



NATIONAL ACTIVITY REPORT ITALY ANTI-DISCRIMINATION AND DIVERSITY TRAINING

Associazione ARCI

May 2008



The contents of this publication do not necessarily reflect the opinion or position of the European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities. Neither the European Commission nor any person acting on its behalf is responsible for the use which might be made of the information in this publication.

This project and publication has been commissioned by the European Commission under the framework of the European Community Action Programme to combat discrimination (2001-2006). This programme was established to support the effective implementation of new EU anti-discrimination legislation. The six-year Programme targets all stakeholders who can help shape the development of appropriate and effective anti-discrimination legislation and policies, across the EU-25, EFTA and EU candidate countries.

The training manuals used in the anti-discrimination seminars and the diversity management seminar can be downloaded from the European Commission website:

http://ec.europa.eu/employment_social/fundamental_rights/public/pubst_en.htm#train

The Anti-discrimination and Diversity training project was managed by Human European Consultancy (humanconsultancy.com) in consortium with the Migration Policy Group (www.migpolgroup.com) and the International Society for Diversity Management – idm (www.idm-diversity.org).

The national activities were carried out by Associazione ARCI www.arci.it

I. Table of contents

I. Table of contents 3

II. Introduction 4

III. Anti-discrimination seminars 5

 a) National activities anti-discrimination seminars 5

 b) Mapping exercise: NGOs/Trade Unions working to combat discrimination 10

 c) National legislation in the field of anti-discrimination..... 19

 d) Funding opportunities in the field of anti-discrimination..... 29

IV. Diversity Management seminar 33

Annexes 36

The role of trade unions combating discrimination..... 36

II. Introduction

The national activities of this project were carried out by Associazione ARCI www.arci.it.

Two Anti-discrimination (AD) seminars were carried out and one seminar on Diversity Management (DM):

- 1st AD seminar: Rome (Palazzetto delle Carte Geografiche, via Napoli 36), 19- 20 October 2007
- 2nd AD seminar: Florence (Casa del Popolo XXV aprile, via Bronzino 117), 7- 8 March 2008
- DM seminar: Rome (Sala del Centenario c/o Provincia di Roma), 15 February 2008

III. Anti-discrimination seminars

a) National activities anti-discrimination seminars

Design of the training

The organising NGO, ARCI, chose three trainers for the two AD seminars – two lawyers from the association ASGI (*Associazione Studi Giuridici Immigrazione*) and a sociologist who teaches at La Sapienza University in Rome. ARCI provided all the participants with training manuals and folders containing all the materials necessary for the seminars (papers with Italian and European laws about discrimination, texts about real cases of discrimination, the schedule of the seminar and examples of advertising in which discriminative concepts are used). The trainers, although involved in different fields of activity, played an effective role, proving themselves to be very helpful not only during the seminars but also committing themselves to continuing their training experience for the establishing of regional networks working against discrimination.

A number of training methods were used: there were some traditional lectures, role-playing games, work in small groups, questionnaires, all in an interactive framework and with the objective of involving all the participants as much as possible.

The sociologist provided the opportunity to explore some basic concepts about the themes of identity and building up of plural identities, while the lawyers gave very effective explanations of current legislation, including examining real cases of discrimination. The participation of a representative from UNAR (*Ufficio Nazionale Antidiscriminazioni Razziali*) enabled the participants to understand the role played by this national structure in fighting racial discrimination.

Preparation of the seminar

Train the trainers seminar

Wien 2- 3 Mai 2007

Announcement of the seminar:

The seminar was promoted by a number of different means, including websites, national and regional newsletters and the whole network of contacts which ARCI has developed with all the partner associations, institutions and cooperatives whose work is closely connected with the theme of discrimination. Seminars were also promoted in the online magazine, *Arcireport*.

Attracting and selecting participants

All the participants whose field of work or activity is related to discrimination were contacted by the organisation and the seminars were preceded by several communications, mainly by email, both for logistical reasons and to assess what the participants were expecting from the seminar and their training needs. The participants came from backgrounds connected to all grounds of anti-discrimination: racial, sexual, gender, sexual orientation, age and physical or mental disability. Most of them work every day in situations that involve discrimination.

Logistical arrangements

In both seminars several participants came from a long way from where the seminar was held, so the organisation arranged all the details of accommodation and travel. As regards the seminar venues, they were chosen with consideration of the distance from the railway station and for their central location. The first seminar took place near Rome central station, Termini, in Sala delle Carte Geografiche.

This venue was chosen because of its good central location and because it was well lit and warm, which was an important condition for the success of the seminar. Lunch was organised in the form of a buffet (including food suitable for vegetarians). Those who needed to stay overnight in Rome were accommodated at the Galles Hotel, a few minutes from the station and the seminar venue.

The second AD seminar took place in Florence, in a large, well-lit and warm venue which was easy to reach by bus from the Santa Maria Novella railway station. Lunch took place in the restaurant adjacent to the room in which the seminar was held. Those who stayed overnight in Florence were accommodated at the Hotel Golf, a few hundred metres away from the station and half way between the station and the seminar venue.

Carrying out the seminars

The first AD seminar was attended by 39 participants, 31 from NGOs and eight from trade unions. Representatives from NGOs were in the majority, but trade unions were also represented by people from the most widespread unions (CGIL and CISL-Anolf) and by the largest students' union, *Unione degli studenti*.

The second AD seminar was attended by 49 participants, 41 from NGOs and eight from trade unions. In both cases the average age of the participants was quite young, around thirty.

Process during the day – observations

At each of the seminars, participants had an active role, they were all involved by the trainers, especially during discussions about real cases of discrimination and during role-playing sessions. The part of the seminars concerning Italian and European legislation (EU Directives and the corresponding Italian laws) was more 'institutional', although in this case too participants were very interested and asked a number of questions and made various interventions. The role-playing games allowed the participants to be involved from the first moment and to experience the diversities of their partners. The objectives of the games were to underline the prejudices about what it means to be different, to stimulate reflection about the participants' own identities and the identities of the others and about images of the self and of others. In this way, all the participants understood that the starting point was first of all themselves, with their identities and diversities, and secondly the diversity of those whom they assist in their field work. Another role-playing game which was very much appreciated was one introduced by one of the two lawyers: a paper presented several real life stories, about which the participants had to state whether or not a discriminatory act had taken place and whether or not it was forbidden by Italian or European legislation. Participant had to respond in small groups, with the help of the laws contained in their folders. This made it easy for them to learn the most important points of legislation in a stimulating way, by discussing a situation they might face on a daily basis with other people in the working groups. The contents of the seminar were good received by the participants, thanks to the different methods adopted. The training succeeded because there was a good theoretical part (about the deconstruction of the concept of identity and differences and about how these concepts are much more mixed than we often think), as well as good legal training (about discrimination from the legal point of view, the fact that there is also 'positive discrimination' and a comparison of national and European legislation. With the real-life cases there was also a 'practical' element, during which the participants proved what they had understood and learnt. Role-playing games were useful to introduce some of the main content in a less formal way. This also helped to maintain the focus on what happened in each part and to better memorise some of the content. The trainers were very helpful and willing to answer questions, to repeat some difficult points and to provide more examples.

Since the second seminar was held on 8 March, which is International Women's Day, one of the lawyers talked about gender-based discrimination and some real examples of successful lawsuits related to gender discrimination.

Evaluation of the seminar

First Seminar

Both the participants and the trainers were enthusiastic about the results of the seminars and about the interaction made possible by the seminar. On this basis, a number of suggestions were put forward, such as setting up a blog in order to allow organisations which combat discrimination to communicate better. At the moment the blog is active but not yet advertised, so it lacks content. At the end all the participants were able to propose some practical measures to improve the situation in their workplaces and to disseminate materials and be trainers themselves in relation to their colleagues.

Second Seminar

The second seminar was successful in the opinions of both trainers and participants. During the evaluation the participants stressed the fact that it was very important to take part because there is an urgent need for training on these topics and they had learned a lot of things, especially about the legal aspects, which they did not know before in such a specific way. The trainers were satisfied with the feedback given by the participants and the wealth of experience expressed by the participation of people who work on anti-discrimination in so many different ways.





b) Mapping exercise: NGOs/Trade Unions working to combat discrimination

I. Profile of NGOs/trade unions working to combat discrimination

1. What types of NGOs/trade unions working on anti-discrimination exist on the national level?

The main actors of the Italian campaign against discrimination are the historical trade unions (CGIL www.cgil.it, CISL www.cisl.it and UIL www.uil.it) and big associations (ARCI www.arci.it). It often happens that in order to provide better services trade unions' satellite association rose up. As to trade unions, there are internal departments involved into antidiscrimination activities such as labour disputes of migrants workers, it means mainly racial and ethnic discriminations. Discrimination on grounds foreseen in the Directives is a quite new subject in the Italian legal and political debate, and also new is the introduction of clear legal remedies for those who are victims of discriminatory acts. In Italy the first body that focused exclusively on antidiscrimination has been UNAR, Ufficio Nazionale Antidiscriminazioni Razziali. It is not an autonomous body, since it is established within the Department for Equal Opportunities (www.pariopportunita.gov.it), which has until now dealt exclusively with gender discrimination. The office makes use also of staff from other public administrations, including judges and state attorneys, as well as external experts and advisers. The office has been operational since November 2004. Although the principles of impartiality and independence are clearly stressed ("in full autonomy of judgment and in conditions of impartiality"), there are no instruments for guaranteeing such prerogatives and the policy of the office will be determined by the Minister for Equal Opportunities. A final assessment of the office can, however, only be given after its first period of activity. NGO's and trade unions, in the contrary, work independently.

2. What ground (s) of discrimination, scope or sector are they concerned with (if they are concerned with a specific ground or a specific sector such as for example education)?

The main sector Italian trade unions and NGOs are concerned with is the fighting of discrimination against disabled people. As a result since 1999 Italian laws grant a high level of protection against discrimination of disable people. Certainly, hostile attitudes can often be observed towards different categories of persons. Frequent targets are thus "Albanians", "Muslims", "Africans", and people categorised with these labels often report cases of discrimination, for instance in the private housing market. To this must be added the traditional hostility against the Roma (including those with Italian citizenship) which is deeply rooted in Italian society, although it has only recently come to the surface after the publication of reports on Italy by international bodies and NGOs (primarily ECRI¹ and the European Roma Rights Center). Racial and ethnic discrimination often overlaps with discrimination on the basis of religion and belief, as in the hostility towards "Arabs" and "Muslims" which occurs without distinction. The reaction to xenophobia has not taken the form of well-defined policy proposals, as the debate has been mostly focused on immigration law, and not on antidiscrimination law strictly speaking. Such an attitude has been until recently common to both political actors and NGOs. When action was taken at the parliamentary level to introduce antidiscrimination rules (e.g. the 1998 Act mentioned below), it was given little visibility, probably in order to avoid political costs. Sexual orientation is now more rarely the target of explicit hostile statements. This notwithstanding, problems of discrimination on this ground are sometime reported, although rarely with judicial outcomes. With regard to sexual orientation, the traditional position of the Catholic Church towards gays and lesbians causes problems when employment implies some sort of evaluation of religious and moral qualities, and this can in its turn strengthen homophobic attitudes arising in other contexts.

¹ European Commission against Racism and Intolerance of the Council of Europe

Historical NGOs focused on gender discrimination are ARCIDonna (www.arcidonna.it) and ARCIGay (www.arcigay.it), old sections of ARCI, now independent bodies. Italian NGOs and trade unions are not prepared to face multiple discriminations and the low priority that fighting discrimination had for political actors implies that there is little information and empirical research on the dimension of the actual problems. Problems concerning age and disability, quite often discussed in the media, are instead more linked to the structure of the labour market, and to the difficulty of enforcing the directives. What about religion?

Problems concerning age and disability, quite often discussed in the media, are instead more linked to the structure of the labour market, and to the difficulty of enforcing the directives. The most important Italian NGOs dealing with disability is Capodarco Community (www.capodarco.it).

3. Is anti-discrimination their main area of work or only a small part of what they do? Do they work on anti-discrimination?

Trade unions provide legal as well as psychological and medical advice for the victims of discrimination. For trade unions, antidiscrimination is only a part of their work and this is also for the most part of NGOs. NGOs and trade unions promote discussions and debates in the country, they organize seminars and meetings but they don't have a specific working plan.

4. Are these NGOs/trade unions registered on the national level? Is it easy or problematic to register as an NGO/trade union?

Yes, they are registered at national level and it isn't problematic to register. It is easy to register as an NGOs by founding a non-profit association, which can be done by anyone according to the rules of association legislation. Trade unions have to meet some requirements as their relationship with the government, the definition of their roles and their work.

5. Generally how large are these NGOs/trade unions? (Please mention the size of membership for the main trade unions)

Italian historical trade unions count millions of members: CGIL, the oldest of the Italian trade unions counts 5 and half millions members (old and young workers as well as retired persons). As big trade unions there are also CISL with 3.856.334 millions of members and UIL with 1.588.270 millions of members. In Italy the number of members determines the contractual power. The bigger NGOs in Italy is ARCI, with 1 million and 2 thousand of members. In Italy NGOs are small: the average size of a normal NGO is 200 members for a little NGOs and 1000 members for a middle NGO.

6. Are they part of larger national networks? Or are they working on their own?

The three biggest trade unions (CGIL, CISL and UIL) usually work together. They count on a great number of members. CGIL, CISL and UIL take part into the European Trade Union Confederation (www.etuc.org) and into the International Trade Union Confederation ([ITUC-CSI](http://www.ituc-csi.org)). Trade unions don't have partnership with other networks on the national level. NGOs have partnership with other NGOs but they usually work on national level in networks of small NGOs associated.

7. Are they mainly based in the Capital or spread out in the country?

They are well spread out in all the country, but they have their headquarters in the Capital. Generally speaking, they are organized in districts. As regards ARCI, for example, it is composed by a national center and regional and territorial districts. As regards ARCI, for example, it is composed by a national center and regional and territorial districts, but small NGOs usually have one center in the origin city.

8. Are NGOs/trade unions from the capital and the rest of the country doing the same type of work?

NGOs/trade unions from the Capital conduct and organize the peripheral offices. These peripheral offices carry on local projects: anyway peripheral NGOs are autonomous. Trade unions have to follow the national guidelines.

9. What is the political or societal weight of these NGOs/trade unions on the national level? (Towards, the general public, the civil society, the companies/employers, the government)

The political and societal weight of NGOs/trade unions towards general public and civil society is very high, but the relations with companies/employers and the government depends on the political situation. Political weight of NGOs working on antidiscrimination has been rising in civil society, but the interest of media is very low. Companies/employers still tend to be sceptical towards NGOs and trade unions, considering them as enemies sometimes, but even there change can be noticed.

10. Are NGOs/trade unions working in the field cooperating together: (NGOs with other NGOs, trade unions with other trade unions and also NGOs together with trade unions)

Yes, they work together NGOs with other NGOs, trade unions with other trade unions and also NGOs together with trade unions. For example ARCI (NGO) usually works with CGIL (trade union) as regards immigration policies and other questions such as anti-discrimination. Unlike the other countries, there isn't a structured dialogue or a platform concerning antidiscrimination among all of them, but there are historical partnerships.

a. For what purpose(s) (e.g. exchange of expertise, collaboration on case work or campaigns, organising events jointly)

Primarily for exchange of expertise in order to organize public events, and collaboration on case work.

b. Is there greater collaboration in relation to certain grounds of discrimination? If so, which?

There is greater collaboration in relation to immigration policies. As regards gender discriminations and sexual orientation there is an umbrella of NGOs that work together, composed by ARCIGay, ARCILesbica and other small NGOs.

11. How are these NGOs funded?

a. Do they receive state funding?

Italian NGOs don't receive funding systematically. There exist special project funding or subsidies as regards some project which ministers are interested in.

b. What are the conditions in order to receive public funding?

Different according to ministry, ground, scope, target group: in order to receive funding activities need to be socially acceptable and in coherence with their objectives.

c. Do they also receive/apply for private funding?

It is very difficult to receive private funding: they receive private funding in form of big sponsoring, membership fees or single donations.

d. Do private funders impose any restrictions or conditions?

The author is not aware about this: they generally don't impose any restriction.

12. How are these trade unions funded?

Trade union are funded by membership fees and their own capital.

a. Do they receive state funding? (Generally speaking do trade unions receive state funding?)

No, they don't receive state funding. They can receive state funding for projects they apply for only.

b. Are they funded by a political party? If so, do they have to adhere and respect the party's line?

No, they aren't, they count on membership fees.

c. Do they function only/also with their members' fees?

Yes, they function only with their members' fees.

d. Are they able to receive private funding and/or participate in project funded by European/international institutions?

Yes, they could.

13. Is the lack of funding a significant factor in the size of NGOs/trade unions or in restricting the scope or scale of their activities?

Yes, the lack of funding is their biggest problem: this provokes very small staffs, limited resources for all the activities.

14. Do they work (or are in contact) with similar NGOs/trade unions in other countries?

a. Neighbouring countries?

They occasionally work with other European countries, also with countries of the mediterranean area. There are a lot of occasions to work together, for example during international conferences. Italian NGOs and trade unions often take care of their international contacts.

b. Other new EU Member States?

They occasionally work with NGOs /trade unions of other European countries. For example Schoolmates (www.arcigay.it/schoolmates/) is a project supported by European Commission and promoted by Arcigay (the Italian lesbian and gay association) in partnership with COLEGA Madrid, KPH Warsaw and the City of Vienna to fight bullying and homophobia in school.

c. Others?

Most of NGOs /trade unions have also contacts with non European partners, such as U.S.A.

15. Do they work on the international level (campaigning, case work, other)

No, they work primarily on national level, but in the last years they work stronger and stronger as partners for European projects such as EQUAL (www.equalitalia.it/).

16. Can they work in English?

Italian NGOs and trade unions can work in English, but they primarily use Italian. Members of NGOs are often able to speak several languages, it means they deal with problems that have more international resonance. Trade Unions generally deal with questions of national relevance but, due to the increasing number of immigrants that are approaching this new form of social guarantee, they are developing linguistic tools that will make them able to face this new settings.

17. For countries where this is the case, where trade unions are linked to political parties, does the involvement or non-involvement of the political party has an impact on the trade union's ability to work on anti-discrimination?

The involvement of political parties in the strategies can be positive: even if in Italy trade unions are in a way linked to political parties they can choose freely their own strategies.

18. Can specific regional branches of a trade union work on anti-discrimination even if headquarters does not?

They generally can't work autonomously but they can take care of local questions and rely upon the national role and weight of trade unions and give more relevance to the problem.

II. Expertise of NGOs/trade unions working to combat discrimination

19. What kind of work do they do?

They offer services and legal advices. Trade unions generally deal with discriminatory practices on working places giving to the victims legal assistance (in the largest part of cases they have the use of free lawyers that can follow the disputes and advice weak people to obtain justice). NGOs also offer this kind of assistance but they handle also other questions as psychological, medical or practical matters as accommodation in case of need.

20. Do they take up complaints of discrimination?

Some NGOs and trade unions take up complaints of discrimination via free telephone numbers or local offices. Trade unions have often structures dedicated to the reception of cases: the most important trade unions generally have an immigration bureau or an association linked to the relative trade union (Anolf www.anolf.it, linked to CISL, for example, offers assistance to fill up permits of stay). NGOs provide also for other services, as ARCI's (www.arci.it) free number for asylum seekers and anyone seeking protection. NGOs provide also for other services, as ARCI's (www.arci.it) free number for asylum seekers and anyone seeking protection. Recently started a project named R.I.T.A., it is dedicated to take up complaints of episodes of discriminations on working places.

21. Do they focus on their own community?

Yes, they focus on their own community and occasionally produce national reports. The services NGOs provide are open to anyone who needs assistance and the services Trade unions provide are generally open to every worker who needs assistance.

22. Do they work with victims directly?

Yes, they work with victims directly. They meet victims and follow them during the whole process, even if they would need much more resources to assist a larger number of people. If there isn't the possibility to follow directly the victims, NGOs address them to local offices or also to other organizations which deal with that theme.

For example ARCI sometimes works with ASGI (www.asgi.it Associazione Studi Giuridici Sull'Immigrazione) concerning legal assistance, with CGIL (www.cgil.it) as regards labour/employment questions.

23. Within the company, can trade unions represent only their members or any worker?

Trade unions represent every worker who seeks assistance. They generally don't request any subscription from the victims. There are NGOs who needs an enrolment to go ahead with the process.

24. Do they do 'case work'?

Yes, they do. They occasionally produce papers about cases that have relevance as example.

25. Are they able to access state funding for casework?

Trade unions and NGOs usually work with their own funds, and there is not explicit state funding for casework, but there are organizations receiving state funding for casework as part of their work.

26. Does this include legal representation?

Yes, they provide free legal assistance: in Italy some lawyers, who work together with trade unions and NGOs, ask for the government to furnish free legal assistance for the victims ("gratuito patrocinio", art. 24 Costituzione Italiana www.quirinale.it/costituzione/costituzione.htm).

27. Is it possible for NGOs/trade unions to engage on behalf or in support of victims of discrimination in judicial or administrative procedures?

They can engage on behalf or support victims during judicial or administrative procedures but it doesn't exist a specific register for NGOs or simply provide legal advice. Trade unions can represent victim of discrimination in administrative procedures, but not in penal procedures.

28. Are NGOs/trade unions able to pursue class actions if the latter is allowed on the national level?

NGOs and trade unions are generally not able to pursue class actions.

29. Do they do other practical work? (e.g. assistance to victims or potential victims, social assistance, etc)

Yes, they provide medical, psychological and social assistance to the victims of discrimination. There are organizations as well as departments of trade unions providing social assistance in form of counselling on working opportunities and offering empowerment training. NGOs usually offer mediation and social, psychological and practical assistance.

30. Do they advocate changes in legislation and policies?

Yes, they advocate changes regarding the implementation of EU directives into national legislation. Moreover some NGOs and trade unions interested in immigration advocate an asylum law above all: in Italy there isn't a regulation as regards asylum seekers. NGOs and trade unions may become involved in proposals for legislative change in a range of areas such as asylum and immigration.

31. What are their relations with the central government?

It depends on the government. Actually there is a good relation between trade unions, NGOs and national government. Sometimes they work together to resolve a case of discrimination who has achieved national relevance. Italian government, NGOs and trade unions are actually testing a sperimental phase of work, through social dialogue, consultation and negotiating tables. Anybody has to do more and more to promote social involvement of civil society in legislative decisions.

32. With regional governments or municipalities?

They work on national as well as local level. Normally the institutions try to have a good relationship with NGOs and trade unions, although they keep strong autonomously when they have different positions. There has been also cooperation and joint projects between NGOs and regional governments and municipalities and trade unions and regional governments.

33. For the trade unions, with the employers organisations?

In Italy the relations between trade unions and employer organization are very conflictual, infact concerning the topic combating discrimination the roles are not clear. There isn't a strong collaboration between them also if it is desiderable: one should bear in mind, for example, that the debate on Diversity management in Italy is very sparse.

34. Do they have relations with the specialised bodies/ombudsman?

Yes, because they often use the same tools to achieve common goals.

35. What are the qualifications of the staff?

The feature of trade unions and NGOs staff is the different studies and experiences background. This is the main source of the Italian work in this field. Generally speaking it depends on the scope: there are lawyer, political scientist, social workers, trainers, mediators, volunteers, etc.

36. What training has the staff had in relation to anti-discrimination work?

Trade unions and NGOs staff share mutual experiences in relation to antidiscrimination via training activities. Above all they learn on the job and aware raising on what discrimination means. There are a lot of conferences and trainings provided by NGOs generally concentrated on what social workers need to know. Moreover the work often moves on the framework of the European Programme (EQUAL and action programme to combat discrimination), where there are many participants working for NGOs and trade unions. Antidiscrimination legislation is part of the basic education provided by NGOs working on this ground.

37. Are they trained in writing funding proposals and reporting?

Yes, they are requested to train in writing funding proposal and reporting.

38. How do they evaluate their “success” and the quality of their anti-discrimination work?

They evaluate the success of their work through the number of people asking for their services. Some organizations write periodical reports, but generally speaking, social workers evaluate their “success” when they can provide more and more services to the victims or when somebody allow them to continue their work.

III. Needs and problems of NGOs/trade unions working to combat discrimination

39. What is the main problem faced by NGOs/trade unions involved in anti-discrimination work?

One of the problem faced by NGOs and trade unions is that sometimes the success of their campaigns depends on the policies of the national government. There is also a lack of awareness of structural dimension of discrimination and a difficult to educate the civil society to the social denunciation. Anyway the main problem is the lack of funding: the finding available is mainly targeted to projects and for this reason it is hard to plan long-term-activities.

40. Is the lack of staff/funding/expertise one of the main problems faced by NGOs/trade unions involved in anti-discrimination work?

Yes, they work primarily with volunteers who don't have too much experience in the field and the lack of funding doesn't allow NGOs and trade unions to provide an adequate organization of the tasks.

41. Is the fact that staff lack necessary knowledge and/or skills one of the main problems faced by NGOs involved in anti-discrimination work?

Yes, sometimes this is a problem (q. n. 40) when they work with volunteers, but but then again, this problem is easily overcome by experience. Staff working in NGOs generally has necessary knowledge and skills and are competent in their work, however there could be more information on different discrimination ground and multiple discrimination.

42. What training is needed by the NGOs/trade unions in order to perform their work the way they would wish to?

They primarily need legal training to promote the implementation of Directives. NGOs and trade unions could share their expertise in equality issues in order to mainstream them into all training.

43. Is their staff sufficiently trained in relation to national anti-discrimination legislation?

Yes, staff working with anti-discrimination issues generally has a good knowledge on national antidiscrimination legislation, even if there are few staff leaders who are responsible for legal matters. There might be need for additional information in trade unions and NGOs.

44. Is their staff sufficiently trained in relation to European anti-discrimination legislation?

There is knowledge on European anti-discrimination legislation in NGOs and trade unions, but the lack of time sometimes leads to situation where one doesn't have enough time to get acquainted with new legislation and follow the changes in European anti-discrimination legislation.

45. Is their staff trained in relation to advising government: formulating policy proposals? Legislative proposals?

Yes, NGOs and trade unions produce comments for policy and legislative proposals. Generally speaking government asks NGOs and trade unions to give statements about issues that they have expertise on.

46. Do they need to do more to promote their anti-discrimination role?

They should have more resources and more training to promote their anti-discrimination role. However it would be useful to find new target groups for antidiscrimination work and they could do more in promoting their role in antidiscrimination work for companies. There may be knowledge that certain NGOs have an actively role in combating discrimination but the fact that they offer training and have produced training material isn't necessary well known: they could promote their role to new generations and to civil society.

47. Do they need to “do more” with victims, clients or potential clients, members or potential members?

They only should have more funds in order to help more victims: where resources and staff available, NGOs and trade unions could “do more” as regards promotion and education programmes. There is definitely a need to develop services for victims of discrimination. There is a demand for this kind of activities, but it requires a lot of resources.

48. Do they need to “do more” with government – to increase their credibility and status?

They should continue to make their work and ask for a dialogue with government, but they have to be always independent from it. By now NGOs are frequently consulted on anti-discrimination issues by government, but there is already a lot of work to do. Trade unions have credibility concerning their expertise and they are active in offering statements

49. For the trade unions, do they need to “do more” with the companies/employers organisations?

No, they have another view of the problems and a different social role: on equality and anti-discrimination there may be different views on the same matter.

50. Would they need to “do more” with public opinion and awareness raising?

They could promote and educate the civil society on equality and diversity, they could involve young people: they could if they have more funds to promote their role. There would certainly be a need to increase these activities. Trade unions could take more active role in awareness raising, especially because their activities have political weight.

51. What would they need to develop?

They need more funds and more staff training, they need also to involve younger people: the members average is too high. Finally Italian NGOs and trade unions need a better preparation as regards new media and new techniques of work. It would also be important to further develop co-operation especially concerning multiple discrimination.

c) National legislation in the field of anti-discrimination

1. The transposition of the Directives into national law

The directives were both transposed by legislative decrees on 9 July 2003

2000/43/CE adopted by Leg. decree no. 215

- Both the definition of direct discrimination and indirect discrimination conform to that of the Directive.
- The definition of harassment forward a complex group of behaviours performed “with the objective to violate the personal dignity, to create un intimidating, hostile, degrading, offensive and humiliating climate”. So it is, a particular type of racial discrimination, not performed on a level of unequal treatment (for example in the tools that regulate a certain type of access to employment or to allocation of housing) but is performed in all those explicitly xenophobic behaviours that violate the personal dignity.
- instruction, victimization : there is not features in Italy about these issues
- Civil action against discrimination is admissible according to Article 44 of Leg. Decree 286/1998 is admissible.
- Organizations competent to represent victims of discrimination making complaints: the associations and agencies recorded in a special register, approved by the Ministry of Work and Social Policy and the Ministry for Equal Opportunity, may act in the name of and on behalf of the passive subject of discrimination.

2000/78/CE adopted by Leg. Decree no. 216

- Exception clause linked to so-called “Ideologically Oriented Enterprises”: for professional activities run by churches, or other public or private organizations based on religious or personal beliefs, Member States may have provisions in their laws that allow for differences of treatment on grounds of religion or personal beliefs, which does not constitute discrimination where, due to the nature of their activity or the context in which it is undertaken, religion or personal beliefs are an essential requisite, and given the ethics of the organization, they are legitimate and justified in order to carry out the occupational activity. The Directive does not prejudice the right of churches or other public or private organizations based on religious or personal beliefs, who act in conformity with constitutional provisions and national legislation, to require that their personnel act in good faith and in accordance with the ethics of that organization.

Important or open questions on the adopting/transposition laws

- The clause of non regression ensures the wider application of Article 43 of the Organic (Immigration) Law which also includes discriminatory treatment on grounds of nationality (institutional discrimination);
- Violation of the principle of “tipicità” or proper articulation of the law, for which on the basis of the European directives the legislator must indicate in which cases there can be an exception to the principle of non discrimination - the adopting laws, however, leave it to the discretion of the employer (article 3 paragraph 3 Leg. Decree 215/03 and 216/03);
- Widening of the notion of so-called “Ideologically Oriented Enterprises” (not only religious entities but also public and private organizations without an explicit ethical or religious foundation) (Art. 3 para. 5 Leg. Decree 216/03) (Constitutional Court Sentence 195/1972, Supreme Court, Employment Section, Sentence no. 5832/94).

- Unsatisfactory or lack of adoption of the principle of the reversal of the onus of proof, meaning that it is always the claimant having to prove the basis of their claims, adducing facts which are objectively serious, precise and concordant, even by way of the presentation of statistics, leaving it to the judge's discretion to evaluate the extent of proof the information provides ("simple presumption" Art. 2729, para. 1 CC);
- The dissuasive lack of provision for a function allowing compensation for damages for accepted claims, except in the case of non-pecuniary compensation for damages (Art. 15 of Directive 2000/43 and Art. 17 of Directive 2000/78).

Implementation of Article 13 of Directive 2000/43/CE

The Italian Government, by Decree of the President of the Council of Ministers' on 11 December 2003, founded, within the Department for Rights and Equal Opportunity under the Presidency of the Council of Ministers, the Office for the Promotion of Equal Treatment and the Repression of Discrimination on grounds of Race or Ethnic Origins (UNAR).

The Office for the Prevention of Racial Discrimination gathers victim's complaints of presumed discrimination, including by way of its contact centre, providing immediate assistance and following them on a legal path.

The Office has two distinct services: the Service for the Promotion of Equal Treatment and the Service for Studies, Research and Institutional Relations.

2. Procedures – administrative and legal channels appropriate for challenging violations of anti-discrimination legislation

In Italy a victim of discrimination can use criminal procedures (if s/he has suffered from crimes stipulated by the Penal Code), administrative court procedures (e.g. complaints against action by an official or state/municipal institution) and civil procedures (e.g. moral damage) to bring forward their complaints. Additionally, a person can use UNAR anti discrimination tools.

2.A Employment and occupation related - all grounds

Articles 15 and 16 of Law No. 300 of 20 March 1970, aka. Workers Statute mod. Leg. decree no. 215/2003

Article 15 of Law 300/1970 ratifies ILO Convention No. 98 with regards to the nullity of discriminatory acts.

It lays down two rules: firstly, it establishes the nullity of any agreement or act which seeks to make the employment of a worker subject to the condition that they join or not join a union.

Furthermore, part b) provides for the nullity of any act or agreement causing the dismissal of a worker, or discrimination against them in the assignment of a certain rank or certain tasks, regarding relocations or disciplinary proceedings, or otherwise prejudicing a worker by reason of their union membership or activities or participation in a strike.

The law also defines unlawful discrimination on grounds of political opinion, religion or belief, race, language, sex, disability, age, or sexual orientation.

The law does not require equal treatment of all employees, but only that prohibited acts be declared null and void so as to conform to the principle of equal social dignity (from Article 3 of the Constitution).

In fact for such acts, in contrast with part a), no penal sanction is provided; the legislator decided that such behavior is more efficiently combated by way of the civil remedy of nullity.

Discrimination can occur in more subtle ways such as by assigning particular benefits to workers who behave in a certain way.

This is contemplated in Article 16 which prohibits favorable economic treatment considered discriminatory under Article 15.

There is one particular civil sanction for seen in the mechanism for redress: once a judge has ascertained the facts of the case, they may order the employer to make a payment into the public retirement fund (INPS) within a year, of an amount equal to that of the illegitimate economic favour granted.

This law is largely ineffective as workers who bring an action forward receive no actual pecuniary benefit.

2.B Non-employment or occupation related - race and ethnic origin

Article 44 Legislative Decree No. 286 of 1998

It is possible to instigate civil action against discrimination as it is defined in Article 43. The injured party can deposit their legal action with the Chancellery of the Tribunal in their place of domicile, constituted by a single judge.

The Tribunal proceeds to accept or reject their claims, and where accepted, may order the cessation of the discriminatory conduct; the removal of the effects of discrimination; compensation of monetary or other damages or a plan for the removal of demonstrated discriminatory practices (in cases of collective discrimination).

Laws may also contain alternative provisions against businesses found responsible for discriminatory acts (paragraph 11), such as confiscation of benefits derived from financial or credit breaks or even from contracts with public administration bodies, or exclusion from such contracts.

Appeals against the rulings of the Single-Judge Tribunal are allowed, as per Article 739, paragraph 2, of the Civil Procedure Code. Non-compliance or evasion of the execution of judicial orders is punishable under Art. 388 paragraph 1 of the Penal Code.

Criminal law against discrimination

- Art. 3 of Law no. 654/75, as amended by Art. 13 of Law no. 85 (24/2/06): imprisonment for up to one year and six months or fine of up to 6,000 euros for whoever:
 - a) propagates ideas based on ethnic or racial superiority or hate;
 - b) incites or commits discriminatory acts on grounds of racial or ethnic origin, nationality or religion.
- Art. 3 Law no. 205/93:
aggravating circumstances (resulting in an increase in the penalty by up to a half) applicable to those crimes committed for a discriminatory purpose or for reasons of ethnic, national, racial or religious hatred – where there is substance to these aggravating circumstances, proceedings may be instigated *ex officio* as opposed to an action brought by one party against another/between two legal parties.

- Law no. 205/93:
 - prohibition on the formation of groups or associations whose aim is to incite discrimination or racial hatred
 - for those sentenced for specified crimes, alternate sanctions may be applied such as community service, or restrictions of freedom of movement or the exercise of certain civil rights.

2.C What avenue for an employment or non-employment complaint

The office provides through its Contact center support and assistance, which are very important for the activity of removal. The Contact center of the UNAR is operational from December 10, 2004, reachable on the toll-free number 800.90.10.10 and via the web. This center: a) collects reports, complaints, evidences, procedures and actions that prejudice on the grounds of racial or ethnic origin the equal treatment between persons; b) offers immediate assistance to the victims of discrimination by providing information, guidance and psychological support; c) assists the victims in the judicial proceedings when they decide to go to court for verification and repression of the violations. The Contact center's toll-free number is open 7 days a week including holidays, from 10:00 am to 8:00 pm and the service is available in Italian, English, French, Spanish, Arabic, Russian, Romanian and Chinese. The Contact center phone operators have been trained in cultural mediation to deal with callers with multi-ethnic backgrounds. The operators are also able to provide help and information in Hindi, Urdu, German, Kurdish, Kurmanji, Farsi, Turkmen, Azeri, Dari, Turkish, Lingala, Kikongo, Singol and Punjabi. The Contact center provides immediate assistance to the alleged victims of discrimination, and represents a first tier of response, which collects and studies the problem, provides initial native language orientation and supplies legal and social sciences experts with the information necessary for the initial stage of research for the resolution of the case. The Contact center and the first-tier experts solve cases in real time when a solution is possible and available and the complaint has been made by phone. When the problem cannot be resolved in real time by the personnel of the Contact center and the complainant did not come by telephone, the first tier passes the report to the second tier, inside the UNAR, which registers the complaint and through the coordination and under the supervision of the experts of the Office proceeds to finding a solution of the case. All complaints, both of the first - or the second-tier, are finalized with a final communication to the caller. First-tier cases, both relevant and non-relevant, are dealt with according to the following steps: analysis and classification of the cases, which reached the Contact center (both relevant and non-relevant to the issue of racial discrimination); review of the non-relevant events, analysis and re-direction of the caller, through call back, to the territorial branches on the basis of the reported discrimination (handicap, age, sexual orientation) or the requirements; review of the relevant events, analysis, gathering of the documents for the initial case investigation; research and placement in the respective areas (school, workplace, etc.) and an in-dept study of the documents and regulations; contact with the alleged victims for gathering of more information on the discriminatory behavior; contact with the alleged author of the discriminatory behavior; closing of the case or its redirection to the second tier of expertise; case examination and solution; final communication. All cases considered relevant to the competencies of the UNAR are dealt with by an internal team of employees, magistrates and legal and social sciences experts who review them, carry out initial investigations and identify the most appropriate strategies for their solution. The operators of the UNAR toll-free number often receive calls not containing elements indicative of a case of ethnic or racial discrimination. Even in these cases, the cultural mediators of the UNAR Contact center review the complaint and become a reference point for all, responding to all calls, ranging from general inquiries and requests for information to complaints of discriminations not connected to the ethnic or racial origin of the caller. The UNAR operates a complex IT data management system for sharing of the received complaints between the first and second tier and carrying out a statistical analysis of the racial discrimination data. The collected complaints are inserted in an application, which allows case management, integration and real-time sharing of documents, statistical analysis of the received complaints and their correlation to different social indicators.

Additional information can be found on: www.pariopportunita.gov.it

Other way to solve disputed are: civil action; penal action. Victims of discrimination can be represent by the associations and agencies recorded in a special register.

2.D Technical procedural requirements of each available remedy

The injured party can deposit their legal action with the Chancellery of the Tribunal in their place of domicile, constituted by a single judge.

The Tribunal proceeds to accept or reject their claims, and where accepted, may order the cessation of the discriminatory conduct; the removal of the effects of discrimination; compensation of monetary or other damages or a plan for the removal of demonstrated discriminatory practices (in cases of collective discrimination).

Laws may also contain alternative provisions against businesses found responsible for discriminatory acts (paragraph 11), such as confiscation of benefits derived from financial or credit breaks or even from contracts with public administration bodies, or exclusion from such contracts.

Appeals against the rulings of the Single-Judge Tribunal are allowed, as per Article 739, paragraph 2, of the Civil Procedure Code. Non-compliance or evasion of the execution of judicial orders is punishable under Art. 388 paragraph 1 of the Penal Code.

The criminal procedure begins with "notification of crime" that may arrive at the Public Prosecutor either through "Polizia giudiziaria" (prosecution service) or private complaint from a citizen (civil complaint).

From the moment in which an investigation begins on a person who has been accused of a crime, the Prosecution service has a maximum of six months to carry out the investigation and up to a year for more serious offences.

Once the investigation is finished the procedure can have two different outcomes:

- 1) The Public Attorney does not think there is enough evidence to support the charge (or presumes innocence of the person investigated) and therefore asks the GIP to terminate the procedure.
- 2) Or the Public Attorney thinks on the contrary that enough elements exist to support the charge and asks the GIP for indictment. If the procedure is for less serious crimes and falls under the competence of a solo judge, the Judge passes the decree that provides judgment and the trial begins. On the other hand, if it is for more serious crimes, that fall under the competence of the collegial judge, the GIP fixes the preliminary hearing to be carried out in front of a judge (GUP), different from the first, as the acts of procedure must not be previously known. The trial opens with the verification of the constitutional regularity as judged by the parties (Public Attorney, defense and offended party) and any other preliminary issues (competence of the judges etc). Therefore it begins hearing the witnesses of the prosecution, then those of the defence, and finally, if they want, the defendant. At the end of the debate the Judge (collective or solo) returns a verdict of the defendants innocence or guilt. This first-level sentence can be appealed against in the court of appeal and, that sentence can be appealed against in the Cassation court.

2.E Existing support and obstacles at national level

The main obstacles are the lack of awareness about people's rights, the lack of communicative initiatives and actions. (Please see the "Social Issues".)

2.F Referrals to the European Court of Justice

There are no specific features in the Italian situation in this regard.

Where there is a disputed issue of EU law and the judge is uncertain how to interpret a provision at EU law, a referral can be made by a national court to the European Court of Justice in Luxembourg under Article 234 of the Treaty. The parties to the proceedings can ask the national judge to grant a request for such a referral, or the judge can decide spontaneously to refer the case. Any court may make a referral, but only the national court of last instance is obliged to do so.

This may be a highly effective procedure because:

- Requesting a referral can concentrate the mind of the presiding judge and ensure that s/he gives proper consideration to the complaint, especially to the fact that it raises issues of European rights.
- National bodies, particularly public bodies, are impressed by its high profile and may take steps to avoid the exposure of discrimination at national level to pan-European scrutiny.
- The European Court is the only body that can give a definitive interpretation of the terms used in the Directives.

However this is a specialised procedure and expert EU lawyers familiar with its use need to be retained. In addition, it is important to note that the national case is ‘stayed’ (put aside) until the ECJ has decided the issue before it, and this delay of sometimes two years can have serious consequences for the complainant.

2.G Petitions to the European Parliament

The Committee on Petitions of the European Parliament can receive petitions from Citizens of the Union who wish the Committee to investigate their complaint/s that their rights under European Union law are not being properly respected. There are no specific features in the Italian situation in this regard.

2.H Alerting the European Commission to discriminatory administrative practices

It is also possible to write directly to the Commission, which may often be a quicker process than that outlined above under 3.2.G. This could be done with a view to encouraging the Commission to initiate infringement proceedings against the offending State.

The Commission and the Parliament would be bound by the EU Charter of Fundamental Rights’ provision on the right to good administration (Article 41) if adopted:

- Every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions and bodies of the Union.
- This right includes
 - the right of every person to be heard, before any individual measure which would affect him or her adversely is taken;
 - the right of every person to have access to his or her file, while respecting the legitimate interest of confidentiality and of professional and business secrecy;
 - the obligation of the administration to give reasons for its decisions.
- Every person has the right to have the Community made good any damage caused by its institutions or by its servants in the performance of their duties, in accordance with the general principles common to the laws of the Member States.

- Every person may write to the institutions of the Union in one of the languages of the Treaties and must have an answer in the same language.

There are no specific features in the Italian situation in this regard. However, some additional information may be received from the Italian representation of the Commission, see at http://ec.europa.eu/italia/ue_italia/ue_in_italia/

2.I Complaints to the European Court of Human Rights

In addition, when all effective national legal remedies have been exhausted, a person may, if the case concerns issues covered by the European Convention on Human Rights, apply to the European Court of Human Rights in Strasbourg (see Key Concepts section).

This can be done under Article 14 of the Convention provided another Article is also engaged or, if under Protocol 12 to the Convention. Italy has signed but not yet ratified Protocol 12.

Collective complaints can also be made under the Council of Europe's European Social Charter.

2.J Other international remedies

The relations of the UNAR with the Human Rights Committee of the UN. In the context of the UNAR activities of international significance the Office takes part in the work of the Interministerial Committee for Human Rights (CIDU), established within the Ministry of Foreign Affairs with the purpose of fulfilling the obligations assumed by Italy in the field of human rights by signing and ratifying two important international agreements, the Covenant on Economic, Social and Cultural Rights and the Covenant on Civil and Political Rights.

The growing importance, of international protection of human rights 146 in last years, both in the area of institutional activities of the international organisations, of which Italy is a member, as well as in the national foreign policy, recently led to the enlarging of the functions of the Committee.

A particular significance among them is assumed in the constant following of the implementation of the International Conventions and their observations on the national territory along with the preparation of reports (periodic and non-periodic), which the Italian State presents to the competent International Organisations. Carrying out this important function the CIDU promotes the adoption of possible provisions, which become necessary or timely for the fulfilment of the international obligations assumed by our Country. One of the obligations marking the activity of the CIDU during 2005, which deserves particular attention, is the presentation to the UN Human Rights Committee, headquartered in Geneva, of the fifth periodic Report regarding the International Covenant on Civil and Political Rights of 1966, ratified by Italy with Law no. 881 of October 25, 1977. Specific working group established within the CIDU, in which managers and officials of the UNAR and other Administrations, also took part, prepared different dossiers regarding the Report - holding periodic meetings and also consulting representatives of the non-governmental organizations. The Italian delegation discussed the Report during the session held in Geneva between October 17 and November 3 illustrating its contents and answering questions regarding the functioning of the Rule of Law in Italy such as the conditions of foreign citizens, the protection of minorities, the rights of women, domestic violence, the use of force by the law enforcement bodies, the functioning of the judiciary system and the freedom of press. A considerable part of the report was obviously dedicated to the respect of the principle of non-discrimination, sanctioned by Article 26 of the Covenant, which recognises to all individuals the equal and effective protection against any discrimination regardless of whether it is based on race, colour, gender, language, religion, political or other opinion, national or social origin, property, birth or other status.

In this way the UNAR representation, which was part of the Italian 147 delegation, was able to illustrate to the Geneva Committee the significant progress in our Country in the field of the fight against discrimination with the adoption of the Council Directive 2000/43/EC on racial equality and the establishment of the UNAR. The members of the Committee acknowledged Italy's commitment to the prevention and fight against any form of racial discrimination registering with satisfaction the updates in our legal system preparing the ground for a particularly effective protection of the victims given that provisions have been made for an adequate system of protection both as regards to the civil law, providing compensations for damages and penal suppression, with the creation of specific criminal assumptions. Still within the UN, in March-April 2005, the UNAR took part in the work of the 61st session of the Commission on Human Rights, where the Report of Doudou Diene, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, was presented highlighting with a strong concern the growing importance of the factor of identity in recent manifestations of racism, racial discrimination and xenophobia and the exacerbation of the phenomenon of racism in sports. 8. Bilateral exchanges (Sweden and United Kingdom)

One of the UNAR tasks is fostering the realisation of studies, training courses and exchange of experience with other countries of the European Union promoting the realisation of international and transnational projects, allowing to carry out an exchange of best-practices between different bodies operating in the different national contexts, some of which have been consolidated in time and others like the UNAR, which have been established recently.

Under this perspective a bilateral meeting with the Swedish Ombudsman against ethnic discrimination (Diskriminerings Ombudsmannen) was organised on October 20, 2005. The Ombudsman is an independent body established in 1986 with the special task of preventing and combating all forms of ethnic and religious discrimination in society. So the UNAR received a delegation of twenty representatives of Sweden's specialised body at the Department for Equal Opportunities. During the meeting along with the presentation of the respective offices and the different national legislation regulating their activity, a discussion was held on specific cases of discrimination, which in the future could lead to an easier identification of the strategies for combating those racial discriminations most difficult to suppress. The meeting with the Swedish Office presented a mutual experience of training and reciprocal exchange of high importance for the entire the UNAR staff both because of the great experience and prestige at international level that the Ombudsman enjoys in the matter of the promotion of equal treatment and the elimination of ethnic and religious discrimination and due to the usefulness of the comparison on the tackling of entirely analogical problems.

An experience of bilateral exchange was also established with the Commission for Racial Equality (CRE) of the United Kingdom. A meeting with the Commission's Chairman, Mr. Trevor Phillips, was held at the Department for Equal Opportunities as early as May 2004. During the meeting various issues regarding the policies for fighting racial discrimination in the two countries were tackled. The Italian delegation illustrated in detail the organization and the goals of the new Anti-Discrimination Office as well as the Program of activities for 2005. In this way many points of agreement emerged on the centrality of the anti-discrimination policies for both countries in the framework of the promotion of the equality of treatment and the defence of the fundamental human rights. During 2005 the contacts with representatives of the British body continued also through bilateral exchange in Brussels. So the realisation of two days of training at the CRE London headquarters for the UNAR delegation is planned with the purpose of enlarging the case records for the different sectors (workplace, housing, etc.). Collaboration with the Department for Positive Actions is already under way in order to identify joint strategies and to promote the exchange of materials and observations.

2.K Professionalism

Everyone in a NGO/trade union who takes up the case of an individual or a group of individuals must be aware of the need to observe high standards of professionalism, including confidentiality and efficient management of case files. For individuals whose cases the NGO/trade union is not able to assist with, the NGO/trade union should be able to provide relevant information and, wherever possible, referrals to another agency that is able to provide further advice and support.

3. Societal issues

Italian society is characterized by a low level of pluralism and integration compared to most European countries, as shown by the percentages of non-EU workers with regular permits of stay. There are many categories at risk of discrimination such as ethnic, linguistic and religious minorities, as well as internal migrants, women, the elderly and **LGBTQ**. With regards to this last category, it is noteworthy that legislation allowing the enjoyment rights reserved for heterosexuals (marriage, adoption...) has not yet been introduced not least of all due to the strong influence exercised by the Vatican on internal Italian politics.

In the first stage of collecting complaints the UNAR adopted a systematic division in the areas and topics where different problems occur, by assembling the complaints in “macro areas” of intervention:

- A. Access to housing.** This area covers all complaints connected to the rental or purchase of housing (including interaction with intermediaries such as real estate agencies); the participation in public tenders for the assignment of council houses, as well as problems arising from the relations to private law in matters of condominium and daily interethnic cohabitation.
- B. Workplace.** This area covers presumed discriminatory acts, which took place in the workplace regarding the right to employment. In most cases these are problems that have already been researched through an appeal to the Judicial Authority (Court - Employment department) such as violation of contract, mobbing with aggravating circumstances of discriminatory behaviour, dismissal on the grounds of racial origin and non-equal remuneration.
- C. School and education.** Cases that show presumed discriminatory acts against citizens of foreign origin, the Roma or the Sinti, on behalf of the school personnel or other users are included in this category; including cases of unequal treatment in respect to the right to education.
- D. Healthcare.** This area collects cases that signalize presumed acts of discrimination in the use of public healthcare services in the domain of hospitals, ASL and private facilities.
- E. Public Transport.** These complaints cover presumed discriminatory acts, which include failed service delivery, or rights violation of foreign citizens by the personnel of the public transport.
- F. Police.** Here are the complaints of presumed discrimination acts by the State police, Municipal Police and the Military corps.
- G. Public Utilities.** This category encompasses complaints of discriminatory acts by the staff of the Public entities (municipalities, regional authorities) in fulfillment of the services they provide (social services etc.)
- H. Supply of services by the commercial sector.** This area contains all cases of failure of service supply in the commercial sector (bars, restaurants and other) or by other business sectors. 55
- I. Supply of financial services.** The category collects complaints on presumed discriminatory acts in granting credits, mortgages and insurance policies.
- J. Associations.** Complaints that cover discriminatory acts by associations and non-profit organizations are classified in this section.
- K. Media.** Here are the cases of presumed harassment and direct or indirect discrimination, arising explicitly or implicitly from information offered by the new and the traditional media.

- L. Public spaces.** This category consists of complaints of presumed acts of discrimination or harassments on the streets, in the open or in any area of public access, predominantly by individuals; these are complaints that can be reduced to interpersonal conflicts arising due to ethnic or racial reasons.

d) Funding opportunities in the field of anti-discrimination

I. EU FUNDING AT THE EUROPEAN LEVEL FOR NGOs/TRADE UNIONS OPERATING AT THE EU LEVEL

1. EU funding for NGOs/Trade Unions operating at the EU level

a) *European-level NGOs*

European-level NGOs are in a central position to influence and contribute to European employment, social and equal opportunity policies at different levels – both in its formulation and implementation – through the information and expertise supplied by their national members. This is vital in order to ensure that EU policies meet the actual needs of EU citizens, and that citizens are informed about them.

Between 2001 and 2006, the Community Action Programme to combat discrimination provided funding for a number of European umbrella NGO networks representing and defending the rights of people exposed to discrimination:

AGE (The European Older People's Platform); ILGA Europe (International Lesbian and Gay Association – Europe); ENAR (European Network Against Racism); and EDF (European Disability Forum) have been granted a total of 3 000 000 € per year towards their running costs up to the end of April 2007. A number of smaller organisations – the European Blind Union, The European Union of the Deaf, Inclusion Europe, Autisme-Europe – also received support under the Action Programme.

Until the end of 2006, the European Women's Lobby received running cost support through the Gender Equality Programme with an annual amount of around 800.000 €

A number of NGOs working to tackle social exclusion (European Anti-Poverty Network, European Federation of National Organisations Working with the Homeless, European Transregional Network for Social Inclusion, Eurochild, European Social Network, Caritas-Europe) received funding from the Community Programme to Combat Social Exclusion with a total of 3.600.000 € between 2005 and 2007.

For the new 2007-2013 programming period, the European Commission decided to create a new integrated programme known as **PROGRESS** (Programme for Employment and Social Solidarity). The programme was approved by the European Parliament and Council in November 2006: http://ec.europa.eu/employment_social/progress/index_en.html

PROGRESS combines the four former Community Action Programmes, including that relating to non-discrimination: Section 4 of PROGRESS, entitled "Anti-discrimination and diversity", thus aims to support the effective implementation of the principle of non-discrimination and to promote its mainstreaming in all EU policies.

Calls for proposals and tenders under PROGRESS are published on the Calls for Tender/Calls for Proposals website of DG Employment, Social Affairs and Equal Opportunities on: http://ec.europa.eu/employment_social/emplweb/tenders/index_en.cfm

A first PROGRESS call for the award of a financial contribution towards the operating costs in 2007 of European-level networks active in the field of combating discrimination, promoting gender equality and promoting the integration of disabled people in society was launched in November 2006. Grant agreements for the successful EU-level networks will run until December 2007.

b) European Trade unions

The European Trade Union Confederation (ETUC) represents workers across the industries at European level. Set up in 1973, the ETUC includes 81 national organisations from 36 European countries (among them all the EU countries) and 11 European industry federations, with some 60 million members.

The ETUC is one of the four main European social partner organisations. Numerous European social partners' projects are supported every year by the European Commission's social dialogue budget lines (04.03.03.01, 04.03.03.02 and 04.03.03.03). For more information:

http://ec.europa.eu/employment_social/social_dialogue/grants_en.htm

1. EU funding for national NGOs/Trade Unions

While the EU does not provide for core-funding of national NGOs or national trade unions under PROGRESS, organisations may be able to receive funding for projects through their participation in specific initiatives such as national awareness raising activities or trans-national projects. National organisations are therefore advised to regularly check the Calls for Tender/Calls for Proposals website of DG Employment, Social Affairs and Equal Opportunities and consult the guidelines published there to check whether projects from national NGOs/trade unions are eligible for funding:

http://ec.europa.eu/employment_social/emplweb/tenders/index_en.cfm

The EU-level NGOs such as AGE, ILGA-Europe, EDF or ENAR are also a good source of information. It is therefore recommended to also check the information that is provided on their web page.

In addition to PROGRESS, the European Social Fund (ESF) can be a source of project financing for national organisations. The ESF will between 2007 and 2013 focus on four key areas for action, including reinforcing social inclusion by combating discrimination and facilitating access to the labour market for disadvantaged people. More information can be obtained from:

http://ec.europa.eu/employment_social/esf2000/2007-2013_en.html

The European Commission does not directly fund ESF projects. Member States are responsible for identifying their priorities for funding and for selecting individual projects. For further information, you should contact the relevant national/regional authority whose contacts are available on:

http://ec.europa.eu/employment_social/emplweb/esf/esf_matrix_en.cfm

II. FUNDING OPPORTUNITIES FOR NGOs/TRADE UNIONS WORKING ON ANTI-DISCRIMINATION AT NATIONAL LEVEL

1. Does the European Commission delegation in your country provide for specific funding for NGOs/trade unions working on non-discrimination at national level? What form does that funding take? (project subsidy, provision of meeting room, etc) Is it easy to access such funding? What are the conditions to receive such funding?

Unfortunately in Italy no specific funding does exist for NGOs and trade unions working on non-discrimination by European Commission delegation at national level.

2. Does the central government provide for specific funding for NGOs/trade unions working on anti-discrimination?

Unfortunately, there is not specific funding for NGOs/trade unions in Italy. However, An equality body has been created only with regard to race and ethnic origin, named Ufficio nazionale antidiscriminazioni razziali (UNAR).

It is not an autonomous body, since it is established within the Department for Equal Opportunities mentioned above, which has until now dealt exclusively with gender discrimination. The office makes use also of staff from other public administrations, including judges and state attorneys, as well as external experts and advisers. According to its founding act, the competences of the office include providing independent assistance to victims of discrimination in pursuing their complaints, carrying out independent surveys on discriminations, promoting the adoption of specific measures aimed at eliminating or compensating the disadvantages related to a certain race or ethnic origin, issuing of opinions and proposing legislative reforms concerning racial and ethnic discrimination, issuing recommendations on matters related to racial and ethnic discrimination and diffusion of information concerning the rules on equal treatment between persons irrespective of racial or ethnic origin. The office has two different units, one primarily oriented toward legal assistance and dispute resolution and the other toward study, and research. It reports every year to the parliament and to the executive. The office has been operational since November 2004. Although the principles of impartiality and independence are clearly stressed (“in full autonomy of judgment and in conditions of impartiality”), there are no instruments for guaranteeing such prerogatives and the policy of the office will be determined by the Minister for Equal Opportunities. A final assessment of the office can, however, only be given after its first period of activity.

UNAR proposes project funding: they are not part of governmental programme (anyway it is important to remember that UNAR is in the Ministry for Equal Opportunities) Accessing to such funding is not so difficult; anyway it is important to have a partnership and – of course – to be an NGO or an association working above all on anti-discrimination. It is important to underline that UNAR gives 80% of total request, the rest (20%) is an partnership investment

3. What form does this funding take? (core funding, project funding, facilities) Are such funding possibilities part of specific governmental programmes? (which ones and from which ministries?)

UNAR (Ministry of Equal Opportunities – www.pariopportunita.gov.it) takes funding from European Social Fund. Moreover, NGOs/trade unions can participate to call for proposal of Ministry of Social Solidarity (www.solidarietasociale.gov.it), Ministry of Labour (www.lavoro.gov.it) and Ministry of Economy (www.finanze.gov.it). They take funding from some European programme: Equal and European Year for equal opportunity, from European Social Fund as well.

4. Is it easy to access such funding? What are the conditions?

It is not so difficult to access to these funding: it is enough answer to a call for proposal with a good programme and a good partnership . Anyway, government gives 80% of total request, the rest (20%) is an partnership investment.

5. In case of federal countries, are there funding possibilities at the federated level?

Italy has a central government, so there is not funding possibilities at federal level

6. Are there other governmental funding possibilities at regional level? At municipality level?

Regional level

At the regional level there are some project funding and some facilities, it depends on the region. So on a yearly basis each region decides which project funding could be fine. North and Central regions are more dynamic than southern regions. For instants, Lazio, Marche, Lombardia, Emilia Romagna and Piemonte promote some project for NGOs (no so often for trade unions). In Marche region – for example – there is a law (n. 11 – 2005) that support antidiscrimination and for this reason endorses positive and operative actions.

Municipality level

In Italy, at a municipality level there is attention given about anti discrimination: for example, on the occasion of the “Day of Holocaust Remembrance” it is easy to participate at ceremonies for granting awards to institutions deserving honour for actions of heroism and solidarity towards Italian Jewish people in the WWII (golden medal to the Municipality of Nardò, silver medal to the Municipalities of Tora and Piccilli). We also recall the various initiatives aimed at giving value to the memory of important people which extremely sacrificed themselves in order to save a number of human lives during the WWII and not only. For this reason there are a lot of little project to promote peace and a multicultural society.

The Consolidated Text – Legislative Decree n. 286/1998 (as amended and integrated by Act n. 189/2002), the basis for the competence of Local Bodies. In this regard, local institutions are still proceeding with the adoption of all pertinent interventions, in particular those ones on the situation of the campsites. Within this framework, as good practice, mention shall be made of the initiative agreed upon between the Prefecture of Naples and the relevant local bodies, aiming at setting up small camps: this is a positive trend which proves to be more functional and more bearable from the point of view of the housing arrangement. Similar initiatives are going to be implemented in Milan and in Rovereto. It must be pointed out the situation of “Casilino 900 camp” which is not an authorised camp, and the outstanding efforts made by the Municipality of Rome to carry out rearrangement works of this area. The “Casilino 900 camp case” does not reflect all the integration initiatives, promoted by the Local Institutions, in tandem with the civil society (and positively started in several camps where the relevant structure and organisation seem to meet the needs of the several communities). Within the framework of the “Permanent Conference”, as set up in the Territorial Government’s Office - Prefecture of Rome, several initiatives and projects have been planned, that have to be defined with the relevant Bodies and Agencies, and focus on integration measures for the Roma and Sinti populations who live in several camp-sites of the capital. Some of them in collaboration with local NGOs. Anyway, the funding project is not so much and it is not for trade unions.

7. Are there any private funding possibilities? (private foundations, private companies, headquarters of trade unions, etc.) What are they? Is it easy to access these sources of funding?

There are some private funding possibilities, but they are very few and they are not so important for NGOs and trade unions, especially for the second. Anyway, it is possible to participate to call for proposal of ISMU (www.ismu.org) or Fondazione Giovanni Agnelli (www.fga.it). To have more information it is possible to find a register of Italian private foundations in each region web site. Sometimes, NGOs/trade unions can ask some funding to bank foundation: it is possible to know all Italian bank foundation at <http://www.portalino.it/bancalex/fondazionilinks.htm>

8. Are there any other sources of funding?

No, there aren’t any other sources of funding.

IV. Diversity Management seminar

Design of the training

For the DM seminar Arci chose an Italian professional trainer who has worked within companies for several years, a teacher of intercultural education at the Bicocca University in Milan and, as international trainer, the president of the International Society for Diversity Management, Steve Holmes. Thanks to the simultaneous translation, also the international trainer could give his contribution and follow the seminar. The professional trainer, thanks to her experience with companies, was able to communicate in an effective way with the participant coming from profit companies, showing the importance of a DM-based strategy. The professor gave a good theoretical approach, but making also many practical examples and giving data's concretely useful to understand the contemporary society and the necessity to adopt DM strategy also from the point of view of social changing and so for the importance in itself. For the companies the seminar was the chance to get in contact with a strategy which in Italy is not very widespread, but if empowered will soon give positive results, as acknowledged by all the participants.

As for the materials, participant were provided with a folder containing the Italian translation of the slides explained by Steve Holmes ("Diversity management as a path beyond equal opportunities"), and the translation of the "Training manual for diversity management", published by the International society for Diversity Management and commissioned by the European Commission. Also a briefing about business cases of Diversity Management was given to the participants.

Preparation of the seminar

Training seminar in Köln: 2 June 2007

Announcement of the seminar

A couple of month before the seminar, the organization contacted the Human resources departments of some of the biggest companies in Italy, and also several social cooperatives and associations working on the theme of diversity. As with the AD seminars, this seminar was announced trough the web, on websites of Arci and some partner associations, newsletter, sending e-mails and on the web-magazine Arcireport.

Attracting and selecting participants

People interested in the issue of DM and working in profit and no-profit companies contacted the organization, that gave them all the information about the seminar (topic, training methods, schedule...); communication took place mainly by phone and e-mail. Participants were selected according to their active commitment and interest, and also if in their companies there was no reflection about DM but they wanted to promote it.

Logistical arrangements

The site of the seminar was in the Provincia di Roma building, and was provided by the province for the whole day. As in the AD seminars, the site was in the centre of Rome and easy to reach from the railway station. The room in which the seminar took place was comfortable and well-warmed. Lunch was provided by an association which work with organic agriculture and uses fair trade products. ARCI gave the trainers all the instruments they needed (blackboard, projector, computer, coloured cards for the role-playing game) for their purposes.

Carrying out the seminars

Business cases by whom

The professional trainer explained experiences from some business cases, such as the one of AVON, in order to learn from the good practices experience when it comes to establish a strategy of Diversity Management.

Ration of participants (business/government/employers org./consultants/others)

25 participants, 7 from cooperatives and the rest from profit companies. Some of Italy's most important companies, contacted by the organizing team, took part in the seminar with a representative (Alitalia, Bulgari, Telecom Italia and others).

Process during the day – observations

After an introductory, mostly descriptive part, in which the main concept about Diversity management were explained, all the participants were allowed to express their views and experiences about how diversity is considered and managed in their companies, both in working groups and through discussion with the trainers. Then there was the intervention by the professor in which he was able to give a view on contemporary society, from the point of view of intercultural and differences, and with a focus on the so called "second generations". Afterwards, thanks to the explanation provided by Steve Holmes, the participant had the historical and social context in which the DM discipline developed, especially in the American area. After lunch the participants, divided in small groups, worked together in order to point out the biggest obstacles in Italy for the spread of a DM strategy in companies, and to find practical proposals to overcome this difficulties. Finally, all the groups compared their proposals and their work during all the day. What emerged was that in Italian companies the most difficult diversity to manage is not "ethnic" diversity but the gender one.

Evaluation of the seminar (use evaluation report made earlier)

Both the participants and trainers were satisfied with the seminars, because it provided useful information about Diversity management, a frame of mind that isn't yet very widespread in Italian business world. The opportunity to exchange opinions and personal experience was also appreciated by the participants. Finally, they were very satisfied with the trainers who, although the subject was quite difficult, could convey the importance to introduce a DM approach in Italy. Also in this case, the combination of different training methods allowed those who didn't know much about DM to understand how important it is for profit and no-profit companies to start a DM strategy, not only for an economic and management reason but also for the improvement of the working environment and because companies reflect changes in the society. Participants have stressed that this seminar was an isolated case of training about this issue.

Main lessons learned

This kind of seminar was a little more difficult to organize, given the difficulty of the subject (discrimination is more popular as a theme), and the fact that profit companies are not traditional partners of ARCI, who has more consolidate connections with other associations, NGOs, trade unions and coops. However, thanks to the work of the organizing team who started to contact potentially interested companies well in advance, a good number of participants came to attend the seminar.

Secondly, the organization found that inviting an international trainer, though can imply logistical difficulties, is a good point of strength, since it provides a wider view on the issue; and in the case of DM was very important since it's a practice that was created and developed in an Anglo-saxon context.

Finally, as for the logistics, a room inside an “institutional” building was found easier to deal with, since the presence of the provincial’s staff helped the ARCI staff to ensure that everything was working well.

Annexes

The role of trade unions combating discrimination

Intended learning outcome:

- For the participants to have explored the roles trade unions can and should play in combating discrimination.

1. What is a trade union?

A trade union is an organised association of workers, whose aims are to protect, and further workers' rights and interests and represent them at a variety of levels (workplace, sector, national). Originally, unions organised workers along the lines of specific 'trades' and professions (such as hairdressers, teachers, construction workers) but increasingly common are unions with a wider remit (like: workers in commercial services or 'the public sector'). Trade unions can be organised at company level (which is quite common in several countries) or by sector (education, transport, etc.). Unions can also be organised as federations and can also be part of European or international networks.

In several countries, trade unions may have historical links with certain political groupings, ideologies or denominations (socialist, communist, liberal, Christian), and a few have close links with a political party.

However, a common and essential feature to all trade unions is that they are democratic and independent organisations. Democratic because they are membership based and representative organisations, in which every member has a vote and is part of the decision-making process. Independent, because they have to be independent from employers and public authorities to be able to play their role of representatives of workers properly, in which negotiations and compromises but also conflicts (such as strikes) are part of the game.

Trade unions are normally funded by members' subscriptions.

2. What is the role of a trade union in combating discrimination?

When considering what role trade unions can have in combating discrimination, they should take full advantage of the special roles that have been given to them under Articles 7 and 11 of Council Directive 2000/43/EC, and Articles 9 and 13 of Council Directive 2000/78/EC.

Trade unions are clearly important to the development of peaceful, democratic, well-managed, healthy and prosperous workplaces that engage with and promote equal opportunities, and through the workplace also contribute to these same goals in society at large.

Trade unions as instruments of social dialogue can combat discrimination in the following ways:

- Negotiating with employers to ensure that discrimination in the workplace is eliminated and that equal opportunities are promoted.
- Providing a means for expressing and addressing the needs of workers who are discriminated against in the workplace.
- Supporting victims of discrimination in securing a settlement with the employer (alternative dispute resolution).
- Supporting victims of discrimination in their search for access to justice.
- Promoting equality and diversity in the workplace and in the sector.
- Establishing mechanisms to influence decision-making by employers and Government.

- Mainstreaming non-discrimination and equal treatment in policies and practices.
- Challenging employers, organisations and authorities to combat discrimination.
- Monitoring, documenting and denouncing discrimination.
- Ensuring that equality is prominent on the political agenda and encouraging campaigns and action to eliminate discrimination and promote equality.

A trade union can

- Work in partnership with other trade unions to achieve shared aims.
- Work in partnership with NGOs in order to achieve shared aims.
- Cooperate with national equality bodies, for example in building up networks of equality representatives, or in organising training and expertise for workers' representatives.
- Empower groups to engage in campaigns, to be self-advocates and to assert and enforce their rights.
- Work, where appropriate, in partnership with Governments/employers to achieve common aims and objectives.
- Challenge, where appropriate, Governments/employers when they are promoting policies which are contrary to the trade union's objectives.
- Where appropriate deliver services to members efficiently and effectively where those services promote equal opportunities within the framework of Government policies and adopt and promote strategies of Trade unions and strategies negotiated between Trade unions and Government.
- Where appropriate deliver services to members efficiently and effectively where those services promote equal opportunities outside the framework of Government policies and adopt and promote trade unions' objectives and, strategies even if those are contrary to Government policies.
- Ensure the co-ordination of its own services and to engage Government/employers in discussions on the co-ordination of services between the Government and trade unions, where those services relate to equal opportunities.
- Provide properly professionally researched advice to Governments/employers on issues of concern.
- Advocate and campaign for change as a response to need.
- Guide and contribute significantly to legislative and policy making processes, by providing properly researched advice and briefings to politicians in Government and to employers and other persons of influence.
- Be vigilant "watchdogs" - pointing out where Governments/employers are actively discriminating, or failing in their obligations to combat discrimination or where they need to improve their performance, and enforcing the operation of the checks and balances that characterise democratic society. In this role trade unions must target Government and the business community by advocacy, lobbying and negotiating functions when required.
- Challenge, by appropriately selected mechanisms, acts, omissions, administrative practices or policies which are contrary to the trade unions' and the workers' objectives.
- Keep track of and ensure that advantage is taken of all new developments in combating discrimination, e.g. new legislation (national, EU and international), new policies (national, EU and international), new sources of funding, and landmark judicial decisions (at both national, EU and international level).
- Be open, transparent and accountable to members and to the public.
- Increase the strength of trade unions' participation in social dialogue by forming networks and coalitions, and promoting original initiatives and solutions. This can help to reduce prejudice within society, thus promoting equality.
- Work openly and in a spirit of collaboration with other trade unions and NGOs operating in related fields and prevent conflicts and disputes occurring between trade unions or NGOs.

- Put pressure on a state to ratify international instruments which allow for the international spotlight to be shone on Government practices relating to equal opportunities.
- Supply national and international bodies with essential and reliable information on which they can draw when examining a country's record on discrimination.

In summary, the role of trade unions should be to check, monitor and challenge the actions of employers and Governments and other organisations, in order to combat discrimination and to assist workers and groups of workers in asserting their rights.

3. What activities can a trade union do to combat discrimination?

The following is a suggested list of activities and services that a trade union can carry out or provide in order to help combat discrimination on all grounds:

- Negotiating.
- Awareness-raising.
- Monitoring/Influencing the development of policy & law.
- Providing support to individual victims of discrimination, and to individuals as part of a collective complaint.
- Litigation.
- Alternative Dispute Resolution including mediation.
- Campaigning and organising.
- Advocating changes in practice (as distinct from policy or law).
 - Promoting the establishment of focal groups around a specific ground of discrimination (disability, race-ethnicity, etc.) to offer workers a place where they can share common experiences and discuss which policies to develop in their workplace and their union, and how to join forces to put their interests on the general trade union agenda
 - Adapt their recruitment campaigns to an increasingly diverse workforce, and making the diversity of the trade union movement more visible in internal and external publicity
 - Promote female members and members from a minority background in positions of decision-making and leadership.

4. What does a trade union need to fulfil its role?

- Human Resources.
- Skills.
- Knowledge.
- Expertise.
- Openness.
- Transparency.
- Accountability to their members.
- Non discriminatory attitudes within its own organisation.
- Appropriate national legislation in place regarding its establishment and functioning.
- Funding. Although clearly the core functions and activities must be funded independently by members' contributions, many unions make use of project subsidies by governments and private funds for specific aims. Especially in the area of non-discrimination, a variety of possibilities for funding are available.

5. Why are trade unions better placed than other organisations to work towards combating discrimination in the employment field?

- Because trade unions are active in the workplace, they are often best placed to detect patterns of discrimination at work, and to take action to combat disadvantage.
- Trade unions can represent workers collectively, for instance in works councils and collective bargaining, which can often be the most effective way of achieving change and eliminating discrimination in the workplace.
- Trade unions play a crucial role in engaging with workers and employers at the local, regional, national and international level.

6. What are the obstacles for trade unions and how might these be overcome?

- Lack of standing in order to participate in relevant political debates. Trade unions will need to be sure that they brief an individual or organisation that does have standing.
- Lack of standing in order to bring complaints, either individually or collectively. Trade unions can support and assist those who do have standing, or seek to reform the rules.
- Perception of affiliation to Government or a political party or other group so undermining their reputation as impartial advocates of equality issues. A trade union needs to ensure to act in a way that does not conflict with members' fundamental rights to equality, and ensure that any connections with political parties or other organisations or causes do not conflict with members' rights.
- Passivity from some of their members/employees or even their leadership regarding action to be taken against discrimination.
- Conflicts between the interests of the majority of members, and the rights of minority members.
- Own prejudices.
- Lack of effective 'partnership' between Government/employers and trade unions. Lack of effective cooperation with NGOs.
- Lack of membership among the discriminated groups of workers, and therefore a lack of interest among the members and the leadership to deal with these issues. This may be a vicious circle, as clearly a trade union that does not show an interest in representing the interests of for instance women or migrant workers will not easily convince those workers that they should join a union.
- Inability to reach some parts of the workforce or senior management due to ineffective structures, poor organisation, externally imposed priorities, or cultural or language barriers. Trade unions should ensure that *their own organisations* have a diverse workforce with personnel who have received equal opportunities training and who are aware, of relevant social and political history, including the history of exclusion and discrimination of certain groups within the community and, where relevant, a range of language skills.