OPINIONS AND PERCEPTIONS ON DISCRIMINATION AT WORK IN THE EU SPACE

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Abstract:
Discrimination of any kind is prohibited by the provisions of the Charter of Fundamental Rights of the European Union, as well as by other norms of European or national character. Since the cases of discrimination in the statistics regarding the frequency of manifestation of this phenomenon have been identified far too frequently, it has been decided to create new structures with attributions in this regard and increase the concerns of the institutions of the European Union and implicitly of the national ones for the multiplication of the undertaken measures with the purpose to prevent and stop discrimination of citizens. In this context, we intend to focus our attention on some of the opinions and perceptions of EU citizens regarding the effects that the implementation of these actions has, as well as on the outline of future directions of action that need to be taken.

Keywords:
Discrimination; workplace; employees; harassment; mobbing; psychological terror; bullying; victimization; integrated strategic program

1. INTRODUCTION

Over time, the term „discrimination“ has acquired a negative connotation, its meaning has no longer to do only with „the distinction between two or more objects, ideas etc.“[1] or with that of „separation“[2] but of hierarchical separation, „which leads to less favourable treatment for those who will be identified as victims of discrimination and, implicitly, more favourable treatment for those who will benefit from certain advantages“ [3]. Thus, discrimination has become a phenomenon that has a negative impact on citizens (children and adults) in schools, at work and in the public environment. Given that we spend at least a third of the day at work, we consider that the organizational environment [4] in which we carry

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out our professional activity is best suited for analysis in our work. The negative impact we refer to determined the public structures of the European Union (EU) and subsequently of Romania (RO), to develop management tools (legal norms, procedures, institutional structures, programs, projects etc.) in order to prevent, to stop and/or eradicate the phenomenon of discrimination. In this context, we intend to focus our attention on some of the opinions and perceptions of EU citizens regarding the effects that the implementation of these instruments has. We appreciated that it would be of interest to capture the opinions and perceptions of citizens regarding the manifestation of discrimination on the labor market at EU28-RO level, with the occasion of accessing a job, as well as in full process of activity in the working relationship that they could have with potential colleagues from multiple categories of people among are found the discriminated ones.

2. DISCRIMINATION AT WORK IN RELATION TO CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION

As can be seen from the broad set of EU legislative provisions, at work we can identify several types of discrimination [5]: ▪ direct discrimination, ▪ indirect, ▪ harassment, ▪ instigation to discrimination and ▪ victimization.

Banton [6] (1998) had concerns about the distinction between direct and indirect discrimination. We are in the presence of direct discrimination when we do not hire a person because he or she exceeds a certain age limit, and we identify indirect discrimination when, based on a previous decision, two human individuals are employed on the same type of job, have the same level of training, the same number of years of experience in the same field, as well as similar results, but they receive different salaries, in the context where, for example, they were employed at different times [7].

In Europe, over time (for example, in the 1990s), multiple concepts have been used for workplace abuse [8]: ▪ harassment [9], [34] or ▪ mobbing [10] or ▪ psychological terror [11] or ▪ bullying [12], [13], [14] or ▪ victimization [15].

Harassment [16] is a form of discrimination in the workplace and is identified by inappropriate, aggressive behavior, an approach that has negative effects on the person concerned and manifests itself through humiliating, hostile, degrading actions such as: an employee with qualities and professional results is always criticized by the boss as he does not honor his tasks properly. Regarding „mobbing“, or „bullying“, in any definition of these concepts, in most Anglo-Saxon countries, the central element is the
negative, repetitive and lasting behavior at the workplace, behavior to which the person concerned is exposed [17].

Seen as a form of psychological harassment, „Mobbing is a destructive process; it is made up of hostile actions which, taken in isolation, may seem unimportant, but by constant repetition these actions have harmful effects“ [18], with psychological, physical and social impact on the victim [19].

_Bullying_ or general harassment in the workplace is considered to be a more inactive thing and a more devastating problem for employees than all other stressors at work, being an attitude associated with a rather severe form of social stress at work [20], [21], [22], [23].

When one person encourages another person to discriminate against a third party, we identify the instigation to discrimination (for example, if an employer requests an employment agency to find only workers under the age of 40), whereas the situation in which a person suffer negative consequences as a result of denouncing an act of discrimination puts us precisely in a context of _victimization_ (we can take as an example, if a person was fired or was not promoted because he filed a complaint against his superior) [24].

Regardless of the conceptual form of discrimination between the aforementioned, it is important to note that any of these manifestations has a negative, repetitive and lasting impact on the employee, in the workplace and indirectly on the team to which he belongs and on the organization because the effectiveness and/or its efficiency in the workplace no longer manifests itself at the optimum levels to reach the highest standards of performance.

In this regard, the structures empowered undertake measures to prevent, stop or eradicate the phenomenon of discrimination, and according to the content of the Charter of Fundamental Rights of the European Union „(1) Any discrimination based on any ground such as sex, race, color, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited“ [25]. Corroborating this provision with those on equal opportunities between men and women in the Charter, as well as with those of other EU legal norms we conclude that discrimination of any kind is prohibited both in relation to employment, as well as in relation to ensuring fair conditions and fair work as can be

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2 In this respect, we should mention, as an example: Council Directive 2000/78 / EC of 27 November 2000, establishing a general framework in favor of equal treatment regarding employment and working conditions.
deduced from the content of article 23 of the Charter, „Equality between women and men must be ensured in all areas, including employment, work and pay“. Therefore, we appreciate that any of the employees has the right to equal treatment at all stages, the processes specific to the management of human resources, of which we mention: recruitment, remuneration, access to vocational training, promotion, occupational pensions and dismissal. As regards Romania, it has adapted its national legislation and strategies on non-discrimination and equality of opportunities and gender, including in the field of work\(^3\) to that specific to the EU.

**3. DISCRIMINATION IN THE WORKPLACE. THE OPINIONS AND PERCEPTIONS OF EU28 CITIZENS, FOCUSING ON THOSE IN ROMANIA**

Concerned about the issue of discrimination, through its specialized structures, the EU conducted in 2015 a EUROBAROMETER \([26]\) opinion poll among the citizens of its member states, carrying out a number of 27,718 interviews, of which 1,012 interviews conducted in Romania. Interviews with EU citizens, through the opinion poll mentioned, also targeted two major issues for citizens and the labor market. They refer to:

1. **Criteria that could disadvantage candidates with the same skills and the same level of qualification in the employment process by companies**

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\(^3\) For example, the Labor Code, through the provisions of art. 5, 6 and 159, regulates aspects related to the application of the principle of equal treatment to all employees and employers in the labor relationships, any discrimination being prohibited.
Figure no. 1 Criteria that could disadvantage candidates with the same skills and the same level of qualification in the process of hiring by companies

| Criteria                                                                 | UE28 | RO  |
|--------------------------------------------------------------------------|------|-----|
| The candidate’s age if he/she is over 55                                 | 52%  | 56% |
| The candidate’s appearance (how to dress or behave)                      | 38%  | 46% |
| The candidate’s color of the skin or his/her ethnic origin               | 31%  | 46% |
| A disability                                                             | 46%  | 45% |
| General physical appearance of the candidate (size,...)                  | 38%  | 38% |
| The candidate’s way of speaking (his/her accent)                        | 45%  | 36% |
| The gender identity of the candidate (transgender or...)                 | 34%  | 20% |
| Expressing a religious belief (for example, wearing a...)                | 23%  | 14% |
| Sexual orientation of the candidate (gay, lesbian or...)                 | 27%  | 28% |
| Gender of the candidate (male or female)                                 | 27%  | 28% |
| The candidate’s name                                                     | 16%  | 6%  |
| The candidate’s age (if he/she is under 30)                             | 12%  | 21% |
| The candidate’s address                                                  | 5%   | 12% |

Source: European Commission, Discrimination in the EU in 2015, EUROBAROMETER

When they were asked which of the criteria presented during the survey could disadvantage a candidate when (in their country) a company wanted to hire someone and had a choice between two candidates with the same skills and the same level of qualification (multiple-choice question) EU respondents, including those from Romania, expressed different opinions (Figure no.1) [27], of which some of the most frequently mentioned criteria were held in our attention:

- More than 50% of the respondents consider that the candidate’s age (he/she) over 55 years would be detrimental to employment in a company, the differences of opinion between EU28 and Romania are minor, at a rate of 4%, whereas only 16% and respectively 21%

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4 Question included in the content of the interview: «In (OUR COUNTRY), when a company wants to hire someone and has a choice between two candidates with the same skills and the same level of qualification, which of the following criteria could disadvantage a candidate? (MORE POSSIBLE ANSWERS)». 
consider that the age below 30 would disadvantage the candidate in the employment process;

- 46% of EU28 respondents and 31% of those from Romania see candidates as disadvantaged depending on their skin color or ethnic origin;
- 46% and respectively 38% of respondents consider that a candidate’s disability would disadvantage him in the competition for employment;
- from the answers presented in Figure no. 1, we find that a higher percentage of EU28 participants in the survey nominates as unfavorable for employment 11 of the 13 criteria / categories of people and only in case of two of these criteria [candidate’s gender (male or female) and candidate’s age, if he/she is below 30] the percentage value of the respondents in Romania is higher than that registered among EU28 respondents.

2. The level of comfort felt if one of the co-workers (male or female) would belong to each of the following groups
Figure no. 2 The level of comfort felt when one of the co-workers (male or female) would belong to each of the groups „”...”

Source: European Comission, Discrimination in the EU in 2015, EUROBAROMETER

The total comfortable level, felt, both by the EU28 respondents and by those in Romania, is identified most frequently/most (Figure no. 2 [28]) when one of the co-workers would belong to a person in the group of:

- white (UE28=83% and RO=73%);
- christian (UE28=82% and RO=74%);
- aged below 25 (UE28=81% and RO=70%);
- aged over 60 (UE28=80% and RO=65%);
- disabled (UE28=77% and RO=57%).

As evidenced by EUROBAROMETER, it seems that the more discomfort is highlighted if one of the colleagues belongs to a person:

- from another ethnic group;
- with a different sexual orientation;
- from another religion;

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5 Question included in the content of the interview: «Regardless of whether you are currently working or not, please tell us, using a scale of 1 to 10, how comfortable would you feel if one of your co-workers (male or female) would belong to each of the following groups („1“ means that you would not feel „at all comfortable“ and „10“ that you would feel „completely comfortable“)». 

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as shown in the Figure no. 2.

In Romania in 2015, in a research[29] conducted by TNS CSOP, on the perceptions and attitudes regarding the phenomenon of discrimination, carried out for the NATIONAL COUNCIL FOR COMBATING DISCRIMINATION (NCCD/CNCD), on a sample of Romanian citizens of 1,406 respondents, aged 18 and over, of the people interviewed, 87% said they had heard about the phenomenon of discrimination. In the context of placing the phenomenon of discrimination in the process of finding a job, in a „top 3“, the mentioned research shows that:

- 70% of respondents think that people infected with HIV/AIDS find it harder to get a job than uninfected people;
- 62% consider that Roma people have more difficulties than Romanians;
- and 56% think that people in rural areas have more difficulties than those in urban areas.

In the opinion of less than 50% of the respondents, minor and very minor difficulties are also identified in finding a job for the following categories:

- immigrants compared to those who are Romanian citizens (47%);
- people with another sexual orientation compared to heterosexuals (47%);
- women over 45 compared to men over 45 (44%);
- women generally compared to men (36%);
- young people, under 25 years old, in comparison with the elderly, over 55 years old (23%);
- Hungarians compared to Romanians (18%);
- those of other religion compared to those of orthodox religion (12%).

All these categories, to which I have just referred, follow the „top 3“, in the ranking of the difficulty of finding a job (Figure no.3 [30]), as stated those that have heard about the phenomenon of discrimination, namely 87% of the respondents, 48% male and 52% female; aged between 18-29 years (20%), 30-44 years (29%), 45-59 years (23%), 60 years and over (28%); graduates of university / post-university studies (14%), high school / post-secondary school (39%), 10 classes / vocational school (20%), up to 8 classes (27%); with occupations such as: employee (40%), self-employed (6%), unemployed / temporarily unemployed (17%), schoolboy / student (5%), retired / incapacitated for work (32%), with various sources and revenue values.
Figure no. 3. Finding a job - opinions compared by categories of people in the context of discrimination

A more recent research [31] (2018), carried out with the involvement of NCCD, IPP\(^7\) and IRES\(^8\), on a national sample of 1,300 respondents over 18 years old, which aimed to survey the public opinion on discrimination in Romania, shows that most of the population (71% of respondents) perceive the phenomenon of discrimination as a problem, and 63% of them consider that the phenomenon registers a higher frequency, in the context in which, one third of the participants in the study know the phenomenon from direct experience, supplemented by the indirect perception offered through television, internet, family, friends and social networks. Against the background of those presented, the respondents were asked to express their opinion regarding the acceptance or non-acceptance of being a colleague with several categories of people, among whom they happen to be

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\(^6\) Question included in the survey content: «Thinking about the job search situation, how are the following categories, compared to the others, in finding a job?».

\(^7\) INSTITUT FOR PUBLIC POLICY IN BUCHAREST (IPP)

\(^8\) ROMANIAN INSTITUTE FOR EVALUATION AND STRATEGY (RIES)
discriminated against, on which occasion we consider them to be of interest for the present paper (according to Figure no.4[32]), highlighting results such as:

- 37% of the respondents would not like to be co-workers with people who have a homosexual orientation;
- 23% would not want an immigrant as a co-worker;
- 19% cannot see themselves being colleagues with people of Muslim religion;
- as 17% do not want a person with HIV/AIDS as a colleague.

Also, they would not want to be colleagues:

- 13% of the respondents, with a person belonging to the religious sects;
- 11% with a Hungarian;
- 11% with a Roma person;
- and 10% with a Jewish.

We also have negative opinions regarding the researched problem (in percentage of less than 10%), in relation to people of color, unemployed, German, disabled and poor.

Therefore, we find that the most difficult people to accept as co-workers would be those with homosexual sexual orientation, immigrants, Muslims and those with HIV/AIDS.
Figure no. 4. Accepting or not accepting to be a colleague with some categories of people in the context of manifesting the phenomenon of discrimination

Source: Processing by: NCCD, IPP and RIES/IRES, National opinion poll on the level of discrimination in Romania and current perceptions on hate crimes, 2018, pp. 13-25

Analyzing comparatively the opinions and perceptions of Romanians in relation to those of EU citizens, we consider that, as a rule, they converge. We can see from the above that, to a greater or lesser extent, European society (EU28, including the Romanian one) is characterized by homophobia, xenophobia, chauvinism and antisemitism [33].

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9 Question included in the survey content: «Would you agree that a person „...“ should be your co-worker?».
4. CONCLUSIONS

The opinions, perceptions and attitudes on life, on certain facts and categories of people are given or influenced by custom, level of education, experiences, culture, religious orientation, tolerance of each of us. Frequently, the categories of discriminated people live this experience either at school, at work or in the public environment.

In achieving prevention, stopping and, why not, eradicating the phenomenon of discrimination, a major role must play, in the form of directions of action, education programs (at all ages), as we consider that the manifestation of discriminatory behaviors are much more pronounced to citizens with a low level of education, than to people who have graduated from a higher level or who have been properly trained on the issue of non-discrimination. This educational approach could be two-dimensional: on the one hand we consider the education of citizens, starting from the earliest ages, to the oldest, and on the other hand, we consider that it is necessary to educate the human resource that represents the state, and whom in the relationship with the citizens, in the process of providing public services, must represent true professional models and values. We support non-discrimination, through the planning and implementation of multiple formal and informal educational programs, through information campaigns, through mass media (written and audio-video media, social networks, Internet), through scientific sessions (conferences, seminars, debates, workshops), exchanges of experience, special courses at the time of civic education or leadership, through educational institutions, family, friends, state representatives and NGOs. To ensure a better understanding of the issues specific to discrimination, to develop the effective capacity to combat discrimination and to promote the values that support the fight against discrimination at the level of Romania, objectives also supported by the NCCD, it is necessary to support an integrated strategic program, by including political and governmental factors that allocate the resources needed to develop and implement strategic action directions, but beyond that, change in the sense of non-discrimination depends on and begins with each of us as citizens.

Through this paper, our focus has been on experiences, opinions and perceptions regarding discrimination in the workplace. In order to reduce or eliminate the phenomenon of discrimination in the process of accessing a job, but also at work, we consider that, in addition to the EU and national legislation in force where sanctions have to be well founded, a set of procedural and contractual provisions must be implemented at the level of each organization. The monitoring and control of the way of their
application must be carried out with a sense of responsibility and with the application of sanctions, both by the internal managers and by the external control bodies. We appreciate that in addition to the use of positive motivational levers, applying negative motivational levers will help reduce the phenomenon of discrimination.

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