessenhandeln jenseits der Norm: Ein deutsch-französischer Vergleich betrieblicher Interessenvertretung in peripheren und prekären Wirtschaftssegmenten. In: *Industrielle Beziehungen*, 17.Jg., H.4, S.317-344.

Artus, I. (2013): Precarious delegates: irregular forms of employee interest representation in Germany. In: *Industrial Relations Journal*, 44 (4):409-424.

Avdagic, S., Rhodes, M., Visser, J. (2011) *Social pacts in Europe, Emergence, evolution and institutionalization.* Oxford University Press.

Badinter, E. (2009) Veut-on une République communautariste ? In: CARSED (collectif), *Le retour de la race. Contre les "statistiques ethniques"*. Éditions de l'Aube.

Bambal, B. (2009) Drei Jahre Antidiskriminierungsstelle des Bundes – Bestandsaufnahme und Reformvorschläge. Heinrich Böll Stiftung.

Barley, S. and Tolbert, P. (1997) Institutionalization and Structuration: Studying the Links between Action and Institution. In: *Organization Studies* 18(1): 93-117.

Barth, I., Falcoz, C. (eds) (2007) *Le management de la diversité Enjeux, fondements et pratiques*. Paris. L'Harmattan.

Barth, I. (2007) *Le management de la diversité : axe stratégique urgent et important ou nouveau pari de Pascal pour les organisations contemporaines* ? Congrès AIMS, June 2007.

Bataille, P. (1997) *Le racisme au travail.* Paris. La Découverte.

BBC (1999) Germany debates dual nationality.
http://news.bbc.co.uk/1/hi/world/europe/257429.stm

Bébéar, C. (2004) *Des entreprises aux couleurs de la France – Minorités visibles : relever le défi de l'accès á l'emploi et de l'intégration dans l'entreprises.* Paris. La Documentation Française.

Bébear, C., Sabeg, Y. (2004) Une charte de la diversité : pour quoi faire ? Charte de la diversité dans l'entreprise
http://www.social.gouv.fr/IMG/html/charte221004_1.html

Becker, G.S. (1957) *The Economics of Discrimination.* University of Chicago Press.

Bell, S. (2011) Do we really need a new constructivist institutionalism to explain institutional change? In: *British Journal of Political Science.* 41(4): 883-906.

Bell, S. (2012) Where Are the Institutions? The Limits of Vivien Schmidt's Constructivism. In: *British Journal of Political Science*. 42(3): 714-719.

Bellard, E. and Rüling, C.C. (2001) Importing Diversity Management: Corporate

Discourses in France and Germany. Working Papers from Ecole des Hautes Etudes Commerciales, Université de Genève 2001: 13.

Bender A-F, Klarsfeld A., Laufer J. (2010) Equality and Diversity in the French context. In Klarsfeld A. (Ed) *International Handbook on Diversity Management at Work*, Edward Elgar Publishing.

Benford, R.D., Snow, D.A. (2000) Framing processes and social movements: An overview and assessment. In: *Annual Review of Sociology* 26:611-639.

Bereni, L. (2009) "Faire de la diversité une richesse pour l'entreprise". La transformation d'une contrainte juridique en catégorie managériale. In: *Raisons politiques*, n°35, 87-106.

Bevort, A. (2007) Du catholicisme social au réformisme : CFTC et CFDT. In: D. Andolfatto (ed) *Les syndicats en France*. Paris, La Documentation Française.

Bevort, A., Jobert, A. (2008) *Sociologie du travail : les relations professionnelles.* Paris, Armand Colin.

Blivet, L. (2004) *Ni quotas, ni indifférence : L'entreprise et l'égalité positive.* Institut Montaigne.

Boltanski, L., Thevenot, L. (1991) *On Justification: Economies of Worth*. Princeton, NJ: Princeton University Press.

Bouchareb, R., Contrepois, S. (2009) The impact of the Racial Equality Directive: A survey of trade unions and employers in Member States of the European Union – France. Fundamental Rights Agency.

Boxenbaum, E. (2006) Lost in translation? The making of Danish diversity management. In: *American Behavioral Scientist*. 49(7): 939-948.

Brousillon, G.A., Pierre, P., Seurrat, A. (2007) "Vers une certification de la diversité dans les entreprises en France ?". In: *Management et Avenir*, n° 14, 2007.

Brubaker, R. (1992) *Citizenship and Nationhood in France and Germany.* Cambridge, MA: Harvard University Press.

Bruchhagen, V., Grieger, J., Koall, I., Meuser, M., Ortlieb, R., Sieben, B. (2010) Social Inequality, Diversity and Equal Treatment at Work: The German Case. In: Klarsfeld A. (Ed) *International Handbook on Diversity Management at Work*, Edward Elgar Publishing.

Calvès, G. (2004) Les politiques françaises de discrimination positive : trois spécificités. *Pouvoirs, revue française d'études constitutionnelles et politiques*, n°111, 111 - Discrimination positive, p.29-40.

Campbell, J., Pedersen, O. (2001) Introduction and Conclusion. In: John L. Campbell and Ove Pedersen (eds) *The Rise of NeoLiberalism and Institutional Analysis*. Princeton: Princeton University Press.

Campbell, J. (2004) *Institutional change and globalization*. Princeton: Princeton University Press.

CARSED (collectif), (2009) *Le retour de la race. Contre les « statistiques ethniques ».* Éditions de l'Aube.

Charte-diversite.com (2011) Report evaluating the implementation of the Diversity Charter: http://www.charte-diversite.com/charte-diversite-actualite-bilan-diversite-2011-la-diversite-une-valeur-qui-monte-dans-les-entreprises-100.php

Clegg, S.R. (1989) *Frameworks of Power*. London, SAGE.

CNIL (2005) *Mesure de la diversité et protection des données personnelles. Les dix recommandations de la CNIL recommandations de la CNIL.* Commission nationale de l'informatique et des libertés. 16 mai 2007. http://www.cnil.fr/fileadmin/documents/Communications/communicationVD15.052_vu_parADEBET.pdf

Cornet, A. (2014) (ed) *Le dialogue social et la gestion de la diversité*. AFMD (Association Française des managers de la diversité) and ORSE (Observatoire de la responsabilité sociétale des entreprises).

Courau, T.M. (2013) (ed) *Entreprises et diversité religieuse, un management par le dialogue*. AFMD (Association Française des Managers de la Diversité).

Crouch, C. (1993) *Industrial Relations and European State Traditions*. Oxford University Press.

Crouch, C. (2012) Typologies of Capitalism. In: J. Borchert, S. Lessenich (eds) *Der Vergleich in den Sozialwissenschaften, Staat-Kapitalismus-Demokratie.* Frankfurt, Campus Verlag.

Dagens Nyheter (20.01.2004) http://www.dn.se/debatt/mona-sahlin-politiserare-forskningen

Dagens Nyheter (01.06.2004) http://www.dn.se/nyheter/politik/sahlins-uttalanden ar-absurda

Danermark, B., Ekström, M., Jakobsen, L., Karlsson J.C. (1997) Generalization, scientific inference and models for an explanatory social science. In: B. Danermark (Ed) *Explaining society: Critical realism in the social sciences*. Routledge.

DARES (2004). Mythes et réalités de la syndicalisation en France. Premières synthèses 44.2.

Davesne, A. (2009) The Laval case and the future of labour relations in Sweden. *Les Cahiers européens de Sciences Po,* no.1/2009. Paris.

Davidsson, T. (2010) Utanförskapelsen. En diskursanalys av hur begreppet utanförskap artikulerades in den svenska riksdagdebatten 2003-2006. In: *Socialvetenskaplig tidskrift* nr. 2.

De los Reyes (2001a) *Diversity and differentiation: discourse, difference and*

*construction of norms in Swedish research and public debate*. SALTSA Joint programme for working life research in Europe. Swedish National Institute for Working Life and the Swedish Trade Unions in Co-operation.

De los Reyes, P. (2001b) Diversity, Differentiation and Discrimination. A Critical View on Current Strategies and Discourses in Sweden. In: Essemyr, M. (ed) *Diversity in Work Organisations*. Swedish National Institute for Working Life.

De los Reyes, P., Lundgren, M. (2008?) *I betrakterens Ögon. Hur uppfattas den etniska diskrimineringen av fackligt förtroendevalda inom LO-förbund?* (In the eyes of the beholder. How is ethnic discrimination perceived by elected trade union representatives within the LO confederation?)

De Rudder, V., Vourc'h, F. (2006) Les Discriminations racistes dans le monde du travail. In: D. Fassin, and E. Fassin (eds) *De la question sociale à la question raciale ? Représenter la société française*. Paris, La Découverte.

De Rudder, V., Vourc'h, F. (2009) Evanescente diversité. In: CARSED (collectif), *Le retour de la race. Contre les "statistiques ethniques"*. Éditions de l'Aube.

Dhume F., Sagnard-Haddaoui N. (2006) Les Discriminations raciales à l'emploi. Une synthèse problématique des travaux. Neuviller-la-Roche, Iscra-Est.

Dickens, L. (1999). Beyond the business case: a three-pronged approach to equality action. In: *Human Resource Management Journal* 9(1): 9-19.

Dickens, L., Colling, T. (1998) Selling the Case for Gender Equality: Deregulation and Equality Bargaining. In: *British Journal Of Industrial Relations*, 36(3): 389-411.

Die Welt (11.02.08) Erdogan warnt vor Assimilation
http://www.welt.de/welt_print/article1661797/Erdogan-warnt-vor-Assimilation.html

DiMaggio, P. J. (1988) Interest and agency in institutional theory. In: L.G. Zucker (ed) *Institutional patterns and organizations: Culture and environment.* Cambridge, Mass: Ballinger.

DiMaggio, P.J., Powell, W.W. (1991). Introduction. In: W.W. Powell and P.J. DiMaggio (eds) *The New Institutionalism in Organizational Analysis.* Chicago: University of Chicago Press.

DO (1999) *Handbok för aktiva åtgärder för att främja etnisk mångfald i arbetslivet.* (Handbook of active measures for promoting ethnic diversity in working life), produced by the Discrimination Ombudsman in cooperation with the social partners.

DO (2007) *Handbok för aktiva åtgärder i arbetslivet - För lika rättigheter och möjligheter.* (Handbook for active measures in working life – for equal rights and opportunities), produced by the Discrimination Ombudsman in cooperation with the social partners.

Dølvik, J-E. (2014) *Nordic Employment Models from Crisis to Crisis.* Paper for the International Workshop, 'Mapping and Understanding the Internationalisation of Employment Relations', 19-20 June 2014, IRRU, University of Warwick.

Dombois, R. (2009) Die VW Affäre - Lehrstück zu den Risiken deutschen Co-Managements? In: *Industrielle Beziehungen* 16(3): 207-231.

Dore, R. (1973) *British factor – Japanese factory. The origins of national diversity in industrial relations.* London. Allen and Unwin.

Doytcheva, M. (2009) Réinterprétations et usages sélectifs de la diversité dans les politiques des enterprises. In: *Raisons Politiques*, n°58, Août, 2009, p.107-123.

Doytcheva, M. (2010) Usages français de la notion de diversité : permanence et actualités d'un débat. In: *Sociologie*, n°4, décembre 2010, p.424-438.

Dribbusch, H. (2003). Thematic feature – works councils and other workplace employee representation and participation structures. European Industrial Relations Observatory, EIRO DE0309201T.

DS (2000/69) *Alla är lika olika - mångfald i arbetslivet* (2000) Ds 2000:69. (Everyone is equally different – Diversity in Working Life). Published by the Swedish Labour Market Department.

Due Billing, Y., Sundin, E. (2006) From managing equality to managing diversity. A Critical Scandinavian Perspective on Gender and Workplace Diversity. In: A. Konrad, P. Prasad, J. Pringle (eds) *Handbook of Workplace Diversity*. SAGE.

Ebbinghaus, B., Eichhorst, W. (2006) Employment Regulation and Labor Market Policy in Germany, 1995-2005. Institut zur Zukunft der Arbeit Discussion Paper no. 2505.

Edelman, L. B., Riggs Fuller, S. R., Mara-Drita, I. (2001) Diversity Rhetoric and the Managerialization of the Law. In: *American Journal of Sociology* 106: 1589–641.

Edwards, P. K. (2005) The Challenging but Promising Future of Industrial Relations: Developing Theory and Method in Context-sensitive Research. In: *Industrial Relations Journal*, 36(4): 264-82.

EIRO (1998) Employers and unions agree on the promotion of a multicultural working life. EIRO online 28.02.1998. SE9802167F

EIRO (2010a) Industrial Relations Profile France
http://www.eurofound.europa.eu/eiro/country/france.htm

EIRO (2010b) Industrial Relations Profile Germany
http://www.eurofound.europa.eu/eiro/country/germany.htm

EIRO (2010c) Industrial Relations Profile Sweden

http://www.eurofound.europa.eu/eiro/country/sweden.htm

EIRO (2013) Unions jostle for position in representativeness race. EIRO online 24.05.2013 FR1304011I

Elder-Vass, D. (2012) Towards a realist social constructionism. In: *Sociologia, Problemas e Practicas* 70:9-24.

Escafre-Dublet, A., Lépinard, E., Sala Pala, V., Simon, P. (2009) *A European Approach to Multicultural Citizenship: Legal, Political and Educational Challenges – France*. EMILIE project report.

European Commission (2007) Invitation to tender n° VT/2007/035 Activities promoting and developing the Business Case for diversity.

Fagnani J. (2002) Why Do French Women Have More Children Than German Women? Family Policies and Attitudes Towards Childcare Outside The Home. In: *Community, Work and Family* 5(1):103-120.

Fassin, E. (2009) Comptage ethnique : un débat confus et paradoxale. In: *Le Monde*, 17.04.09.

Fauroux, R. (2005) *La lutte contre les discriminations ethniques dans le domaine de l'emploi.* Paris. La Documentation Française.

Faz.net (21.11.2004) Die neue Sprache Angela Merkels. Frankfurt Allgemeine Zeitung http://www.faz.net/aktuell/politik/csu-parteitag-die-neue-sprache-angela-merkels-1193517.html

Feldblum, M. (1993) Paradoxes of ethnic politics: the case of Franco-Maghrebis in France. In: *Ethnic and racial studies*, 16(1): 52-74.

Ferner, A., Hyman, R. (1998) Introduction: Towards European Industrial Relations? In A.Ferner and R. Hyman (eds) *Changing Industrial Relations in Europe*. Wiley Blackwell.

Fick, P. (2008) Interkulturelle Integration durch Diversity Management. Heinrich Böll Stiftung.

Fischer, M. (2007) Diversity Management and the Business Case. HWWI Research Paper 3-11. Hamburg Institute of International Economics.

Foster, C., Harris, L. (2005). Easy to Say, Difficult to Do: Diversity Management in Retail. In: *Human Resource Management* 15(3): 4-17.

France Inter (23.03.2009) Yazid Sabeg – France Inter (interview): http://www.dailymotion.com/video/x8r3zl_yazid-sabeg-france-inter_news

Friedland, R., Alford, R.R. (1991) Bringing society back in: Symbols, practices and institutional contradictions. In: P.J. Dimaggio and W.W. Powell (eds) *The new institutionalism in organzational analysis*. University of Chicago Press.

Gagnon, S., Cornelius, N. (2002) From equal opportunities to managing diversity to capabilities: a new theory of workplace equality? In: N. Cornelius (ed.) *Equality, Diversity and Inclusion in Work Organizations*, London: Thomson International Business Press.

Gallie, D. (1978) *In search of the new working class: Automation and social integration within the capitalist enterprise.* Cambridge University Press.

Giddens, A. (1984) The Constitution of Society. Berkeley.

Glastra, F., Meerman, M., Schedler, P., De Vries, S. (2000) Broadening the scope of diversity management. Strategic implications in the case of the Netherlands. *Relations Industrielles/Industrial Relations* 55(4): 698-721.

Gramsci, A. (1998) *The Prison Notebooks*. Lawrence and Wishart.

Green, S. (2005) Between Ideology and Pragmatism: The Politics of Dual Nationality in Germany. In: *International Migration Review* 39(4):921-52.

Greene, A.M., Kirton, G., Wrench, J. (2005) Trade Union Perspectives on Diversity

Management: A Comparison of the UK and Denmark. In: *European Journal of Industrial Relations* 11(2): 179-196.

Greene, A.M., Kirton, G. (2006) Trade Unions and Equality and Diversity. In: A.M. Konrad, P. Pushkala, J.K. Pringle (eds) *Handbook of Workplace Diversity*. SAGE.

Greene, A-M., Kirton, G. (2009) *Diversity management in the UK: organizational and stakeholder experiences*. Routledge.

Greene, A.M., Kirton, G. (2011) Diversity management meets downsizing: the case of a government department. In: *Employee Relations* 33 (1): 22-39.

Goyer, M., Hancké, B. (2004) Labour in French Corporate Governance: The missing link. In: H. Gospel and A. Pendleton (eds.) *Corporate Governance and Labour Management.* Oxford University Press.

Guba, E. G., Lincoln, Y. S. (1994) Competing paradigms in qualitative research. In N.K. Denzin and Y. S. Lincoln (eds.) *Handbook of qualitative research.* London, Sage.

Gumbrell-McCormick, R., Hyman, R. (2013) *Trade Unions in Western Europe: Hard Times, Hard Choices.* Oxford University Press.

Haipeter, T. (2000) *Mitbestimmung bei VW. Neue Chancen für die betriebliche Interessenvertretung*. Münster, Westfälisches Dampfboot.

Haipeter, T. (2012) Sozialpartnerschaft in und nach der Krise: Entwicklungen und Perspektiven. In: *Industrielle Beziehungen* 19(4): 387-411.

Hall, P.A. (2012) The Role of Interests, Institutions, and Ideas in the Comparative Political Economy of the Industrialized Nations. In: J. Borchert, S. Lessenich (eds) *Der Vergleich in den Sozialwissenschaften, Staat-Kapitalismus-Demokratie.* Frankfurt, Campus Verlag.

Hall, P.A. and Taylor, R. (1996) Political science and the three new

institutionalisms. In: *Political Studies* 44(5): 936-957.

Hammer, N. (2003) The transformation of state labour: Changing employment and governance in the civil service - Denmark, France, Great Britain. PhD Thesis.

Hansen, J. (2000) *The Duration of Immigrants' Unemployment Spells: Evidence from Sweden*. IZA Discussion Papers 155, Institute for the Study of Labor (IZA).

Hardy C., Phillips N. (2004) Discourse and power. In: D. Grant, C. Hardy, C. Oswick, N. Phillips, L. Putnam (eds) *Handbook of Organizational Discourse*. Thousand Oaks, CA: Sage.

Hassel, A. (1999) The erosion of the German system of industrial relations. In: *British Journal of Industrial Relations* 37(3): 483-505.

Hassel, A. (2002) The Erosion Continues. Reply. In: *British Journal of Industrial Relations* 40(2): 309-17.

Hassel, A. (2007) The Curse of Institutional Security. In: *Industrielle Beziehungen* 14(2): 176-91.

Hassel, A. (2011) The Paradox of Liberalization. Understanding dualism and the recovery of the German political economy. European Institute, LSE, London, March 2011.

Healy, G.M., Mukherjee N, Bradley H. (2004) Individualism and Collectivism Revisited: A Study of Black and Minority Ethnic Women. In: *Industrial Relations Journal* 35(5): 451-466.

Heckmann, F. (2003) From Ethnic Nation to Universalistic Immigrant Integration: Germany. In: F. Heckmann and D. Schnapper (eds) *The Integration of Immigrants in European Societies. National Differences and Trends of Convergence*, Stuttgart.

Höpner, M., Waclawcyk, M. (2012) Opportunismus oder Ungewissheit? Die Arbeitgeberhaltungen zum mitbestimmten Aufsichtsrat. In: *Industrielle Beziehungen* 19(3): 314-336.

Holvino, E., Kamp, A. (2009). Diversity Management: Are we moving in the right direction? Reflections from both sides of the North Atlantic. In: *Scandinavian Journal of Management* 25: 395-403.

Horn, C. (2008) Neue Konzepte, alte Widersprüche: Der Mühsame Weg zu einer Politik der Vielfalt. Heinrich Böll Stiftung.

Howarth, D., Stavrakakis, Y. (2000) Introducing Discourse Theory and Political Analysis. In D. Howarth, A. J. Norval and Y. Stavrakakis (eds) *Discourse Theory and Political Analysis: Identities, Hegemonies and Social Change*. Manchester University Press.

Humphries, M., Grice, S. (1995) Equal employment opportunity and the management of diversity: A global discourse of assimilation? In: *Journal of Organizational Change Management* 8(5):17-32.

Hunn, K. (2005) *"Nächstes Jahr kehren wir zurück..." Die Geschichte der türkischen Gastarbeiter in der Bundesrepublik*. Göttingen. Wallstein.

Hyman, R. (1992) Trade unions and the disaggregation of the working class. In: M. Regini (ed) *The Future of Labour Movements*. London, SAGE.

Hyman, R. (1994). Changing trade union identities and strategies. In: R. Hyman and A. Ferner (eds) *New frontiers in European industrial relations*. Oxford, Blackwell.

Hyman, R. (2001) *Understanding European Trade Unionism: Between Market, Class and Society*. London: SAGE.

Jacquier, J.P. (2008) *France, l'introuvable dialogue sociale*. Presses Universitaires de Rennes.

Jefferys S. (2007) Why do unions find fighting workplace racism difficult? In: *Transfer* 13(3): 377-395.

Jefferys, S. (2003) *Liberté, Egalité and Fraternité at Work: Changing French Employment Relations and Management.* London: Palgrave.

Jenkins, A. (2000) *Employment Relations in France: Evolution and Innovation.* New York, Kluwer/Plenum Press.Jennings, J. (2000) Citizenship, Republicanism and Multiculturalism in Contemporary France. In: *British Journal of Political Science* 30(4): 575-598.

Jepperson, R.L. (1991) Institutions, institutional effects, and institutionalism. In: P.J. Dimaggio and W.W. Powell (eds) *The new institutionalism in organizational analysis*. University of Chicago Press.

Jones, D. (2004) Screwing diversity out of the workers? Reading diversity. In: *Journal of Organizational Change Management* 17(3): 281-291.

Jones, D., Stablein, R. (2006). Diversity as resistance and recuperation: Critical theory, post-structuralist perspectives and workplace diversity. In A. Konrad, P. Prasad, and J. Pringle (eds) *Handbook of workplace diversity.* London, SAGE.

Jonsen, K., Tatli, A., Özbilgin, M., Bell, M.P. (2013) The Tragedy of Uncommons: reframing workforce diversity. In: *Human Relations* 66 (4):271–294.

Kädtler, J. (2012): Editorial: Sozialpartnerschaft in der Krise – Bewährung oder Krise der Sozialpartnerschaft? In: *Industrielle Beziehungen* 19(4): 357-366.

Kalonaityte, V. (2010). The Case of Vanishing Borders: Theorizing Diversity Management as Internal Border Control. In: *Organization* 17(1): 31-52.

Kaler, J. (2001) Diversity, equality, morality. In: M. Noon and E. Ogbonna (eds) *Equality, Diversity and Disadvantage in Employment*. Basingstoke, Palgrave.

Kamp, A., Hagedorn-Rasmussen, P. (2004) Diversity Management in a Danish

Context: Towards a Multicultural or Segregated Working Life? In: *Economic and Industrial Democracy* 25(4): 525-554.

Kandola, R., Fullerton, J. (1998) *Managing the Mosaic: Diversity in Action*. London, Institute of Personnel and Development (IPD).

Keller, B. (2004) Employment relations in Germany. In: G.J. Bamber, R.D. Lansbury, N. Wailes (eds) *International and comparative employment relations. A study of industrialised market economies*, 4th ed. SAGE.

Kelly, E., Dobbin, F. (1998) How Affirmative Action Became Diversity Management. In: *American Behavioral Scientist* 41(7): 960–84.

Kindermann, D. (2003) Pressure from Without, Subversion from Within: The Two-Pronged German Employer Offensive. Working Paper Series Number 6. The Canadian Centre for German and European Studies /Le Centre canadien d'études allemandes et européennes.

Kirby, E., Harter, L.M. (2003) Speaking the language of the bottom-line: The metaphor of "managing diversity." In: *The Journal of Business Communication* 40, 28-49.

Kirton, G., Greene, A.M. (2006) The Discourse of Diversity in Unionised Contexts: Views from Trade Union Equality Officers. In: *Personnel Review* 35(4): 431-448.

Kirton, G., Greene, A.M. (2004) (2nd edition) *The Dynamics of Managing Diversity: A Critical Approach*. Butterworth-Heinemann.

Kirton, G., Greene, A.M. (2010) (3rd Edition) *The Dynamics of Managing Diversity: A Critical Approach*. Butterworth-Heinemann.

Kjaer, P., Pedersen, O.K. (2001) Translating Liberalization: Neoliberalism in the Danish Negotiated Economy. In: J. L. Campbell and O. Pedersen (eds) *The Rise of NeoLiberalism and Institutional Analysis*. Princeton: Princeton

University Press.

Kjellberg, A. (2009a) The Swedish Ghent system and trade unions under pressure. In: *Transfer* 15(3-4): 481-504.

Kjellberg, A. (2009b) Industrial Relations Foresight 2025 for Sweden: Presentation of Results and Comments. Department of Sociology, Lund University: Studies in Social Policy, Industrial Relations, Working Life and Mobility (SSIWM). Research Reports 2009:1.

Klarsfeld, A. (2006) Lutter contre les discriminations et développer la diversité. Regards croisés de DRH, de consultants en recrutement et d'avocats en Midi-Pyrénées. In: PERSONNEL ANDCP, septembre: 21-22.

Klarsfeld, A. (2009) The diffusion of diversity management: The case of France. In: *Scandinavian Journal of Management* 25:363-373.

Klarsfeld, A. (ed) (2010) *International handbook on diversity management at work: country perspectives on diversity and equal treatment*. E. Elgar Publishing.

Koall, I., Bruchhagen, V., Höher, F. (2007) (eds) *Diversity Outlooks Managing Diversity zwischen Ethik, Profit und Antidiskriminierung*. Lit-Verlag.

Köppel, P., Junchen, Y., Lüdicke, J. (2007) Cultural Diversity Management in Deutschland hinkt hinterher. Bertelsmann-Stiftung.

Krell, E. (1996) Mono- oder multikulturelle Organisationen. „Managing Diversity" auf dem Prüfstand. In: *Industrielle Beziehungen* 3(4): 334-350.

Krell, G., Pantelmann, H., Wächter, H. (2006): Diversity(-Dimensionen) und deren Management als Gegenstände der Personalforschung in Deutschland, Österreich und der Schweiz. In: G. Krell, H. Wächter (eds.) *Diversity Management. Impulse aus der Personalforschung*. München/Mering, Rainer Hampp Verlag.

Küçükcan, T. (2002) Turks in Germany: Between Inclusion and Exclusion. In:

*Turkish Journal of Islamic Studies*, No. 7: 97-118.

Labbé, D., Nezosi, G. (2007) Négociation collective, paritarisme, démocratie sociale. In: D. Andolfatto (ed) *Les syndicats en France*. La Documentation Française.

Lanz, S. (2007) Welcher Multikulturalismus darf´s denn sein? Zur Debatte um das vorgebliche 'Scheitern von Multikulti' am Beispiel von Berlin. Heinrich Böll Stiftung: http://www.migration-boell.de/web/integration/47_1405.asp

Lappalainen, P. (2002) Anti-discrimination Legislation in EU Member States. A comparison of national anti-discrimination legislation on the grounds of racial or ethnic origin, religion or belief with the Council Directives. SWEDEN. European Monitoring Centre on Racism and Xenophobia (EUMC).

Lappalainen, P., Al Zubaidi, Y., Jonssen, P. (2010) Active measures in Sweden – in theory and in practice. Heinrich Böll Stiftung.

Latraverse, S. (2004) Report on measures to combat discrimination, Directives 2000/43/EC and 2000/78/EC, Country Report France. For the European Network of Legal Experts in the non-discrimination field.

Laufer, J. (2007) L'égalité professionnelle hommes femmes, une mise en perspective. In: I. Barth I. and C. Falcoz (eds): *Le management de la diversité - enjeux, fondements et pratiques*. Paris, L'Harmattan.

Lawrence, T.B., Suddaby, R., Leca, B. (2011) *Institutional Work. Actors and Agency in Institutional Studies of Organizations.* Cambridge University Press.

Lederle, S. (2007) Die Einführung von Diversity Management in deutschen Organisationen: Eine neoinstitutionalistische Perspektive. In: *Zeitschrift für Personalforschung* 21(1):22-41. Rainer Hampp Verlag.

Leijon, S., Omanovic, V. (2001) Mångfaldens mångfald – olika sett att se på och leda olikheter. FE rapport from Gothenborg University, Department of

Business Administration, No 2001-381.

Leiva, A. (2011) The Concept of 'Diversity' among Swedish Consultants. Working Paper 2011:7. The Stockholm University Linnaeus Center for Integration Studies (SULCIS).

Le Monde (17.12.2008) Diversité : M. Sarkozy contraint de contourner l'obstacle de la Constitution.

Le Monde (06.02.2010) Un rapport consensuel sur les statistiques ethniques.

Lépinard, E., Simon, P. (2008) From Integration, to Antidiscrimination… to Diversity? Antidiscrimination Policies and Politics in French Workplaces. Report for EMILIE project.

Lewis, R. (2013) The 'death' of state multiculturalism: examining political discourse in post-2010 Europe. Interdisciplinary.net, 6th Global Conference 'Interculturalism, Meaning and Identity,' Lisbon, March 2013.

Libération (02.04.2008) Les statistiques ethniques reviennent sur la place publique. http://www.liberation.fr/societe/2008/04/02/les-statistiques-ethniques-reviennent-sur-la-place-publique_18126

Libération (18.03.2009) Le recensement ethnique est-il éthique ? http://www.liberation.fr/societe/2009/03/18/le-recensement-ethnique-est-il-ethique_546762

Libération (07.05.2009) Stats ethniques : Sabeg en mode mineur. Hexagone, un blog de Libération.fr. http://immigration.blogs.liberation.fr/coroller/2009/05/stats-ethniques-sabeg-baisse-dun-ton.html

Liff, S.,Wajcman, J. (1996) "Sameness" and "difference" revisited: which way forward for equal opportunity initiatives? In: *Journal of Management Studies* 33(1):79-95.

Liff, S. (1997). Two routes to managing diversity: individual differences or social group characteristics. In: *Employee Relations* 19(1):11-26.

Liff, S. (1999). Diversity and equal opportunities: Room for a constructive compromise? In: *Human Resource Management Journal* 9(1):65-75.

Litvin, D. (1997) The Discourse of Diversity: From Biology to Management. In: *Organization* 4(2): 187-209.

Litvin, D. (2006). Diversity: Making space for a better case. In: A.M. Konrad, P. Pushkala, J.K. Pringle (eds) *Handbook of Workplace Diversity*. SAGE.

Litvin, D. (2002) The business case for diversity and the "iron cage". In: B. Czarniawska, H. Höpfl (eds.) *Casting the Other: The Production and Maintenance of Inequalities in Work Organizations*. London: Routledge.

Lloyd, C. (2000) Trade Unions and Immigrants in France: From Assimilation to Antiracist Networking. In R. Penninx, J. Roosblad (eds) *Trade Unions, Immigration, and Immigrants in Europe 1960-1993*. New York, Berghahn.

LO, SAF et al. (1998) *MÅNGFALD I ARBETSLIVET. Vägledning för företgag, mydigheter och organisationer*. Svenska Arbetgivareföreningen, Arbetsgivarverket, Landstingsförbundet, Svenska Kommunförbundet, Försäkringskasseförbundet, LO, SACO, TCO (DIVERSITY IN WORKING LIFE. Guide for companies, authorities and organisations. SAF, Swedish Agency for Government Employers, Swedish Association of County Councils, Swedish Association of Municipalities, Association of Swedish Social Insurance Agencies, LO, SACO, TCO).

LO, SAF et al. (2003) *INTEGRATION I ARBETSLIVET. Vägledning för företgag, mydigheter och organisationer. Rådet för Integration i Arbetslivet. Svenskt Näringsliv, Arbetsgivarverket, Landstingsförbundet, Svenska Kommunföbundet, Försäkringskasseförbundet, LO, TCO, SACO* (INTEGRATION IN WORKING LIFE. Guide for companies, authorities

and organisations. Council for Integration in Working Life. SN, Swedish Agency for Government Employers, Swedish Association of County Councils, Swedish Association of Municipalities, Association of Swedish Social Insurance Agencies, LO, TCO, SACO).

LO (1998a) *Mångfald – en vägledning för integration på arbetsplatsen* (Diversity – a guide to integration in the workplace, policy document).

LO (1998b) *Mångfald – en vägledning för integration på arbetsplatsen. Handbok* (Diversity – a guide to integration in the workplace. Handbok).

LO (2001) *LOs kraftsamling för integration*. 2001-02-19 (LO's Mustering of Strengths for Integration, Decision of the LO Secretariat, 19.02.2001).

LO (2006) *Kunskap och Erfahrenheter. Lagen mot etnisk diskriminering i arbetslivet. En undersökning bland LOs samtliga förbund. Regionala syddsombud. Förtroendevalda med förhandlingsrätt. Sommaren 2006*. (Knowledge and Experience. The law against ethnic discrimination in working life. A study of LO's entire confederation. Regional safety officers. Elected representatives with negotiating rights. Summer 2006)

Locke, R., Thelen, K. (1995) Apples and oranges revisited: Contextualized comparisons and the study of comparative labor politics. In: *Politics and Society* 23(3): 337-367.

Lorbiecki, A., Jack, G. (2000) Critical turns in the evolution of diversity management. In: *British Journal of Management* 11(1):17-31.

Louvrier, J. (2013) *Diversity, Difference and Diversity Management. A Contextual and Interview Study of Managers and Ethnic Minority Employees in Finland and France*. Published Ph.D. thesis. Economics and Society, Number 259, Helsinki: Hanken School of Economics.

Mahon, R. (2002) Sweden's LO: learning to embrace the differences within? In: F. Colgan, S. Ledwith (eds) *Gender, Diversity and Trade Unions*. Routledge.

Mahoney, J., Thelen, K. (2010) A Theory of Gradual Institutional Change. In: J. Mahoney and K. Thelen (eds) *Explaining Institutional Change: Ambiguity, Agency and Power*. Cambridge University Press.

Maier, F. (2006) The gender pay-gap in Germany. External report commissioned by and presented to the EU Directorate-general Employment and Social Affairs, Unit G1 'Equality between women and men'.

Martínez Lucio, M., Connolly, H. (2011) Contextualizing Voice and Stakeholders: Researching Employment Relations, Immigration and Trade Unions. In: *Journal of Business Ethics* 97(1): 19-29.

Mason, J. (2011) Qualitative Researching. SAGE.

Maurice, M., Sellier, F. and Silvestre, J-J. (1986) *The Social Foundations of Industrial Power. A Comparison of France and Germany*. Cambridge/Mass: MIT Press.

Maurice, Marc. 1989. Méthode comparative et analyse sociétale. In: *Sociologie du Travail* 31:175-191.

Maurice, M. (2000) Introduction and Chapter 2. In: M. Maurice, M. and Sorge, A. (eds), *Embedding organizations*. John Benjamins.

Meardi, G. (2013) Unions between national politics and transnational migration: A comparison of Germany, UK and France. Paper for the SASE Annual Meeting, Milan, 2013.

Merx, A. and Vassilopoulou, J. (2007) Arbeitsrechtliches AGG und Diversity-Perspektiven. In: Bruchhagen and Koall (Hrsg.) *Diversity Outlooks*. Lit Verlag.

Metcalf, D. (2005) Private sector British unions enter the twilight zone. In: *Employment Review*. Industrial Relations Services.

Meyer, J.W., Rowan, B. (1977) Institutionalized Organizations: Formal Structure as

Myth and Ceremony. In: *American Journal of Sociology* 83(2): 340-363.

Meyer, J.W. (1994). Rationalized environments. In: W.R. Scott and J.W. Meyer (eds), *Institutional environments and organisations: Structural complexity and individualism*. SAGE.

Meyer, J.W. (2008) Reflections on Institutional Theories of Organizations. In: R. Greenwood, C. Oliver, R. Suddaby, K. Sahlin-Andersson (eds.) *Handbook of Organizational Institutionalism*. CA: Sage.

Meyer, S.B. and Lunnay, B. (2013) The application of abductive and retroductive inference for the design and analysis of theory-driven sociological research. In: *Sociological Research Online* 18(1) 12.

Michalowski, I. (2005) What Is The Dutch Integration Model, And Has It Failed? Focus Migration Policy Brief, no.1, April. Hamburgisches Weltwirtschaftsinstitut (HWWI).

Miera, F. (2007) Multiculturalism debates in Germany. Report for EMILIE Project.

Milner, S., Gregory, A. (2014) Gender equality bargaining in France and the UK: an uphill struggle? In: *Journal of Industrial Relations* 56(2): 246-263.

Milner, S., Mathers, A. (2013) Membership, influence and voice: a discussion of trade union renewal in the French context. In: *Industrial Relations Journal* 44(2): 122-138.

MPI (2014) Assessing immigrant integration in Sweden after the May 2013 riots. Migration Policy Institute, 16.01.2014

Mulinari, D., Neergaard, A. (2005) 'Black skull consciousness'; The new Swedish working class. In: *Race and Class* 46(3): 55-72.

Mutabazi, E., Pierre, P. (2010) *Les Discriminations*. Le Cavalier Bleu.

myrhline (06.08.2012) Au nom de la diversité l'ANDRH propose de neutraliser trois

jours fériés. http://www.myrhline.com/actualite-rh/au-nom-de-la-diversite-l-andrh-propose-de-neutraliser-trois-jours-feries.html

Nilsson-Fägerlind, G. (2004) *Mångfald I Pratiken – handbok för verksamhetsutveckling.* Konsultförlaget. Uppsala Publishing House.

Noon, M. (2007) The fatal flaws of diversity and the business case for ethnic minorities. In: *Work, Employment and Society* 21(4): 773-784.

O'Reilly, J. (1996) Theoretical considerations in cross-national employment research. In: *Sociological Research Online* vol.1 no.1.

Ogbor, J.O. (2001) Critical theory and the hegemony of corporate culture. In:*Journal of Organizational Change Management* 14(6): 590-608.

Omanovic, V. (2006). *A production of diversity: appearances, ideas, interests, actions, contradictions and praxis*. Göteborg: BAS. Doctoral thesis.

Omanovic, V. (2009). Diversity and its management as a dialectical process: Encountering Sweden and the US. In: *Scandinavian Journal of Management* 25(4): 352-362.

O'Reilly (2000) Is it time to gender the societal effect? In: M. Maurice, A. Sorge (eds), *Embedding organizations*. John Benjamins.

Özbilgin, M. & Tatli, A. (2011) Mapping out the field of equality and diversity: Rise of individualism and voluntarism. In: *Human Relations* 64:1229-1258.

Panizza, F., Miorelli, R. (2013) Taking Discourse Seriously: Discursive Institutionalism and Post-structuralist Discourse Theory. In: *Political Studies* 61: 301–318.

Parsons, N. (2005). French Industrial Relations in the New World Economy. London, Routledge.

Peretti, J.M. (ed) (2007) *Tous différents, gérer la diversité dans l'entreprise*. Éditions

d'Organisation, Éditions Groupe Eyrolles.

Plantenga, J. and Remery, C. (2005) Reconciliation of work and private life. A comparative review of 30 European countries. Brussels: European Commission.

Pierre, P. (2007) *Quand les politiques de gestion de la diversité en entreprise questionnent le modèle français d'intégration...* http://espacestemps.net/document3862.html (Accessed 12.12.2007).

Pollert, A. (2007) Britain and individual employment rights: 'Paper tigers, fierce in appearance but missing in tooth and claw'. In: *Economic and Industrial Democracy* 28(1): 110-139.

Pollert, A., Charlswood, A. (2009) The vulnerable worker in Britain and problems at work. In: *Work, Employment & Society* 23(2): 343-362.

Présidence de la République (2008) DISCOURS DE M. LE PRÉSIDENT DE LA RÉPUBLIQUE, Ecole Polytechnique, Palaiseau – Mercredi 17 décembre 2008.http://www.inegalites.fr/IMG/pdf/discours_sarkozy_decembre_2008.pdf

Prior, L. (2011) Using Documents in Social Research. In D. Silverman (Ed) *Qualitative Analysis. Issues of Theory & Method*. 3rd ed. London: Sage.

Raasch, S. and Rastetter, D. (2009) *Die Anwendung des AGG in der betrieblichen Praxis*. http://www.migration-boell.de/web/diversity/48_2135.asp

Rabasso, C., Rabasso, J. (2007) *Introduction au management interculturel:pour une gestion de la diversité*. Ellipses.

Rönnqvist, S. (2008) *Från diversity management till mångfaldsplaner? Om mångfaldsidés spridning I Sverige och Malmö stad.* Dissertation Lund University.

Ruggie, J. (1998) What Makes the World Hang Together? Neo-Utilitarianism and

the Social Constructivist Challenge. In: *International Organization* 52(4): 855-85.

Runblom, H. (1994) Swedish Multiculturalism in a Comparative European Perspective. In: *Sociological Forum* 9(4): 623-640.

Sabeg, Y., Sabeg, Y. (2004) *Discrimination positive : pourquoi la France ne peut y échapper*. Calmann-Lévy.

Sabeg, Y. (2006) *La diversité dans l'entreprise, Comment la réaliser?* Institut Manpower. Éditions d'Organisation, Groupe Eyrolles.

Sahlin, K., Wedlin, L. (2008) Circulating ideas: Imitation, translation, editing. In: R. Greenwood, C. Oliver, R. Suddaby, K. Sahlin-Andersson (eds.) *Handbook of Organizational Institutionalism*. CA: Sage.

Sayer, A. (2000) *Realism and Social Science*. SAGE.

Schain, M. A. (2004) Politics, Immigration and Multiculturalism in France and the United States. Conference on Transatlantic Tensions: From Conflicts of Interests to Conflict of Values? CERI/Paris, February 2-3, 2004.

Schain, M.A. (2008) French unions: myths and realities. In: *Dissent* 55(3): 11-15.

Scheele, A. (2001) Government-employer agreement prevents equal opportunities law. European Industrial Relations Observatory, EIRO DE0107231F.

Schmidt, V.A. (2006) Give Peace a Chance: Reconciling the Four (not Three) New Institutionalisms. Paper presented at the annual meeting of the American Political Science Association, Marriott, Loews Philadelphia, and the Pennsylvania Convention Center, Philadelphia, PA, Aug 31, 2006.

Schmidt, V.A. (2008) Discursive Institutionalism: The Explanatory Power of Ideas and Discourse. In: *Annual Review of Political Science* 11: 303-26.

Schmidt, V.A. (2010) Taking ideas and discourse seriously: explaining change

through discursive institutionalism as the fourth 'new institutionalism'. In: *European Political Science Review* 2(1):1-25.

Schmidt, V.A. (2012a) A Curious Constructivism: A Response to Professor Bell. In: *British Journal of Political Science* 42(3): 705-713.

Schmidt, V.A. (2012b) Discursive Institutionalism: Scope, Dynamics and Philosophical Underpinnings. In: F. Fischer and H. Gottweiss (eds) *The Argumentative Turn Revisited: Public Policy as Communicative Practice*. Duke University Press.

Schnapper, D. (2000) L'Universel Républicain Revisité. In: *Ville-École-Intégration Enjeux*, n° 121, juin 2000.

Scott, W.R. (2008) Institutions and Organizations, Ideas and Interests. SAGE.

Searle, J. (1995) *The Construction of Social Reality.* New York, Free Press.

Simon, P. (2007) Statistiques ethniques : pourquoi une telle controverse sur les catégories ethniques ? In: *La Documentation Française, Regards sur l'actualité* no. 327 janvier.

Silvera R. (2006) The Gender Pay Gap in France, Origins and policy responses, the French national report for the "Gender and Employment" network of experts of the European Commission, Equal Opportunities Bureau.

SN (2006) Diskrimineringskommitténs slutbetänkande - särskilt yttrande av experten Lars Gellner (letter from Svenskt Näringsliv to the Justice Department, Stockholm 24 February)
http://www.svensktnaringsliv.se/migration_catalog/Rapporter_och_opinions material/Skrivelser/skr2006-046_527214.html/binary/SKR2006-046

SOU (1992/96) *Förbud mot etnisk diskriminering i arbetslivet. Slutbetänkande av utredningen för åtgärder mot etnisk diskriminering*. Statens Offentliga Utredningar 1992: 96. (Prohibition of ethnic discrimination in working life.

Final report of the inquiry into measures against ethnic discrimination. State Official Inquiry 1992: 96).

SOU (1996/55) *Sverige, framtiden och mångfalden – från invandrarpolitik till integrationspolitik*. Statens Offentliga Utredningar SOU 1996:55. (Sweden, the future and diversity – from immigration policy to integration policy. State Official Inquiry 1996:55).

SOU (1997/1998/16) *Sverige, framtiden och mångfalden – från invandrarpolitik till integrationspolitik*. Statens Offentliga Utredningar 1997/1998:16. (Sweden, the future and diversity – from immigration policy to integration policy. State Official Inquiry 1997/1998:16).

SOU (2005/56) *Det blågula glashuset – strukturell diskriminering i Sverige. Betänkande av Utredningen om strukturell diskriminering på grund av etnisk eller religiös tillhörighet*. Statens Offentliga Utredningar 2005:56. (The blue-yellow glasshouse – structural discrimination in Sweden. Report from the investigation into structural discrimination on grounds of ethnic or religious belonging. State Official Inquiry 2005:56).

SOU (2006/79) *Integrationens svarta bok, Agenda för jämlikhet och social sammanhållning - Slutbetänkande av Utredningen om makt, integration och strukturell diskriminering*. Statens Offentliga Utredningar 2006:79. (Integrations black book, Agenda for equality and social cohesion – Final report from the investigation into power, integration and structural discrimination. State Official Inquiry 2006:79).

SOU (2007/50) *Mångfald är framtiden*. Statens Offentliga Utredningar 2007:50. (Diversity is the future. State Official Inquiry 2007:50).

Speth, R. (2004) Die politischen Strategien der Initiative Neue Soziale Marktwirtschaft. Arbeitspapier 96. Hans Böckler Stiftung.

Spiegel-online (30.08.2010) Fakten zu Sarrazins Thesen: Die Mär von der vererbten

Dummheit   http://www.spiegel.de/wissenschaft/mensch/fakten-zu-sarrazins-thesen-die-maer-von-der-vererbten-dummheit-a-714558.html

Spiegel-online (05.09.2010) Sarrazin-Debatte: Umfrage sieht großes Potential für Protestpartei   http://www.spiegel.de/politik/deutschland/sarrazin-debatte-umfrage-sieht-grosses-potential-fuer-protestpartei-a-715751.html

Spiegel-online (29.11.07) Jugendgewalt: Schäuble warnt vor Krawallen wie in Frankreich   http://www.spiegel.de/politik/deutschland/jugendgewalt-schaeuble-warnt-vor-krawallen-wie-in-frankreich-a-520303.html

Spiegel-online (05.11.05) Cohn-Bendit über Frankreich-Krawalle: "Ghettos, wie man sie in Deutschland gar nicht kennt" http://www.spiegel.de/politik/ausland/cohn-bendit-ueber-frankreich-krawalle-ghettos-wie-man-sie-in-deutschland-gar-nicht-kennt-a-383316.html

Stinchcombe, A. (1968) *Constructing Social Theories*. New York. Harcourt, Brace and World.

Streeck, W., Hassel, A. (2003) The crumbling Pillars of Social Partnership. In: *West European Politics* 26(4): 101–24.

Streeck, W. Thelen, K. (2005) *Beyond Continuity: Institutional Change in Advanced Political Economies*. Oxford University Press.

Streeck, W. (2006) Nach dem Korporatismus: Neue Eliten, neue Konflikte. In: H. Münkler, G. Straßenberger, M. Bohlender (eds) *Deutschlands Eliten im Wandel*. Frankfurt und New York: Campus.

Subeliani, D., Tsogas, G. (2005) Managing diversity in the Netherlands: a case study of Rabobank. In: *International Journal of Human Resource Management* 16(5): 831-851.

Suchman, M.C. (1995). Localism and globalism in institutional analysis: The emergence of contractual norms in venture finance. In: W. Richard Scott and

Soren Christensen (eds) *The Institutional Construction of Organizations: International and Longitudinal Studies*. SAGE.

Süß, S., Kleiner, M. (2007) Diversity management in Germany: dissemination and design of the concept. In: *International Journal of Human Resource Management*, 18(11): 1934-1953.

Süß, S. (2009) *Die Institutionalisierung von Management konzepten. Diversity-Management in Deutschland*. München, Mering, Rainer-Hampp-Verlag.

Tailby, S., Pollert, A., Warren, S., Danford, A., Wilton, N. (2009) Under-funded and overwhelmed: The voluntary sector as worker representation in Britain's individualised industrial relations system. In: *Industrial Relations Journal* 42(3): 273-292.

Tapia, M., Turner, L. (2013) Union Campaigns as Countermovements: Mobilizing Immigrant Workers in France and the United Kingdom. In: *British Journal of Industrial Relations* 51(3): 601–622.

Tatli, A. (2010). A Multi-layered Exploration of the Diversity Management Field: Diversity Discourses, Practices and Practitioners in the UK. In: *British Journal of Management*. Article first published online: 17 December 2010.

Tatli A, Vassilopoulou J, Ariss A.A. (2012) .The role of regulatory and temporal context in the construction of diversity discourses: The case of the UK, France and Germany. In: *European Journal of Industrial Relations* 18 (4): 293-308.

Thelen, K. (2003) How Institutions Evolve: Insights from Comparative Historical Analysis. In: J. Mahoney and D. Rueschemeyer (eds) *Comparative Historical Analysis in the Social Sciences*. Cambridge: Cambridge University Press.

Thelen, K. (2012) How Institutions Evolve: Insights from Comparative Historical Analysis. In: J. Borchert, S. Lessenich (eds) *Der Vergleich in den*

*Sozialwissenschaften, Staat-Kapitalismus-Demokratie.* Frankfurt, Campus Verlag.

Thornton, P., Ocasio, W. (2008). Institutional Logics. In: R. Greenwood, C. Oliver, R. Suddaby, K. Sahlin-Andersson (eds.) *Handbook of Organizational Institutionalism*. CA: Sage.

Thornton, P. H., Ocasio, W., Lounsbury, M. (2012) *The institutional logics perspective: A new approach to culture, structure and process*. Oxford University Press.

Tietmeyer, H. (2001) Die soziale Marktwirtschaft erneuern: Prof. Dr. Hans Tietmeyer zum 70. Geburtstag; Reden und Beiträge für die Initative Neue Soziale Marktwirtschaft. Cologne.

Traxler, F. (2004) Small and medium-sized enterprises and business interest organisations in the European Union. Brussels, European Commission.

Treas, J., Widmer, E.D. (2000). Married women's employment over the life course: Attitudes in cross-national perspective. In: *Social Forces* 78(4): 1409-1436.

Tripier, M. (2009) Technique, science, éthique, politique. Les enjeux du débat sur la mesure de la "diversité". In: CARSED (collectif), *Le retour de la race. Contre les "statistiques ethniques"*. Éditions de l'Aube.

Tullius, K., Wolf, H. (2012) Legitimationsprobleme im System industrieller Beziehungen: Krise oder Revitalisierung des sozialpartnerschaftlichen Geistes? In: *Industrielle Beziehungen* 19(4): 367-386.

Vedder, G. (206) Die historische Entwicklung von Diversity Management in den USA und in Deutschland. In: G. Krell, H. Wächter (eds): *Diversity Management - Impulse aus der Personalforschun.* München/Mering, Rainer Hampp Verlag.

Veil Report (2008) Rédecouvrir le Préambule de la Constitution, Rapport au

Président de la République, Décembre 2008.

Weil, P. (2005) *La République et sa diversité. Immigration, intégration, discriminations*. La République des Idées.

Weil, P. (2009) "Pourquoi je refuse de participer au Comité sur la diversité". In: *Libération,* 13 Mars.

Wendt, A. (1987) The Agent-Structure Problem in International Relations Theory. In: *International Organization* 41(3): 335-370.

Westin, C. (2003) Striking a Balance between Diversity and Social Cohesion: Examples from Sweden. Paper presented to The Challenges of Immigration and Integration in the European Union and Australia conference, 18-20 February 2003, University of Sydney.

Westin, C. (2006) Sweden: Restrictive Immigration Policy and Multiculturalism. Migration Policy Institute.

Wetherell, M. and Potter, J. (1992) *Mapping the language of racism: Discourse and the legitimation of exploitation*. Harvester Wheatsheaf.

Whittall, M., Mueller, A., Lotz, W. (2009?) The impact of the Racial Equality Directive: A survey of trade unions and employers in Member States of the European Union – Germany. Fundamental Rights Agency.

Wiesbrock, A. (2011) The integration of immigrants in Sweden : a model for the European Union ? In : *International Migration* 49(4) : 48-66.

Wieviorka, M. (1997) Introduction. Un Débat Nécessaire. In: M. Wieviorka (ed) *Une Société Fragmentée? Le Multiculturalisme en Débat*. Paris: La Découverte.

Wieviorka, M. (2008) La Diversité - Rapport à la Ministre de l'Enseignement supérieur et de la Recherche. Paris, Robert Laffont.

Woodhams, C., Danieli, A (2000) Disability and Diversity - a difference too far? In: *Personnel Review* 29(3): 402-416.

Woolfson, C., Thörnqvist, C., Sommers, J. (2010) The Swedish model and the future of labour standards after *Laval.* In: *Industrial Relations Journal* 41(4): 333-350.

Wrench, J. (2002) Diversity management, discrimination and ethnic minorities in Europe. Clarifications, critiques and research agendas, ThemES No.19, Mångfaldens Praktik, Centre for Ethnic and Urban Studies, Norrköping.

Wrench, J. (2003). Managing Diversity, fighting racism or combating discrimination? A critical exploration. Council of Europe and European Commission Research Seminar Resituating Culture – Reflections on Diversity, Racism, Gender and Identity in the Context of Youth, Budapest 10-15 June 2003.

Wrench, J. (2004) Breakthroughs and blind spots: Trade union responses to immigrants and ethnic minorities in Denmark and the UK. Fafo, Denmark.

youtube (2009) Nicolas Sarkozy au congres de Versailles - La Burqa. 22.06.2009 https://www.youtube.com/watch?v=hbzdpKi_TSY

youtube (2011) Sarkozy : "Le multiculturalisme est un échec". 11.02.2011 https://www.youtube.com/watch?v=lHWCy6DOQRo

Zanoni, P. (2004) Re-conceptualizing diversity in the productive context: Implications for research and trade union policy. IREC Conference 2004, Utrecht, 26-28 August.

Zanoni, P. and Janssens, M. (2004) Deconstructing Difference: The Rhetoric of Human Resource Managers' Diversity Discourses. In: *Organization Studies* 25(1): 55-74.

Zanoni, P. (2011). Diversity in the lean automobile factory: doing class through gender, disability and age. In: *Organization* 18(1): 105-127.

# Annex 1

**Extract from French Diversity Charter website**

From the English website of the French employers' Diversity Charter: http://www.diversity-charter.com/diversity-charter-commitment.php

French version here: http://www.charte-diversite.com/charte-diversite-la-charte.php

---

### Why make a commitment in favour of diversity?

Diversity is a policy that is part of a win-win approach for businesses and society. It contributes to social cohesiveness while providing solutions to the stakes companies face:

- **Legal compliance and protection from damage to their reputation**

  By committing to improving diversity, companies ensure their hiring practices comply with the law, thereby pre-empting the risk of discrimination complaints or losing their reputation to legal proceedings.

- **Showing their commitment as a socially responsible company**

  Striving for diversity means building a positive corporate image for their clients, suppliers, employees and local authorities (public contract awards, meets ethical expectations of consumers and employees, etc.).

- **Optimising their human resources management**

  Managing diversity contributes to optimising skills and encourages employees to get involved. Diversifying their hiring pools and integrating new employee profiles also aids in periods of labour shortages.

- **Improving their financial performance**

  Over the long term, a diverse team provides a better understanding of the needs of different customer bases, helps penetrate new markets, develop the company's capacity for innovation and gives greater flexibility during times of change.

---

## Annex 2: Interview schedules

**FRANCE**

Introduce myself, explain my research, explain about confidentiality, ask if it's ok to record.

1. Quel est votre rôle et position dans le syndicat ?

2. J'aimerais vous poser quelques questions sur la charte de la diversité, signée par les employeurs en 2004, sur l'accord interprofessionnel sur la diversité de 2006, ainsi que sur le nouveau Label Diversité introduit en juin 2008.
   Connaissez-vous ces initiatives et y avez-vous été impliqué ?

**Section 1: Origins, definitions and usage**

3. Etiez-vous conscient (e) de l'usage du terme « diversité » dans le monde de travail avant ces initiatives ?
   Vous rappelez-vous quand vous avez pris conscience de l'utilisation de ce terme?

4. Quelle a été votre réaction quand vous avez entendu le terme diversité employé pour la 1ere fois ?
   Que pensiez-vous que cela voulait dire ?

5. D'où venait ce terme à votre avis ?

6. Quelles sont, pour vous, les raisons de la popularité de ce terme dans le discours des employeurs ?

7. Le terme « diversité » fait-il parti du vocabulaire de votre syndicat maintenant ?
   Dans quelle mesure est-il utilisé ?

8. Que signifie « diversité » pour vous aujourd'hui ?

9. Selon vous, y-a-t-il une différence entre « diversité » et « égalité » ou « non-discrimination » ?

a. Le terme « diversité » ajoute-il quelque chose de nouveau ? Si oui, quoi ?
b. Dans quelle mesure trouvez-vous ce terme utile ?

10. Dans quelle mesure trouvez-vous qu'il y a un consensus ou des points de vue différents sur la définition de la « diversité » en France ?

11. Etes-vous conscient (e) d'autres définitions avec lesquelles vous n'êtes pas d'accord ou qui vous posent des problèmes ? (If yes) Pourquoi est-ce qu'ils posent des difficultés pour vous ?

12. À votre avis dans quelle mesure employeurs et syndicats ont-ils des compréhensions communes ou différentes de la « diversité » ?

13. Avez-vous entendu les responsables ressources humaines parler de « management ou de la gestion de la diversité » ?
a. L'avez-vous souvent entendu ?
b. Que pensez-vous que cela veuille dire ?

**Section 2: Business case**

14. Le discours des employeurs sur la diversité insiste sur le fait que la diversité est bonne pour l'entreprise. Quels arguments utilisent-ils pour justifier et promouvoir la diversité ?

15. Dans quelle mesure trouvez-vous ces arguments utiles ?

16. Ce genre d'argumentation est-il un phénomène nouveau lié à la notion de la diversité ?

17. Selon vous, quelles sont les motivations principales pour lesquelles les employeurs s'engagent pour la diversité ?

18. Trouvez-vous utile d'employer des arguments économiques ou de business quand vous parlez ou négociez sur la diversité avec les employeurs ?

19. Quels genres d'arguments économiques utilisez-vous ?

20. Dans quelle mesure est-ce que vous les utilisez ?

21. Avez-vous toujours utilisez ces genres d'argumentations ou est-ce que c'est qqch de nouveau pour vous ?

22. Y-a-t-il d'arguments qu'utilisent les employeurs que vous n'utiliseriez pas ? Pourquoi ?


**Section 3: TU involvement, Social dialogue**

<u>For national level</u>

23. Avez-vous été impliqué (e) dans les négociations pour l'ANI sur la diversité ?
    If yes :

    a. Pourriez-vous raconter l'histoire de ces négociations ? Comment et pourquoi ont-elles été organisées ?
    b. Quelle lacune dans le cadre juridique existant devait combler l'ANI?
    c. Quel a été le climat des négociations ? *(y avait-il des sujets où il était plus difficile de  se mettre d'accord avec les employeurs ? Y avait-il des concessions majeures faites d'un côté ou de l'autre ? Sur quels sujets est-ce qu'il a été plus facile de se mettre d'accord ?)*
    d. Les syndicats ont-ils eu une position commune sur le sujet ? Si oui, cette position commune a-t-elle été facile à atteindre ? Y a t'il eu des points de discussion plus difficiles?
    e. Quelles sont les forces et les faiblesses de cet accord ?
    f. Y a-t-il eu un suivi à cet accord ?
    g. À votre avis quel impact a eu cet accord ?

    If no :

    h. Connaissez-vous comment et pourquoi ces négociations ont-elles été organisées ?
    i. Quelle lacune dans le cadre juridique existant devait combler l'ANI?
    j. Quel a été le climat des négociations ?  (y avait-il des sujets où il était plus difficile à se mettre d'accord avec les employeurs ? Y avait-il des concessions majeures faites d'un côté ou l'autre ? Sur quels sujets est-ce qu'il a été plus facile à se mettre d'accord ?)

403

k.  Les syndicats ont-ils eu une position commune sur le sujet ? Si oui, cette position commune a-t-elle été facile à atteindre ? Y a t'il eu des points de discussion plus difficiles?

l.  Quelles sont les forces et les faiblesses de cet accord ?

m.  Y a-t-il eu un suivi à cet accord ?

n.  À votre avis quel impact a eu cet accord ?

24. Avez-vous pris (e) part à l'élaboration du Label Diversité ?

   a.  Savez-vous dans quelle mesure les syndicats ont été impliqués dans cette initiative ?

   b.  Pourquoi ont-ils été impliqués ?

   c.  Quelles sont les forces et les faiblesses du Label Diversité ?

   d.  D'après vous, quel sera l'impact du label comparé à l'ANI ?

25. Quels sont pour vous les problèmes majeurs à traiter par rapport à la diversité ?

26. A votre avis dans quelle mesure les entreprises s'engagent pour la diversité ?

27. Quels genres d'initiatives appliquent les entreprises et dans quelle mesure les entreprises impliquent les syndicats dans ces initiatives ?

28. Quels genres d'initiatives sont nécessaires à votre avis ?

For sector level

29. Connaissez vous l'ANI sur la diversité ?
(If yes :) À votre avis quel impact a eu cet accord - en général - et dans votre secteur en particulier ?

30. Quelle(s) lacune(s) dans le cadre juridique existant devait-il combler à votre avis ?

31. Y a-t-il un accord collectif sur la diversité dans votre secteur ?

   a.  If yes : Comment et pourquoi est-il arrivé ?

      i.  Quel a été le climat des négociations ? (y avait-il des sujets où il était plus difficile à se mettre d'accord avec les employeurs ? Y avait-il des concessions majeures faites d'un côté ou de l'autre ? Sur quels sujets est-ce qu'il a été plus facile de se mettre d'accord ?)

      ii.  Les syndicats ont-ils eus une position commune sur le sujet ? Si oui, cette position commune a-t-elle été facile à atteindre ? Y a t'il eu des points de discussion plus difficiles?

      iii.  Quelles sont les forces et les faiblesses de cet accord ?

iv. Y a-t-il eu un suivi à cet accord ?

v. À votre avis quel impact a eu cet accord ?

b. If no : pourquoi pas ?

32. Connaissez vous des accords d'entreprise sur la diversité dans votre secteur ? Savez-vous combien il y en a ? (If not many, ask why. If many, ask why)

33. Avez-vous une idée de combien d'entreprises dans votre secteur ont signé la charte de la diversité ? Selon vous quel impact a eu la charte de la diversité ?

34. Quels sont d'après vous les problèmes majeurs à traiter en matière de diversité ?

35. Dans quelle mesure les entreprises s'engagent pour la diversité à votre avis ?

36. Quels genres d'initiatives appliquent les entreprises et dans quelle mesure les entreprises impliquent les syndicats dans ces initiatives ?

37. Quels genres d'initiatives sont nécessaires à votre avis ?

38. Avez-vous entendu parler du Label Diversité ?

a. Quelles sont les forces et les faiblesses du Label Diversité ?

b. D'après vous, quel sera l'impact du label comparé à l'ANI ?

## Section 4: Institutional framework for equality, social group or individual focus, sameness and difference

39. La notion de « diversité » ou de « gestion de la diversité » a-t-elle changé, contesté, ou soulevé des questions par rapport à la façon dont laquelle les gens considèrent l'égalité ? (If so) comment ?

40. A-t-elle changé ou contesté la façon dont laquelle les gens considèrent les causes de l'inégalité ?

41. Pensez-vous que les employeurs et les syndicats partagent des points de vue similaires en ce qui concerne les causes de l'inégalité ?

42. La notion de « diversité » a-t-elle changé la façon dont laquelle votre syndicat traite les questions d'égalité et de discrimination ? (If so) comment ?

43. (If there have been changes) Ces changements ont-ils été simples, difficiles ou controversés ? (If difficult or controversial) pourquoi ?

44. Ces changements ont-ils été nécessaires ? (If so) Pourquoi ?

45. La notion de « diversité » a-t-elle conduit à des nouveaux types d'actions/mesures concernant les questions de l'égalité ou changé les types d'actions que proposent les employeurs ? (If so) comment ?

46. Y-a-t-il des types d'actions ou de mesures pour la diversité avec lesquelles vous n'êtes pas d'accord ou qui vous posent des problèmes ? (If so) pourquoi ?

47. À votre avis la diversité pour les employeurs s'agit-elle de cibler des groupes sociaux spécifiques ou de reconnaître que tous les individus sont différents ?

48. À votre avis la diversité s'agit-elle de valoriser ou de mettre en avance les différences ? (If yes) comment pensez-vous qu'on peut le faire dans la pratique ?

49. Pensez-vous que des statistiques sur l'ethnicité seraient utiles ? (If not) pourquoi pas ? (If yes) Pensez-vous que ce sera possible dans la pratique ? Comment pourrait-on le faire ?

**Section 5: The union**

50. À votre avis, quels sont les point forts de votre syndicat par rapport à la promotion de l'égalité et la diversité et la lutte contre la discrimination ? (Make sure they cover internal as well as external)
51. Quels sont les points faibles de votre syndicat dans ces questions ?
52. Quels sont les défis majeurs ?
53. Pensez-vous qu'il y a des actions concrètes que votre syndicat pourrait prendre pour s'améliorer ?

54. Y-a-t-il d'autres questions par rapport à la diversité ou la gestion de la diversité que j'ai ignorées ?

55. Voudriez-vous ajouter quelque chose ou avez-vous des questions à me poser ?

**SWEDEN**

Introduce myself, explain my research, explain about confidentiality, ask if it's ok to record.

1.  Ask about their background, their role and responsibilities within the union.

**Section 1: Origins, definitions and usage**

Can you remember when you first became aware of the term diversity being used?

2.  Who was using it or who introduced it? Why?
3.  Who is it popular with today? Why?

4.  When you first came across this term being used what was your reaction? What did you think it meant?

5.  Has the term entered your trade union's vocabulary now? How much do you use it?

6.  What does it mean to you?

7.  Does it mean something different to equality or non-discrimination?
    a.  Does it add anything new? If so, what?
    b.  How useful is it?

8.  To what extent is the notion of diversity popular amongst employers in Sweden?

9.  How much do people talk about 'managing diversity' or 'diversity management' in Sweden?
    a.  Who talks about this?
    b.  What do you think it means?

13. Are the terms 'diversity' or 'managing diversity' ever used in ways which you find problematic? If so, how?

14. To what extent do you think employers and trade unions have common or different understandings of what diversity means?

15. Have the Swedish employers and trade unions undertaken any joint initiatives concerning diversity? (Come back to these later)

## Section 2: Business case

10. The discourse of 'managing diversity' as a managerial strategy in Anglo-Saxon countries argues that diversity is good for the economic performance of the company. To what extent are these kind of economic arguments used in Sweden?

11. Is this kind of business/economic argumentation a new phenomenon related to the notion of diversity?

12. What are the main arguments used by employers for promoting diversity?

13. What do you think are the employers' main motivations for engaging with diversity?

14. Do you find it useful to use business arguments when you are talking or negotiating with employers about diversity?

15. If so, what kind of business arguments do you use?

16. To what extent do you use them?

17. Have you always used them or is this something new?

18. Are there any arguments employers use, that you wouldn't use? Why?

**Section 3: TU involvement, Social dialogue**

For national level

19. Concerning the joint social partner initiatives you mentioned before, were you personally involved in any of them?

    a. How and why did [name an initiative] come about?
    b. What were relations between the social partners like when working on this initiative? (Were there any issues where it was difficult to reach agreement? Which things were easier to agree on?)
    c. Did the unions have a common position on the issue? If so, was this easy to reach? Were there any problems?
    d. What do you think are the strengths and weaknesses of this initiative?
    e. What impact has it had?

20. Do you know of any important diversity initiatives, which the trade unions have not been involved in?
21. To what extent are unions involved in the compulsory diversity action plans at company level?

22. What do you think are the major issues to be tackled regarding diversity in Sweden?
23. To what extent do you think companies are really engaging with diversity?
24. What kind of initiatives are they implementing and to what extent are they involving trade unions in these?
25. What kind of initiatives do you think are necessary?

For sector level

26. Are you aware of [name the national level joint social partner diversity initiatives]? If yes, what impact do you think they have had in general, and in your sector?

27. Have there been any joint employer-trade union initiatives for diversity in your sector?
    a. If yes, what are they? How and why did they come about?
        i. What were relations between the social partners like when working on this initiative? (Were there any issues where it was

difficult to reach agreement? Which things were easier to agree on?)

    ii. Did the unions have a common position on the issue? If so, was this easy to reach? Were there any problems?

    iii. What do you think are the strengths and weaknesses of this initiative?

    iv. What impact has it had?

  b. If no, why not?

28. Do you know of any important diversity initiatives, which the trade unions have not been involved in?

29. To what extent are unions involved in the compulsory diversity action plans at company level?

30. What do you think are the major issues to be tackled regarding diversity in your sector?

31. To what extent do you think companies are really engaging with diversity?

32. What kind of initiatives are they implementing and to what extent are they involving trade unions in these?

33. What kind of initiatives do you think are necessary?

All

**Section 4: Institutional framework for equality, social group or individual focus, sameness and difference**

34. Has the notion of diversity changed the way your union deals with equality and discrimination issues? If so, how?

35. Has diversity lead to new types of actions/measures concerning equality issues? If so, how?

36. Are there any types of diversity actions or measures which you find problematic? If so, why?

37. Do you think employers see diversity as being about targeting specific social groups or about recognising that all individuals are unique?

38. Do you think diversity is about valuing/emphasising differences? If yes, how do you think this can be done?

39. Do you think some kind of ethnic statistics would be useful? If not, why not? If yes, do you think it is possible? How could this be done?

**Section 5: The union**

40. What do you think your own union's strengths are when it comes to promoting equality and diversity and combating discrimination? (Make sure they cover internal as well as external)
41. What do you think are its weaknesses?
42. What are the biggest challenges?
43. Do you think there are any concrete actions it could take to improve?
44. (For sector unions) Are you dealing or have you dealt with any legal cases of discrimination?

45. Are there any other issues relating to diversity or managing diversity which you think I have missed?

46. Is there anything else you would like to add or any questions you would like to ask me?

**GERMANY**

Introduce myself, explain my research, ask if it's ok to record.

1.  Ask about their background, their role and responsibilities within the union.

## Section 1: Origins, definitions and usage

2.  Können Sie sich daran erinnern, wann Sie erstmals den Begriff "Diversity Management" oder "Vielfalt am Arbeitsplatz" gehört haben?
3.  Woher kam dieser Begriff?
4.  Wer meinen Sie hat diesen Begriff eingeführt? Warum?

5.  Gibt es einen Unterschied zwischen "Diversity management" und "Vielfalt"?

6.  Wie war Ihre erste Reaktion auf diese Begriffe? Was meinten Sie damals, das es bedeutete?

7.  Benutzt Ihre Gewerkschaft jetzt auch diese Begriffe?

8.  Benutzen Sie (auch) diese Begriffe?

9.  Was bedeuten sie jetzt für Sie?

10. Bedeuten sie etwas anderes als "Gleichheit" oder "Gleichstellung" oder "Nicht-Diskriminierung"?
    a.  Bringt es etwas Neues? Wenn ja, was?
    b.  Wie nützlich ist es?

11. Inwiefern würden Sie sagen ist das Diversity/Vielfalt Konzept beliebt unter Arbeitgebern in Deutschland?

12. Kommt es vor, dass diese Begriffe auf eine Art und Weise benutzt werden, die Sie problematisch finden? Wenn ja, wie?

16. Inwiefern denken Sie, dass Arbeitgeber und Gewerkschaften dieselbe Fassung von Vielfalt/Diversity/Diversity Management haben?

17. Haben die deutschen Sozialpartner gemeinsame Initiativen in Sachen Diversity/Vielfalt unternommen?
    a. (If yes, come back to these later)
    b. Wenn nein, warum nicht?

18. Kennen Sie die deutsche Charta der Vielfalt? Was halten Sie davon?

19. In den englischsprachigen Ländern wird behauptet, dass "Diversity Management" innovativ ist, weil es die wirtschaftliche Vorteile von Diversity/Vielfalt betont. Inwiefern werden solche wirtschaftliche Argumente für Diversity auch in Deutschland benutzt?

20. Ist diese Art business/wirtschaftliche Argumentation ein neues Phänomen, das mit Diversity/Vielfalt verknüpft ist?

21. Was sind die Argumente, die die Arbeitgeber hauptsächlich für die Förderung von Diversity/Vielfalt verwenden?

22. Was meinen Sie sind die wichtigste Beweggründe der Arbeitgeber für ihr Engagement für Diversity/Vielfalt?

23. Finden Sie es nützlich wirtschaftliche Argumente anzubringen, wenn Sie mit Arbeitgebern über Diversity/Vielfalt reden oder verhandeln?

24. Wenn ja, was für wirtschaftliche Argumente verwenden Sie?

25. Wieviel benutzen Sie diese?

26. Haben Sie diese immer benutzt oder sind sie etwas Neues?

27. Gibt es Argumente, die die Arbeitgeber benutzen, die Sie nicht verwenden würden?

**Section 3: TU involvement, Social dialogue**

For national level (Q. 25-27)

28. Waren Sie persönlich an die [previously mentioned initiative] beteiligt?

      a. Wie und warum kam diese Initiative zustande?
      b. Wie war die Stimmung unter den Sozialpartnern während sie an dieser Initiative arbeiteten? (Gab es Fragen, die schwieriger/umstrittener waren als andere? Bei welchen Themen/Fragen war es einfacher sich zu einigen?)
      c. Was meinen Sie sind die Stärken und die Schwächen dieser Initiative?
      d. Welche Auswirkungen hatte diese Initiative?

29. Wissen Sie von Diversity Initiativen, wo die Gewerkschaft nicht miteinbezogen wurde?
30. Inwiefern werden die Gewerkschaften in Deutschland miteinbezogen in die Diversity Initiativen der Firmen?

For sector/company level (Qs 28-31)

31. Kennen Sie die [joint national level social partner diversity initiatives]? Wenn ja, welche Auswirkungen hatta diese Initiative Ihrer Meinung nach?

32. Hat es gemeinsame Diversity/Vielfalt Initiativen von Arbeitgebern und Gewerkschaften in Ihrer Branche/Ihrem Unternehmen gegeben?
      a. Wenn ja, wie sind sie zustande gekommen?
            i. Wie war die Stimmung unter den Sozialpartnern während sie an dieser Initiative arbeiteten? (Gab es Fragen, die schwieriger/umstrittener waren als andere? Bei welchen Themen/Fragen war es einfacher sich zu einigen?)
           ii. Was meinen Sie sind die Stärken und die Schwächen dieser Initiative?
          iii. Welche Auswirkungen hatte diese Initiative?
      b. Wenn nein, warum nicht?

33. Wissen Sie von Diversity Initiativen, wo die Gewerkschaft nicht miteinbezogen wurde?
34. Inwiefern wird die Gewerkschaft miteinbezogen in die Diversity Initiativen der Firma/Firmen?

35. Was meinen Sie sind die wichtigste Themen/Fragen/Probleme die im Bezug auf Diversity/Vielfalt in Deutschland behandelt werden sollten?
36. Inwiefern meinen Sie die Firmen in Deutschland engagieren sich wirklich für Diversity/Vielfalt?
37. Was sind die typischen Diversity Initiativen in Deutschen Firmen?
38. Welche Art von Initiativen meinen Sie sind nötig?

## Section 4: Institutional framework for equality, social group or individual focus, sameness and difference

39. Hat das Diversity/Vielfalt Konzept eine Auswirkung gehabt auf die Art wie Ihre Gewerkschaft Fragen von Gleichheit und Nicht-Diskriminierung behandelt? Wenn ja, wie?

40. Hat dieses Konzept zu neuen Formen von Aktionen/Massnahmen geführt? Wenn ja, wie und welche?

41. Gibt es Diversity/Vielfalt Aktionen/Massnahmen, die Sie problematisch finden? Wenn ja, welche und warum?

42. Glauben Sie, dass die Arbeitgeber Diversity/Vielfalt als einen Ansatz sehen, der auf spezifische soziale Gruppen zielt oder handelt es sich eher um einen individuellen Ansatz, d.h. die Anerkennung individueller Unterschiede?

43. Glauben Sie, dass es bei Diversity/Vielfalt darum geht, die Unterschiede von Leuten zu betonen und Wert darauf zu legen?

## Statistics

44. Ist es möglich kulturelle oder ethnische Diversity/Vielfalt in Deutschland zu messen?
45. Darf man Statistiken darüber sammeln?
46. (Wenn nicht) Meinen Sie das wäre nützlich?

## Section 5: The union

47. Befasst sich Ihre Gewerkschaft zur Zeit (oder oft) mit Fällen von Diskriminierung?

48. Wann es dazu kommt Diskriminierung zu bekämpfen und Gleichstellung voranzutreiben, worin liegen dann die Stärken Ihrer Gewerkschaft? (Make sure they cover internal as well as external)
49. Worin liegen dann die Schwächen Ihrer Gewerkschaft?
50. Nennen Sie mir diesbezüglich die grössten Herausforderungen vor denen Ihre Gewerkschaft steht.
51. Was könnte Ihre Gewerkschaft tun, um noch effektiver zu sein?
52. Möchten Sie noch etwas zu diesem Thema hinzufügen oder haben Sie noch Fragen an mich?