

Diversity and inclusion at the heart of social enterprise



Funded by the European Union's
Rights, Equality and Citizenship
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Diversity Now ! 2021-2022

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USE OF NON-SEXIST LANGUAGE

The Diversity Now! project partners are the source of this publication, in an endeavour to boost gender equality and fight gender stereotypes. Consequently, to ensure equal representation between women and men, the writers agreed to use common codes, namely prioritising use of neutral turns of phrase as much as possible.

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Aims of this guide



Do we have the necessary framework to deal with discrimination that any of us might witness?

Do we value the worth of our workers?

Do we allow everyone to express themselves freely?

Are we truly inclusive during recruitment?

Does our company or association offer its workers an open and non-discriminating structure?

All organisations must address these questions, be they a trading company or a non-market company!

Nevertheless, through their very purpose, social enterprises are instilled with non-discriminatory values and practices, and they focus on the more vulnerable population, they are companies just like any other, with a daily grind that affords them little time to think about their own organisation.

In this light, [BRUXEO](#), [UNIPSO](#) and [UDES](#), as the employers' representative for social enterprises in Belgium and France, wish to help these enterprises set up diversity and inclusion policies.

This guide is intended for the employers of social enterprises (see following chapter) It is based on careful consideration to identify a series of stumbling blocks for employers in this

sector, at a legislative level (lack of knowledge of the legal framework) or concerning the actual topic (partial knowledge of diversity that is often limited to cultural differences, poor knowledge of the mechanisms of discrimination, lack of inclusion among staff, etc.). Nevertheless, there are tools out there! We might quote from Diversity Charters or even the HRM guides already issued on this subject.

Our hypothesis, among others, is that support for middle management and management is a major lever to implement long-lasting diversity and inclusion policy in companies. We wish to structure and outline diversity and inclusion in the workplace and suggest specific steps for an employer to take. We do not claim to have all the answers but aim to allow sector employers to identify where it might be possible to intervene and the type of levers and resources available to them.

ALSO IN THIS GUIDE, YOU WILL FIND:

- > Definitions to clarify what is being discussed
- > Regulatory elements to understand the legal framework
- > Action levers to understand where to step in
- > Practical tools to make your company inclusive
- > Examples to inspire your approach

An inclusive company means abiding by the law, but also going one step further and setting up a real diversity management policy.

The social enterprise sector and employers

BRUXEO, UNIPSO and UDES are all employer representatives, each in their own territory: BRUXEO for the Brussels-Capital Region in Belgium, UNIPSO for Wallonia and the Wallonia-Brussels Federation, also in Belgium, and UDES for France.

THE SECTOR

There is no standard definition in Europe to describe organisations with a social purpose. The real work of social economy stakeholders through the EU is diverse and highly fragmented. The term 'social economy organisations' is traditionally used to describe all the associations, cooperatives, mutual companies and foundations that work on solidarity values, prioritising humans over capital and democratic and participatory governance.

Known as the "Social and Solidarity Economy" in France (SSE) and "Social Profit Sector" (SPS) in Belgium, it brings together overlapping worlds: employers' associations, mutual companies, cooperatives, foundations, etc.

In France, these companies have been governed by law since 2014 and defined by the following principles:

- **A clear aim, other than profit-sharing**
- **Democratic governance that organises stakeholders' participation in projects**
- **Profit mainly ploughed back into maintaining and developing the company's business**
- **Non-distributable reserve requirements**

In Belgium, as in France, these companies are active in hospitals, health institutions and services, care services for families and the elderly, education and accommodation institutions and services (within the framework of helping handicapped persons and young people), adapted work enterprises, the sociocultural sector, socio-professional integration, teaching and social action organisations.

We have decided to name these companies "social enterprises" to make this guide easier to read and to pinpoint a common term among the authors. This choice reflects the diversity of national models. The EU plays a key role in encouraging the creation of favourable institutional and financial frameworks while respecting the rich national diversity of models.



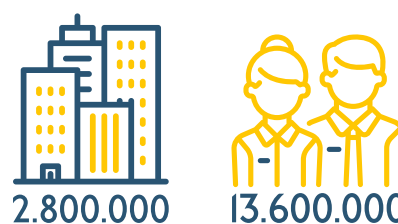
In France, the SSE represents 222,300 employer institutions and 2.3 million employees. This is 10.5% of total employment in France and 14% of private employment.



In Belgium, in Wallonia, the SPS represents around 220,000 jobs and 11,000 establishments. This is 21% of employment and 12% of companies.



In the Brussels-Capital Region, the SPS represents 16% of total employment, namely over 5,500 companies and more than 100,033 workers.



At a European level, according to [the study by the European Economic and Social Committee on recent changes to the social economy in the European Union](#), there are 2.8 million social economy companies and organisations in the European Union, that employ 13.6 million people.

Authors of the guide: employers from the social enterprise sector

The project partners are business organisations that represent employers from social enterprises (SSE and SPS). They take part in social dialogue alongside workers' representatives and public authorities in social concertation. Their main assignments are to federate, defend and represent these players in the appropriate places and before public authorities.



BRUXEO is a pluralist cross-industry and cross-sector confederation, representing employers from the non-market sector working in the Brussels-Capital Region.

It comprises 27 federations from the public and private sector. Since 2017, BRUXEO has been helping social employers in Brussels to implement a diversity management policy in their organisation through support, training and creating tools.

[Click here](#) to find out more



UNIPSO is a pluralist cross-industry, cross-sector confederation, representing employers from the non-market sector in Wallonia and in the Wallonia-Brussels Federation. It comprises 31 federations from the public and private sector.

UNIPSO also provides expert training, mainly for the health sector, including initiation into the concepts of diversity and inclusion.



UDES, the Union of the social and solidarity economy employers, groups together 23 groups and unions of employers (associations, mutual companies, cooperatives) and 16 branches and professional sectors in France. It is the only multi-professional organisation in the social and solidarity economy in France and comprises 80% of federated employers from the social and solidarity economy.

UDES represents 30,000 companies and around 1 million employees. UDES prioritises promoting equal treatment and prevention of discrimination as employment quality levers. It has also spent several years working in partnerships to raise awareness and devise tools. [You will find the entire UDES diversity policy here.](#)

What are we talking about?

Scope of diversity



DIVERSITY

Diversity refers to visible and invisible aspects that make us unique. A diverse workplace comprises employees with different characteristics. Some are visible, such as sex, ethnic background, age. Others are less visible, such as personality, socio-economic background, sexual orientation, or political and religious convictions. The term diversity is not defined by law. Diversity refers to a result.



INCLUSION

Inclusion is a frame of mind, the will and the skills that allow us to understand, value and capitalise all aspects of our diversity. An inclusive workplace encompasses individual differences by creating a feeling of belonging and respect for all. Each person feels valued, welcome, integrated and included on the staff.

Further reading: the JUMP publication ["How to build an inclusive workplace, your handbook for a culture of trust, respect and inclusion"](#) that provides advice and practical tools to encourage inclusion within your organisation.



INCLUSIVE MANAGEMENT

Inclusive management is a sustainable performance lever for companies. According to Sweeney and Bothwick¹, a manager is responsible for their inclusive approach, in the sense of providing support for everybody, respecting our differences".

Further reading: a publication by the French Association of Diversity Managers (AFMD) ["Inclusion in organisations: from posture to practice"](#), by Patrick Scharnitzky & Pete Stone who suggest an inclusion model for the French workplace and list practical ways of applying this model, from recruitment to corporate culture, including talent management and team leading. In their opinion, the pillars of inclusion include addressing diversity across the board, dealing with subjects rather than chosen populations.

FAIRNESS

Fairness is a feeling of social justice, an essential prerequisite for inclusion. It implies that each person is treated "fairly", namely that their special needs are considered. In this respect, fairness must be distinguished from equal treatment.



¹Charlotte Sweeney and Fleur Bothwick, "Inclusive leadership", Pearson 2016.

EQUAL TREATMENT

Equal treatment between employees is mainly seen through the principle of “same work, same pay” and intends to guarantee employee protection against “arbitrary” employer decisions as it allows employees to benefit from the same advantages and pay as their colleagues in an identical situation.

INTERSECTIONALITY

There are various national models to manage diversity. Recent years have seen the spread of intersectionality in Belgium, a term coined in 1989 by the American lawyer Kimberly Crenshaw.

Intersectionality is a tool that highlights the magnified effects of discrimination suffered by people who find themselves at the intersection of several types of discrimination.



NON-DISCRIMINATION

Beyond a principle, non-discrimination is a recognised right that allows each person to enjoy rights and fundamental freedoms regardless of their gender, their skin colour, their language, their religion, their political opinions, their national or ethnic origin or any other criteria protected by international, regional or national texts.



EQUAL OPPORTUNITIES

Equal opportunities consist of giving a little more to those who have a little less to redress the balance. Positive actions must be carried by public authorities and rely on the principle of fairness.

SOCIAL DIALOGUE / SOCIALE CONCERTATION

The International Labour Organisation (ILO) defines social dialogue as follows: social dialogue encompasses all types of negotiation, consultation or simply exchange of information between, or among, representatives of governments, employers and workers in various ways [...].

Social dialogue processes can be informal or institutionalised or - as is often the case - combine these two characteristics. It can take place at national, regional or company level. It can be inter-professional, sectoral or both. The main goal of social dialogue itself is to promote consensus among the main stakeholders from the world of work and their democratic participation.

Lever I: support for diversity in the sector



**“If equal rights
is the basic principle
and the actual aim
of laws against
discrimination,
diversity refers to
a policy or a means
to achieve these rights.”**

SPF Employment, work, social concertation

Lever I.I: European facilities that can be broken down into national levers

The first identified lever is the regulatory framework and laws. This is the first step for an employer: comply with the law.

There are different levels, from international treaties to workplace agreements, locally and within a company.

We have chosen to present the European aspect first followed by the specific situations in Belgium and France, tying in with the partners in this project.

THE EUROPEAN FRAMEWORK

According to article 13 of the EC Treaty, preventing and fighting all types of discrimination is one of the fundamental goals of the European Union. This refers to a legal basis for the EU to promote, and maintain diversity regulations and actions in several areas, particularly within labour relations.

Here is an overview of the main European political or legal instruments that impose, prompt, support or foster a diversity policy within the Member States.

The Charter of Fundamental Rights

Support for fundamental rights and non-discrimination within the EU is provided by taking on the Charter of Fundamental Rights, created in 2000. This Charter states the rights as they appear particularly according to constitutional traditions and common national obligations for Member States of the EU, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the European Social Charter and the EU Charter for the Fundamental Social Rights of Workers or the actual Treaty on European Union. Among the particularly significant articles, article 1 guarantees respect and protection for human dignity and article 21 forbids discrimination founded specifically on gender, skin colour, ethnic or social background, language and religion or convictions.

This Charter became binding in 2007 as it was incorporated into the EC Treaty.

The European Pillar of Social Rights

The European Parliament, the Council and the Commission proclaimed the European pillar of social rights in 2017 during the Gothenburg summit. This refers to a set of 20 principles and essential rights to equip Europe with high-quality, fair labour markets and social protection systems.

The pillar revolves around three issues:



Equal opportunities
and access to the labour market



Fair working conditions



Social protection and inclusion

This pillar comes with an action plan that was presented and adopted in May 2021 at the Porto Social Summit that allowed effective implementation of rights included in this pillar.

The Directives

Based on the EC Treaty and within the EU's competencies, several European directives on fair treatment, non-discrimination were adopted and have been used as a legal basis for national legislation, particularly:

Council Directive 2000/78/CE of 27 November 2000 leading to establishing a general framework for equal treatment in employment and occupation.

This directive aims to determine a general framework to fight discrimination founded on religion or convictions, handicaps, age or sexual orientation, regarding employment and occupation, with a view to implementing the principles of equal treatment among the Member States.

Council Directive 2000/43/CE of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

The directive on racial equality is the most important European legislative instrument to fight racial discrimination or discrimination founded on ethnic background and to apply the principle of equal treatment.

Directive 2002/73/EC of 23 September 2002 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion and working conditions.

This directive aims to encourage employers and the people in charge of vocational training to take steps to fight all forms of sexual discrimination and, particularly, to take steps against sexual harassment in the workplace.

Directive 2006/54/EC of the European Parliament and the Council of 5 July 2006 ensuring the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (rework).

This directive aims to consolidate several directives on equality between women and men by simplifying, modernising and improving EU legislation on equal treatment between women and men in matters of employment.

It particularly forbids direct or indirect discrimination between women and men concerning conditions: recruitment, access to the job or unpaid work, redundancy, training and professional promotion and joining workers or employer organisations.

We can see that the EU texts on non-discrimination provide a common framework for all Member States. This basis gives each State a reference point and allows them to implement not only binding actions at their own level but also incentives to enrich principles of non-discrimination and equality and promote diversity. This European framework is broken down and transposed in each State and therefore provides the source of national and regional frameworks.

EXAMPLE OF TWO NATIONAL FRAMEWORKS: FRANCE AND BELGIUM

To explore the type of regulations for employers, we are presenting examples from France and Belgium.

THE FRENCH FRAMEWORK

Legal basis

Although prohibition of discrimination was mentioned in the preamble to the 1946 Constitution relating to convictions and opinions, it was truly thrust to the fore by European legislation and jurisprudence as mentioned in the previous chapter.

The Law of 27 May 2008 transposed the European law concerning fighting discrimination in national law, particularly in articles L.1132-1 et seq. in the Labour Code. Not only are employees protected against discrimination but also recruitment candidates and trainees or people being trained in a company.

Foreign employers who second their employees on national territory must also respect individual and collective freedoms in labour relations and French legislation in terms of equal employment discrimination for women and men.

Forms of discrimination

Article L. 1132-1 of the Labour Code provides details of the type of discriminatory measures covered by prohibiting discrimination in labour law:

- “Being withdrawn from a recruitment procedure or appointment
- Being withdrawn from access to a course or a period of training in-company
- Being sanctioned
- Being made redundant
- Being the subject of a direct or indirect discriminatory measure particularly in terms of salary, profit-sharing or distribution of shares, training, regrading, assignment, qualification, classification, career development, posting or renewal of contract

- Due to background, gender, morals, sexual orientation gender identity, age, family situation, pregnancy, genetic features, the specific vulnerability resulting from the economic situation, belonging (or not) belonging, truly or supposedly, to an ethnic background, a nation, a claimed race, political opinions, trade union or mutual activities, holding elected office, religious convictions, physical appearance.
- The place of residence, bank details, state of health, loss of autonomy or handicap, or the ability to express yourself in a language other than French. Discriminatory measures also affect normal use of the right to strike, being on a jury or citizen's advice panel, exercising the right to notify, the fact of having witnessed discriminatory actions, having refused a geographic relocation to a State that criminalises homosexuality due to your sexual orientation.
- It is considered direct discrimination if a person is treated less favourably than another who is, was or will be in a comparable situation, due to one of the discriminatory reasons given above.
- It is considered indirect discrimination if there is an arrangement, criteria, or practice that appears neutral but that is likely to bring about, for one of the discriminatory reasons listed in the law, a specific disadvantage for persons over other people, unless this arrangement, criteria or practice are not objectively justified by a legitimate goal and that the means to carry out this goal are necessary and appropriate.”

Consequently, discrimination corresponds to determining a difference between employees based on a distinctive criterion defined in article L.1132-1 of the Labour Code as quoted above.

The principle of equal treatment and prohibition of discrimination are similar concepts that merge together, as both aim to highlight an unjustified difference in treatment.

Discrimination, even when founded on the reasons listed in article L. 1132-1 of the Labour Code, is not considered illegitimate in all cases. Discriminatory differences in treatment are allowed when they meet an essential and determining professional requirement, making the aim legitimate and the requirement proportioned. Several reasons for discrimination are specifically targeted as giving rise to legitimate differences in treatment:

- **Age**
- **Lack of suitability recorded by an occupational health doctor or measures taken in favour of handicapped persons**
- **Economic vulnerability and place of residence**
- **etc.**

Discrimination is recorded in an individual assessment for each employee, as opposed to assessment of equal treatment that requires a comparison between employees in an identical situation. Apart from the reasons listed in article L.1132-1, unequal treatment can be sanctioned for not respecting the general principles of "same work, same pay".

The principle of equal treatment comes from the general principle of equality in the Declaration of the Rights of Man and of the Citizen from 1789 according to which "men are born and remain free and equal in rights."

In the Labour Law, there is no general arrangement that would impose equal treatment. However, arrangements were made relating to equal treatment to protect certain categories of employees particularly exposed to inequality by precariousness and vulnerability:

- **Female-male equality: employers must ensure the same salary for women and men doing the same job or work of equal value**
- **Equality for Fixed-term contracts (CDD)/ Permanent contracts (CDI): employees with a fixed-term contract have legal, conventional arrangements and uses that are applicable to employees with a permanent contract, except for arrangements concerning the termination of their employment contract**
- **Equality between full-time and part-time employees: All the rights attributed by law, collective workers agreements or uses applicable to full-time employees are also proportionally attributed to part-time employees**

Sanctions and competent authorities

Any person who has been the victim or witness of discrimination, regardless of the reason (handicap, background, gender, age, etc.) and the area (not only employment, also accommodation, access to healthcare, education, etc.) can directly contact the Ombudsmen's legal teams, confidentially, via the www.antidiscriminations.fr platform. This platform, accessible to deaf persons, also offers a hotline, 39 28 (from 9am to 6pm, at the cost of a local call) and a chat (from 9am to 6pm).

Protection against dismissal following legal action

Dismissal of an employee is null and void when it is due to legal action concerning discrimination brought by this person against their employer.

The employee has the right to reinstatement, and it is considered that they never lost their job.

The employee can refuse to return to their job: the industrial tribunal will then award them compensation, at the employer's expense, that cannot be less than the last six months' salary.

The compensation awarded by the judge is due without prejudice to the payment, if need be, of compensation for legal, conventional or contractual dismissal.

What proceedings are available for victims and witnesses of discrimination?

Criminal proceedings

A person who has been targeted by discrimination can bring their case before the Public Prosecutor, the police headquarters or police station or before the examining magistrates in the courts of law (jurisdiction created by merging minor courts and high courts) so that the events for which they are the victim might be sanctioned.

Civil proceedings

Employees who are victims of or witnesses to discrimination could also bring their case before [**an industrial tribunal**](#).

The objective of the proceedings: have a measure or decision cancelled that was founded on discrimination and request compensation for the damage caused. The person on the receiving end of the discrimination must present elements of the case to the judge which imply the existence of this direct or indirect discrimination.

In view of these elements, the employer must present elements to justify their decision by presenting objective elements, free from any discrimination.

The judge makes a decision after making further enquiries, if necessary.

Group action as discrimination

Introduced by the Law of 18 November 2016 to modernise the 21st century justice system, the concept of a group action aims to allow all employees or job/work placement candidates who are victims of the same discrimination to act collectively to stop the discrimination and, if need be, obtain compensation, by means of a representative trade union organisation or an association that has been lawfully declared for at least five years that intervenes in the struggle against discrimination or working in the field of handicaps (this intermediary can only defend candidates).

Sanctions for the perpetrator of the discrimination

The perpetrator of discrimination runs the risk of:

- **A disciplinary sanction if this involves a company employee**
- **Sentencing (three years in prison and a € 45 000 fine**

Legal entities can also be declared criminally responsible for acts of discrimination. The punishments are listed in [article 225-4 of the Criminal Code](#).

Discrimination is punishable by one year in prison and a fine of €3,750 due to moral or sexual harassment (further punishment, such as publishing the sentence, can also be ordered by the jurisdiction).

However, when the discrimination committed with regard to the victims or witnesses of sexual harassment is covered by both the Labour Code and by provisions in the Criminal Code, the sanctions given by the latter, which are higher (namely 3 years in prison and a €45.000 fine) are applicable on this point, please refer to the details [in the DGT memo 2012-14 of 12 November 2012](#).

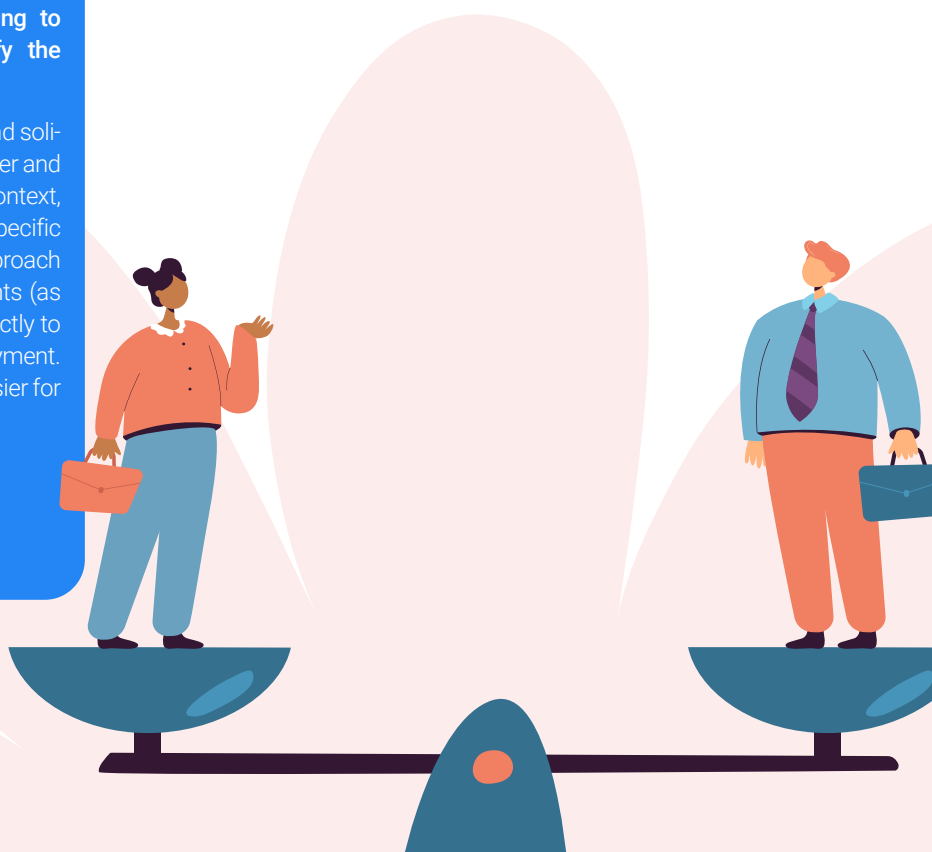
Furthermore, in the conditions given [in article L. 2141-4 of the public procurement code](#), anyone who has received a definitive sentence for the crime of discrimination given in [article 225-1 of the Criminal Code](#) cannot bid for public contracts, due to infringement of provisions relating to equal employment between women and men, given in [articles L. 1142-1 and L. 1142-2 of the Labour Law](#).

Except when the punishment of exclusion from public contracts was handed down for a different duration set by a definitive sentence, said exclusion is applied for three years counting from the date of the decision or the judgement that proved the violation. For concession contracts, the applicable provisions feature in [article L. 3123-4 of the Public procurement code](#).

Success stories

MEDIRIM is a temporary work cooperative aiming to improve working conditions and widely diversify the workforce

The social and medical-social sectors of the social and solidarity economy are regularly challenged by the turnover and the complexity of managing human resources. In this context, they initiate agile and inclusive solutions to provide a specific response to organisations' concerns. This is the approach taken by the MEDIRIM agency's vocative assignments (as a cooperative organisation), proposing solutions directly to structures, combining reactivity, diversity and employment. [Click here](#) to find out how MEDIRIM has made life easier for organisations!



THE BELGIAN FRAMEWORK

Diversity is a wide-ranging concept and, as such, does not have a legal definition under Belgian law.

It refers to the notion of discrimination based on different criteria, which is forbidden by law. Discriminating against someone will adversely affect them according to protected criteria (defined by law, see below in this chapter), unless it can be justified. A judge can therefore sentence a perpetrator of discrimination to compensate the victim for the damage caused, and can also impose a criminal sentence in some cases.

Legal basis

At a federal level, the main applicable legal and regulatory texts on non-discrimination are:

- The Law of 30 July 1981 to repress certain acts inspired by racism or xenophobia (MB, 30 May 2007, known as the "[Anti-racism Law](#)")
- The Law of 10 May 2007 to fight certain forms of discrimination (MB, 30 May 2007, known as the "[Anti-discrimination law](#)")

- The Law of 10 May 2007 to fight discrimination between women and men (MB, 30 May 2007, known as the "[Gender Law](#)")
- [Labour agreement \(CCT\) 38](#) of 6 December 1983 concerning recruitment and selection of workers and their code of conduct regarding equal treatment during worker recruitment and selection
- [Labour agreement \(CCT\) 95](#) of 10 October 2008 concerning equal treatment during all phases of labour relations
- The Communities and Regions, each within their respective competencies, have also passed decrees and orders to fight discrimination²
- There are 19 criteria said to be "protected" by these anti-discrimination regulations (federal laws, decrees, orders and CCT) This means that any discrimination based on one of these criteria is forbidden and punishable

This is a definitive list of protected criteria that can be classified according to their legal origin:

Gender law	Anti-racism law	Anti-discrimination law
Sex (Pregnancy, maternity, gender, breast-feeding, co-maternity, paternity, adoption, IVF)	Nationality Presumed race Skin colour Ancestry National or ethnic background	Age Sexual orientation Civil status Birth Wealth Religious or philosophical convictions Political convictions Language Current or future state of health Handicap Physical or genetic characteristic Social background Trade union affiliation

²Main legal texts:

In Wallonia: [Decree of 6 November 2008 on fighting certain forms of discrimination](#)

In the Brussels-Capital Region: [in terms of employment: Order of 4 September 2008 relating to fighting discrimination and equal treatment in terms of employment](#)

Forms of discrimination

Any form of discrimination is forbidden. In terms of the anti-discrimination laws, the following constitutes discrimination:

- **Direct discrimination:** there is direct discrimination when a person is treated less favourably than another, in a comparable situation, based on belonging or not belonging to one of the protected criteria
- **Indirect discrimination:** there is indirect discrimination when an arrangement, selection criteria, restriction or practice that is apparently neutral puts some categories of people at a disadvantage due to one of the prohibited criteria, when this practice is not objectively justified by a legitimate objective or when the means are not appropriate or necessary
- Asking someone else to discriminate
- **Discriminatory harassment:** discriminatory harassment is undesirable behaviour that targets or harms someone's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. Anti-discrimination laws prohibit discriminatory harassment. context, the law relating to psycho-social risks at work of 28 February 2014, completing the law on well-being at work of 4 August 1996, is applied
- It specifically makes provision for damages for victims of violence or psychological or sexual harassment. Within this framework, each employer must take steps to avoid "psycho-social risks at work" or to avoid or limit the damage caused by these risks. They must set up the appropriate measures to prevent and end harassment. They must run a risk analysis, include prevention of these risks in their prevention plans and allow for "internal" conciliation procedures within the work regulations
- Refusal to implement reasonable arrangements to help a handicapped person. Reasonable arrangements are understood to be "appropriate steps", taken according to the needs in a specific situation, to allow a handicapped person to access, participate and make headway in fields where this law is applied, unless these measures impose a disproportional burden for the person who must assume them. This burden is not disproportional when it is sufficiently compensated by existing measures within the public policy framework concerning handicapped persons." (Law of 10 May 2007 aimed at fighting certain forms of discrimination, art. 4 12°). There are specific criteria to implement reasonable arrangements³



Success stories



Making Brussels museums more inclusive.

In 2020, Brussels Museums launched an ambitious project called "Open Museum", to make museums more inclusive places. In parallel, the institution practices what it preaches and has drawn up a diversity plan with Actiris. Which actions were implemented? What problems did they face? What are the success factors? Project coordinator Gladys Vercammen-Grandjean [tells us all about it.](#)



³ Criteria requiring a reasonable arrangement (Protocol of 19 July 2007, relating to the concept of reasonable arrangements in Belgium, MB 20/09/2007)

Discrimination, difference in treatment and positive action in professional relations

In terms of employment, discrimination is prohibited in all phases of labour relations, and also for worker recruitment and selection.

Direct distinction based on presumed race, skin colour, ancestry, national or ethnic background, gender, age, sexual orientation, religious or philosophical convictions, or a handicap in the field of labour relations can nevertheless be justified by essential, decisive professional requirements.

This difference in treatment can only be justified when the characteristic in question is essential and decisive due to the specific type of professional activities concerned or the context in which they are performed, and the requirement revolves around a legitimate objective and is proportioned to it. The employer must find an appropriate and necessary way to justify this distinction and avoid a violation. The other criteria require slightly less strict justification, namely an objective and reasonable justification.

To guarantee full equality in practice, the anti-discrimination legislation also offers authorities and employers the chance to take positive action measures. These are measures to prevent or compensate for disadvantages experienced by certain categories of workers. They consist of temporarily giving preferential treatment in specific domains to certain target groups and thus offer them the same opportunities. A direct or indirect distinction based on one of the protected criteria is therefore not analysed as any form of discrimination when this distinction constitutes a **positive action measure**.

The conditions to be met by positive action are set and guided by the regulations (Royal Decree of 11 February 2019 laying down the conditions for positive action). They are as follows:

- **There must be demonstrated inequality, such as based on statistics for a sector**
- **The objective should be to wipe out this inequality**
- **The positive action measure must be temporary, likely to be removed as soon as the goal is met**
- **The positive action measure must not restrict the rights of others unnecessarily**
- **Please note that positive action must not be confused with positive discrimination which is forbidden. This would mean that an applicant for a particular job would not be subject to the same professional requirements as the other candidates. This is not the case with positive action: priority can only be given to a person from the target group, if they have the same skills**
- **There is a specific procedure involving social consultation and approval from the public employment service (SPF Emploi Belge) to implement a positive action measure in their company**

Examples of positive actions:

- **Organisation of training for a specific group, so that it can take part more fairly in a selection procedure**
- **Organisation of recruitment campaigns specifically targeting homosexuals, in institutions where homosexuality is sometimes perceived negatively**

Success stories

The “Low Kcal”, an inclusive space laid out within ‘Article 27 #Bruxelles

In 2020, Article 27 #Bruxelles used an action plan to define its diversity and inclusion policy. Among the 8 on-going actions, the association decided to design a new layout for its premises, considering the specific needs of each person. “Low Kcal” premises followed a participatory, recreational dynamic, where the tools are really designed to allow each member of the team express themselves and be understood. Find out more about this success story [here](#) !



Sanctions and competent authorities

The regulations do not require a fault or intention to discriminate to apply sanctions. The employer can be found civilly liable without their knowledge or their intention.

If a recruitment candidate or a worker goes to the industrial tribunal providing elements that might lead the court to suspect that discrimination has taken place, a presumption of discrimination can be determined. The employer will be asked to prove that their decision is justified by objective elements free from any discrimination. If the Tribunal upholds the discrimination, the victim will have the right to either flat-rate compensation (3 to 6 months' gross salary) or proportional to the moral and material damage they have suffered.

In criminal terms, anyone found guilty of discrimination might be subject to punishments ranging from one month to one year in prison and a fine of €50 to €1000, increased by additional coefficients (multiplying this amount by 8). The sentences vary depending on the alleged offences, applicable regulations and protected criteria.

In Belgium, there are several competent authorities which receive complaints and support people through processes:

- ♦ Unia, the inter-federal centre for equal opportunities and fighting racism and discrimination, authorised for all the criteria except language and gender
- ♦ L'Institut pour l'égalité des femmes et des hommes (Gender equality institute), authorised for gender-related discrimination
- ♦ Trade union organisations and social inspection services

This diagram produced by Unia on matters of discrimination within the field of labour relations gives a good example: [sche-ma-loi.pdf \(ediv.be\)](#)

Consequently, as seen in the Belgian and French examples, each country and the EU have a whole series of legal and regulatory levers to prevent all forms of discrimination in the workplace, to which employers must comply.

As mentioned in the introduction, beyond these areas, and more proactively, an inclusive company does not just apply the law. Other levers are available to employers, such as diversity charters which are presented in the next chapter.



Lever 1.2: diversity through charters

EUROPEAN PRINCIPLE OF CHARTERS AND THE EUROPEAN PLATFORM

To boost and encourage implementation of diversity policies within the Member States, the European Commission has launched the principle of diversity charters. This refers to supporting companies, public authorities and associations in their efforts to keep diversity, inclusion and solidarity at the heart of their activities.

By signing Diversity Charters and promoting diversity, the signatories commit to creating and maintaining an inclusive working environment for their workers, regardless of their gender, ethnic background, religion, age, handicap or sexual orientation.

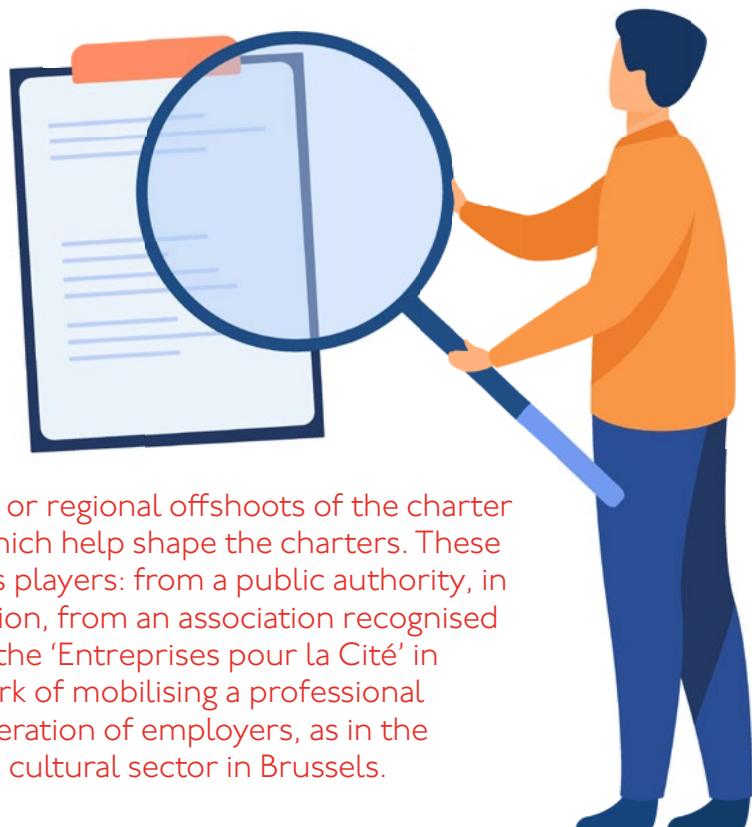
Since 2004, [26 Diversity Charters](#) have been implemented in Europe, representing more than 12,000 signatory organisations and more than 16 million employees. They support and encourage best practices in diversity management among many companies, public organisations and non-profit organisations.

[The EU platform of Diversity Charters](#) lists all the national diversity charters. This Platform was set up in 2010 on the initiative of and with funding from the European Commission. It offers a place for existing European diversity charters to discuss and share experiences and best practices more easily through Platform meetings, seminars for experts and annual forums.

Every year, [European Diversity Month](#) is organised by the EU platform of Diversity Charters, working with its members and their signatories. Its main objective is to bring together diversity charters, minor and major employers, private-sector companies, public organisations and non-profit associations around a common goal: fostering diversity in the workplace and in society.

BEST PRACTICES

Here are three examples of national or regional offshoots of the charter that constitute the best practices which help shape the charters. These best practices can arise from various players: from a public authority, in the case of the Brussels-Capital Region, from an association recognised by public authorities, in the case of the 'Entreprises pour la Cité' in France, but also within the framework of mobilising a professional sector in itself, supported by its federation of employers, as in the case of the Diversity Charter for the cultural sector in Brussels.



Best practice I: Actiris in the Belgian Brussels-Capital Region

As far as Brussels is concerned, the Diversity Charter for the Brussels-Capital Region was launched in December 2005. Basically, this involved signatory companies implementing a diversity plan, with no other form of support.

Subsequently, the Diversity Charter was replaced by a “declaration of intent” in which the signatory companies commit to implementing a diversity and inclusion policy in their ranks, drawn up with the workers and/or their representatives.

This device, run by the Brussels Regional Employment Office (Actiris) offers companies:

- **Funding as a subsidy or a co-financing arrangement**
- **Access to a network of organisations revolving around diversity**
- **Free support from the Diversity department at Actiris**

This diversity department works with public-sector employers, who must have a diversity plan in the Brussels region, and private-sector employers (including the Non-Market Sector). This department works closely with social partners (business and trade union federations).

As part of this support, an Actiris diversity consultant guides companies through each stage as they draw up their 2-year diversity plan:

- **Creation of a self-supporting structure: putting together a work group to oversee drafting and implementing the plan, made up of people who reflect the company's diversity (representing various departments and professions, staff categories, etc.) and trade union representatives, if need be**
- **Analysis and in-house reflection: quantitative and qualitative state of play on diversity to collect costed data, and thereby detect the organisation's strengths and weaknesses**
- **Action plan: definition of specific actions to be run over the next 2 years and assessment of the relevant budget then completion of the action plan**
- **Assessment of the plan at the halfway point with the diversity consultant and adjustments, if necessary**

- **Diversity label: by means of a positive evaluation after 2 years, based on following the actions defined in the plan, the company is awarded the label by the Brussels Region**
- **Since January 2020, 3 different types of diversity plans have been offered to companies. These tools to foster diversity were constructed by working with social partners:**
 - **The Global Plan: this refers to a global scan of all target audiences for diversity policy in the Brussels-Capital Region.⁴ This plan requires at least 8 new actions to be defined and completed in four fields of intervention: recruitment and selection, staff policy, internal communication and external positioning. Financial support is a co-financing arrangement for 50% of the total cost (with a fixed ceiling of €10,000)**
 - **The Mini-Plan for Diversity makes it possible to set up a few actions which are suitable for a company, with support financing up to €5,000**
 - **The Thematic Plan makes it possible to delve into a specific diversity topic by carrying out at least 4 new actions. This plan requires a global diversity plan to be implemented beforehand. It is possible to tap into a co-financing arrangement for 50% of the total cost (with a fixed ceiling of €10,000)**

Only the global or thematic diversity plans can be used to earn the diversity label.

⁴The target groups for the diversity policy in the Brussels-Capital Region are:

- People with foreign nationality and/or background
- Persons with disabilities
- Young people (aged under 26)
- Experienced persons (over 45)

- Persons of a particular gender who are under-represented compared to the other gender in a specific segment of the labour market or the company/organisation.
- Persons who do not hold an Advance Certificate of Secondary Education (CESS), equivalent to the French baccalaureate.

This initiative in the Brussels-Capital Region has seen pro-diversity actions from 217 companies from the private-sector and 25 public sector organisations, representing over 100,000 workers. This type of incentive from a public authority meets companies' needs to be supported concerning the time and resources they must devote to their internal organisation, particularly in the social enterprise sector, where there is generally little budget for this. As we can see in this example, it is not the diversity charter

that was deployed, but a diversity plan. It should be noted that this initiative makes it possible to see how diversity is operated in companies and move it up a notch rather than just committing to a charter.



Best practice 2: Les entreprises pour la Cité

In France, there is an offshoot of the European Charter, the Diversity Charter, which is offered to employers to sign voluntarily if they wish to boost diversity and focus on inclusive management.

It is intended for large companies, SMEs and VSEs, SSE or others, and public institutions and local collectives. This charter has moral value, thereby recalling the mandatory principles of French law, namely the principle of equality, respect for human dignity and fighting all forms of discrimination.

Its objectives are:

The Diversity Charter therefore encourages signatory organisations to guarantee that diversity will be fostered and respected in their workforce, in all management endeavours and when managing careers.



1 Raise awareness and train directors and managers



2 Promote application of the principle of non-discrimination



3 Encourage representation of diversity in French society



4 Report on their commitment to diversity



5 Bring up diversity as a social policy with staff representatives



6 Regularly evaluate progress

Since 2004, the Diversity Charter has been run by the Les entreprises pour la Cité network and managed on a daily basis by a dedicated team. Nowadays, this Charter is recognised by the main French business organisations and directors' associations.

"The French charter was the first Diversity Charter in the world, and it drove a whole European movement. Today, there are 26 charters in Europe which meet every quarter with the European Commission." Yann TANGUAY, Secretary-General of the Diversity Charter.

The charter framework can be used to strengthen diversity policy by:

- **Optimising HR practices:** diversifying recruitment and seeking out new profiles that might be more appropriate to meet customer expectations, create loyalty among their workers and be sure to abide by principles of non-discrimination to comply with the law and avoid convictions or negative publicity.
- **Supporting responsible management:** acknowledge and integrate each person for more cohesion, motivation, implication and a better quality of working life, source of shared value
- **Developing their creativity:** multiplying approaches, points of view and experiences to better understand the expectations and needs of their beneficiaries, their customers and all their partners, keeping an eye out for weak signals
- **Entering into dialogue with their ecosystem:** strengthening territorial anchorage, diversifying their suppliers to benefit from their innovations, finding new partners, to establish a long-lasting dialogue with them that will create wealth and demonstrate their commitment as an employer

To join this charter, companies can visit the Diversity Charter site directly: www.charte-diversite.com/sengager/

The example of the Diversity Charter specifically demonstrates how diversity can be promoted in companies and other organisations, thanks to implementing a charter of commitments, benefiting the internal and external ecosystem of the structure. Les entreprises pour la Cité thereby offers a device that allows companies to foster inclusion and diversity from the inside, by valuing a global approach, combining participation from players, acknowledgement of employees, responsibility of managers and assessment of practices.



Best practice 3: the cultural sector Diversity Charter in the Brussels-Capital Region

BRUXEO regularly offers diversity and inclusion support to its members, employers from the non-market sector in the Brussels-Capital Region. Working with the United Stages label and the RAB/BKO, this has made it possible to initiate a collective reflection on managing diversity and inclusion in the cultural sector. Around twenty institutions (museums, theatres, cultural centres, etc.) have been included.

Consequently, this sector was able to work together to draft a Diversity and Inclusion Charter. This charter considers the main diversity issues in the cultural sector and invites the signatory institutions to consider and act on 5 fields:

- **The Public sector**
- **Programming**

- **The various spaces (physical and virtual)**
- **Partnerships**
- **Personnel**

Ever since, the committed institutions have been running an intense reflection on how to take this charter beyond a simple commitment. One envisaged solution would be to formalise the signing process.

"Diversity and inclusion" charter

"As signing cultural organisations, we maintain the great importance of diversity and we are committed to working on diversity and inclusion. This commitment comprises:

Thinking about diversity and inclusion in several dimensions such as gender, social conditions, cultural background, national or ethnic background, sexual orientation, religion, handicap, level of studies and age

Considering and acting along five lines: the public sector, programming, the different spaces (physical and virtual), partnerships and personnel.

Implementing a framework for reflection and decision-making dedicated to diversity and inclusion, particularly by means of active participation from management bodies (management, turnover, etc.), designation of a diversity contact person and/or setting up a diversified in-house work group depending on the size of the organisation.

Allowing everyone in the organisation to get involved in the discussion, regardless of their status and their position in it.

After this in-house discussion, running a diagnosis on the cultural association or organisation concerning diversity and inclusion along the five aforementioned lines.

Based on this diagnosis, implementing specific and measurable objectives (qualitatively and quantitatively) to fill identified gaps.

Setting up specific actions to fill identified gaps.

Updating this diagnosis regularly and redefining specific aims to match this new analysis.

Each organisation is also invited to incorporate the analysis results and the measures set up within their organisation in their annual report."

TAKING THE STEP OF ADOPTING A CHARTER

It is clear that charters can be a very good way of boosting diversity in social enterprises at both company and sector level. Here we propose a framework and a charter model that could be of use to you.

FORM OF IMPLEMENTATION

A model to be adapted

A charter is a text of moral commitment. It is generally not binding on its signatories. Its content remains free.

The charter proposed in this guide does not set out to be exhaustive but acts as a model to be adapted by a company based on its own reality, needs and issues identified. It is possible to complete, add, specify, and even withdraw, clauses. The drawing up of a charter within a structure can also be done in a participatory manner.

Note that there is no 'standard text' for a charter. The European initiative presented above should, through the 'diversity charters' platform, act as a basis for each organisation that wishes to undertake a diversity policy.

It is necessary, however, to be attentive to the local context of the territory and links with the administrative organisation of the country, and to the context of the sector. For the Belgian cultural sector in Brussels, as previously mentioned, certain aspects are relatively specific (reception by the public, programming, etc.). Each one has to be considered based on its reality.

In this sense, article 2 of the proposed charter model needs to be adapted based on the provisions contained in national legislation. For example, under Belgian law it would be a case of "Rejecting any form of direct or indirect discrimination based on presumed race, skin colour, ancestry, national or ethnic origin, nationality, sex, social orientation, marital status, birth, age, wealth, religious or philosophical beliefs, present or future state of health, disability, language, political beliefs, physical or genetic characteristic, social origin, trade union affiliation", in accordance with federal laws on anti-racism, gender and anti-discrimination of 2007.

Going further than just a signature

The signature of a diversity and inclusion charter indicates a firm intention, a commitment by a company to integrate the promotion of diversity and the fight against discrimination into its strategic approach.

To be effective, this signature should be translated into specific actions. This is why it is important to identify and involve stakeholders in the process and to assure the support of the company management in advance. It is essential that the charter should be taken on board by the company as a whole.

Basically, the effectiveness of the charter also happens through the communication of the company's commitment, both internally and externally.

We recommend making calling on national representatives of charters as in the French example of 'Les entreprises pour la Cité'.



Preamble

Social profit/social and solidarity economy companies provide services that defend the basic rights of citizens and/or respond to the basic needs of a multi-faceted population. They should incorporate the values of social justice, solidarity, the promotion of diversity and the fight against discrimination into their strategic plans, and these values should also guide their actions.

[Company name] undertakes to :

01_____

Observe and enforce, within the company, the international or European texts that combat any form of discrimination (direct or indirect) based on belonging (or not), truly or presumed, to a presumed race, ethnic group or nation, skin colour, ancestry and origin, sex, gender identity, social orientation, state of pregnancy, age, wealth, philosophical convictions, beliefs or belonging (or not), truly or presumed, to a particular religion, present or future state of health, disability, language, political conviction, physical or genetic characteristic or trade union affiliation.

02_____

Reject any other form of direct or indirect discrimination that does not appear in national legislation, e.g. family situation, physical appearance, name, customs, place of residence, loss of autonomy, vulnerability arising from economic situation, the ability to express oneself in a language that is not one's native language, holding a bank account, etc.

03_____

Create awareness among line managers and train them, together with other staff members, in non-discrimination and diversity issues.

04_____

Ensure equal rights and fair treatment among people in all aspects of human resources management: from recruitment to retirement, and particularly including induction, training, assessment and career development.

05_____

Set up procedures to manage situations of discrimination, and flag them.

06_____

Create a positive working environment in which the particular characteristics of all are respected.

07_____

Based on a diagnosis, implement an action plan that aims to foster and manage diversity, combat discrimination and guarantee the accessibility and adaptation of services to all users.

08_____

Make the drawing up and implementation of the diversity policy the aim of a dialogue between the management and the employees and/or their representatives.

09_____

Internally communicate the commitment evaluating the results of the actions on the workforce as a whole, and externally about its beneficiaries and partners.

10_____

Evaluate the results of your actions at regular intervals on the basis of clearly defined targets, both in quantitative and qualitative terms.

⁵This document can be downloaded at www.diversitynow.eu

Lever 2: diversity at the heart of social dialogue



This second lever helps to make progress towards making social enterprises more inclusive, particularly when addressing employers' representatives, as in this case. This lever is social concertation.

It is interesting to note that management representativity in the social enterprises sector has not always taken a particular form. The existence of employers' representatives alongside employers from market companies in the social dialogue is relatively recent. It is, however, an excellent way of boosting diversity within a vision of constructive dialogue with workers' representatives.

As in France, there is a series of legal obligations or, as in the case of Belgium -where there is no legal obligation to social concertation in the area of diversity policy-, the promotion of diversity in the workplace and the fight against discrimination have been concerns of the social partners for quite a few years.

To combat and prevent discrimination, more and more companies and employers are implementing human resources policies aimed at reflecting the diversity in society as much as possible. These diversity policies cover several aspects and take different forms: action in selection and recruitment processes, good practice codes, charters, help desks, actions aimed at specific groups, etc.

Social dialogue can be a specific instrument and lever to implement processes and practices related to diversity in social enterprises.

It is, therefore, important to present the organisation and the functioning of social dialogue in the sector of social enterprises, to identify possible areas of action.

Taking the example of Belgium and France, we will also provide a list of the main agreements and initiatives taken in the area of diversity in these countries.



Social concertation and diversity in Belgium

Social dialogue, as it is institutionalised nowadays in Belgium, is the result of a long process of evolution. It is based on the involvement of the social partners in drawing up the rules that affect them, particularly those related to working conditions. The aim is to adapt these rules as closely as possible to the reality on the ground, which makes their application easier.

To reach this dual objective, social dialogue works in three phases, closely linked to each other: the inter-professional level, the sectoral level and the company level.

Employers and workers in the non-market sector take part in -and are directly affected by- the agreements negotiated in these concertation spaces, at each of the three levels⁶.

INTER-PROFESSIONAL SOCIAL CONCERTATION

At the federal level, the Conseil National du Travail [National Labour Council] (CNT) is the forum for inter-sectoral social concertation. It is a joint body and consists of inter-professional organisations that represent employers and workers. The Union des entreprises à profit social ([UNISOC](#)), which represents employers in the non-market sector at the federal level in Belgium, officially joined the employers' bench in 2009.

The CNT has a dual mission. It provides opinions and proposals on any issues affecting employers and workers (labour law, social security, etc.). It can also reach collective bargaining agreements on a national and inter-professional level. In practice, it does this on a regular basis.

At the federal level, there are other fora for social concertation where employers in the non-market sector play a role: the *Conseil central de l'Economie (CCE)*, the Conseil supérieur pour la Prévention and la Protection au Travail, the "Group of 10" (consisting of joint representatives of the main professional branches) which negotiate inter-professional agreements by setting the main outlines and frameworks, especially on salary changes, reducing costs, etc.

Alongside the national social dialogue, there are fora for concertation at the level of the federations that make up Belgium. These are concertation and consultation bodies that bring together inter-professional organisations representing employers and workers at the level of each federal entity. They are asked to provide their opinions on their own initiative, or at the request of the authorities, on all issues of regional or community competence that are of interest to the social partners.

This mainly includes the regional and community-level economic and social councils, regional bodies in the employment and training fields, and regional agencies working in the healthcare, welfare, disability and family areas. The employers' representatives in the non-market sector, through their intersectoral regional board ([UNIPSO](#), [BRUXEO](#), [Verso](#)) are present there.

SOCIAL CONCERTATION BY SECTOR

At the sectoral level, social dialogue mainly takes place within joint committees. Set up in all branches of activity, the joint committees bring together companies that carry out similar activities, so that they come under regulations adapted to working conditions. Within these joint committees, sub-joint committees are set up for a particular territory or a specific activity. The main tasks of the joint committees consist of reaching collective bargaining agreements for sector companies.

In the non-market sector there are [sectoral joint committees and sub-joint committees](#) that mainly cover the following sectors: teaching, assistance to families and senior citizens, educational and accommodation establishments and services, adapted work companies and social workshops, the sociocultural sector, healthcare establishments and services, social assistance and care services, the non-profit sector (residual). Within each of these committees and sub-joint committees, employers from the sector concerned are represented.

⁶Here the fora of social concertation that affect the private non-market sector are presented. The public sector has a special mode of social concertation

SOCIAL CONCERTATION IN COMPANIES

Social dialogue in companies, including those in the non-market sector, is structured depending on the company's size. Each level has particular tasks.

In companies with 100+ workers, a works council must be set up. It is a joint body consisting of employers' and workers' representatives. The basic missions of the works council are:

- **Receive and communicate information from the management on the company's financial situation, the evolution of employment of the personnel and the life of the company in its different aspects (training, environment, etc.)**
- **Express opinions on any measure that might modify the organisation and working conditions, personnel policy, etc.**
- **Draw up and modify terms of employment, examine the criteria to be followed in the event of dismissal and recruitment of personnel, etc.**

The Committee for Prevention and Protection in the Workplace (CPPT) is compulsory in companies with 50+ workers. It is also a joint body consisting of, on one hand, representatives designated by the employer and, on the other, representatives elected by the workers in elections.

The basic mission of the CPPT is to seek out and propose means to foster workers' wellbeing while they are at work. These include information monitoring, decision-taking, making proposals, dealing with complaints and tracing risks in different areas such as health, safety, hygiene, psychosocial burden, etc. In the absence of a works council, the committee undertakes some of its competences, mainly in the social and employment areas.

As well as these two elected joint bodies, a trade union delegation can be set up under certain conditions, which vary according to the sector in question. The minimum number of workers to set up a trade union delegation is determined by the sector, within the joint committee. The competences of the union delegation basically deal with labour relations, compliance with social legislation, and the individual defence of personnel. The union delegation negotiates in the light of the conclusion of a collective agreement at the company level.



AGREEMENTS AND INITIATIVES ADOPTED WITHIN THE FRAMEWORK OF SOCIAL DIALOGUE IN THE AREA OF PROMOTION OF DIVERSITY

AT THE INTER-PROFESSIONAL LEVEL

A lot of work has been done in these areas within the framework of the implementation of the inter-professional agreement for 2007-2008. Anchor point 4, related to this problem, envisages (among other things) that: "Within the framework of European Year of Equal Opportunities for All" (2007) (...), the social partners call on all sectors and companies, in concertation between employers and workers, to reach agreements and undertake actions to foster the greatest possible diversity –in all its facets– in the workplace."

These efforts have led to the adoption of a series of agreements and initiatives taken by the Conseil National du Travail:

- **CAO nr. 38** regarding the recruitment and selection of workers with a code of conduct (annexed) on equal treatment at the time of recruitment and selection of workers. This code is an initial inter-professional tool aimed at employers and workers for recruitment and selection policy, including attitudes when applying for a post, with a view to ensuring equal opportunities for all candidates
- **Cao nr. 95** of 10 October 2008 on equal treatment in all the phases of labour relations
- **Advies nr. 1.888** of 28 January 2014 indicating the cases in which sex may be mentioned in the conditions for access to a particular post
- **Advies nr. 2.098** of 25 September 2018 on the regulatory framework for positive action in the enforcement of the 3 anti-discrimination laws of 10 May 2007
- **Advies nr. 2.040** of 28 June 2017 on the possibility of resorting to 'mystery shopping' (presenting oneself as a client or potential client) by the social inspectorate to ensure compliance with anti-discrimination regulations

Another recent tool is also worth mentioning: the brochure titled "Favoriser la diversité et l'égalité dans le recrutement" adopted on 28 April 2020 by the inter-professional social partners. It is a practical guide that sets out to facilitate and support initiatives by companies and sectors that wish to adopt a volunteer approach in the fight against discrimination and promote diversity in their recruitment procedures. This brochure is mainly a didactic tool for companies, sectors and job applicants.

It is part of the legal and regulatory framework applicable in Belgium in the field of non-discrimination, and can be adapted to each type of company.

AT THE SECTORAL LEVEL

Within the framework of the fight against –and prevention of– discrimination and the implementation of diversity policies, the sectoral level plays a supporting role, one of awareness creation or training. In this context, actions are also undertaken in cooperation with regional authorities.

We can quote certain processes that have been carried out at the level of sectoral social dialogue:

- **An obligation related to the Law of 22 April 2012, aimed at fighting against the earnings gap between women and men (modified by the Law of 12 July 2013), specifically requires the social partners to negotiate the rules at inter-professional level to fight against the earnings gap. At the sectoral level, this involves the introduction of job descriptions and gradings that are gender-neutral. Each joint committee should therefore implement this obligation and justify, as the case may be, the reasons for which their classification is not gender-neutral**
- **The Federal Government and the federated entities launched an inter-federal action plan in 2018 against discrimination and violence towards LGBTI persons. The joint committees were asked to draw up charters in their sector to avoid and fight against discrimination. They were also asked to make the actions against homophobic and transphobic violence explicit in these charters**

AT THE COMPANY LEVEL

The specification and implementation of measures arising from anti-discrimination regulations are made within companies. Generally, the processes and actions to promote and implement policies and the management of diversity are often applied at the company level. It is up to the company to develop its strategy to manage human resources in this framework.

Several tools are available to support this (practical guides, training sessions, online tools, etc.), and considerable attention is given to them in this guide (see Lever 3).

Even if concertation is not obligatory in this framework, social dialogue can be a lever. It is a case of developing a clear vision that is taken on board by both the employer and the workers in a company, where the entire process of diversity is placed at the heart of the company and its values. The involvement of everyone involved is therefore crucial.

Social concertation and diversity in France

The French system has three levels of covenants and collective agreements: national inter-professional, collective bargaining at branch level, and company/group agreements. These different levels have their own rules, and the structuring of the agreements leads to legal difficulties.

NATIONAL INTER-PROFESSIONAL AGREEMENT

National inter-professional agreements have been extensively applied in certain areas (unemployment insurance schemes, complementary retirement schemes, payment in monthly instalments, etc.) and they play a growing role in the French legislative process (legislative negotiation).

A national inter-professional agreement is one negotiated and signed by the social partners at the national and inter-professional level that applies to all the sectors with activity in France. It can deal with issues that the social partners at this level choose, or address a governmental requirement with a view to being transcribed into law.

National inter-professional agreements do not cover certain professional sectors called "hors champ" (outside scope), i.e. agricultural activities, live and recorded entertainment and the social and solidarity economy. To be applicable in these sectors, it is advisable that the field of application of the national inter-professional agreement should be "extended" by an order of the Minister of Labour.

THE MULTIPROFESSIONNEL LEVEL IN FRANCE

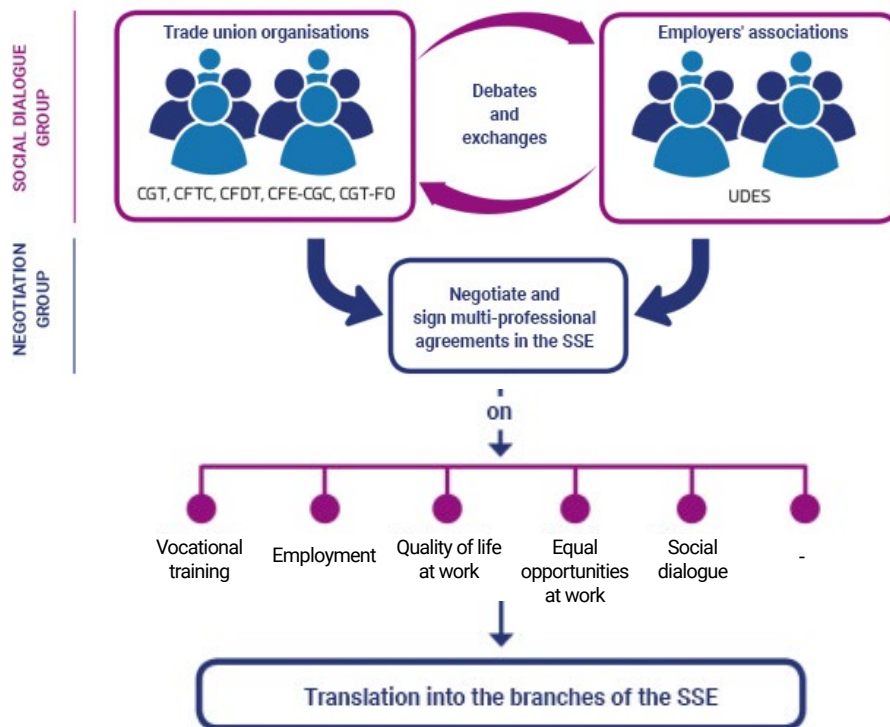
In France, the Law of 5 March 2014 on vocational training, employment and social democracy created a multi-professional level between the branches and the inter-professional level for the three sectors left out of the inter-professional field. The Union des employeurs de l'économie social et solidaire (UDES) has been recognised as an inter-professional employers' organisation of the social and solidarity economy sector.

As a multi-professional employers' organisation, the UDES can make the voice of employers in the social and solidarity economy sector and defend the specific features of their companies in concertation fora at the national and territorial levels, and also before inter-professional social partners associations -MEDEF, CPME and U2P- within the framework of the negotiation of national inter-professional agreements.

Over the last few years, social dialogue in the social and solidarity economy has been increasingly structured around proposals and recommendations by the social partners in the fields of employment and training. Trade union organisations representing employees at the national level and the UDES have negotiated eight inter-professional agreements in the social and solidarity economy, on:

- **Lifelong vocational training in the social economy (2006)**
- **Prevention of psychosocial risks, such as stress in the workplace (2010)**
- **Career development path (2011)**
- **Equal treatment and the prevention of discrimination (2011)**
- **Training of volunteer managers (2011)**
- **Integration into the labour market and youth employment (2014)**
- **Equality at work for women and men (2015)**
- **The employment of disabled persons (2019)**
- **The impact of digitization on working conditions (being negotiated)**

Under French law, a multi-professional agreement governs a sector of economic activity (live and recorded entertainment, social and solidarity economy, agricultural activities) that does not come within the scope of inter-professional agreements. It provides a framework for branch agreements that will be reached as a result of its application.



BRANCH COLLECTIVE AGREEMENTS

Branch agreements are collective agreements signed by one or more representative employers' organisations and one or more representative trade union organisations in a particular professional branch. A branch agreement therefore allows rules to be defined that are adapted to the same professional activity. The validity of a branch or professional agreement is subordinated to its signature by one or more representative employees' organisations that have reached at least 30% of the votes cast in favour of recognised representative organisations at this level, regardless of the number of voters, and to the absence of opposition by one or more representative employees' organisations that have reached the majority of votes in favour of these organisations in the same elections, regardless of the number of voters.

It should be pointed out that a collective branch agreement is applicable to all the areas of negotiation and the provisions of labour law provided that the agreement covers a specific area.

The branch level remains an important one, particularly as a result of the policy of extension of agreements by the Minister of Labour, allowing the agreement to be made applicable to all companies in the branch, even those that are members of the employers' association that has signed it.

French labour law envisages obligatory negotiations at a set frequency. As regards the branches and equal job opportunities, the organisations linked by a branch agreement or, failing that, professional agreements, must meet at least once every four years to negotiate the areas mentioned in [article L. 2241-1 of labour law](#), particularly on measures aimed at ensuring equal opportunities between women and men and refresher courses/measures that set out to remedy inequalities detected, as well as the provision of tools to companies to prevent and act against sexual harassment and sexist actions.

The branch negotiation modalities on equal opportunities involve working hours. The areas covered in this negotiation and their frequency (within the limits mentioned above), can be set by agreement between the employees' union organisations and the employer's organisations in the field of the branch collective agreement in question. The applicable provisions appear in [articles L. 2241-4 to L. 2241-6 of labour law](#).

Failing agreement, or in the event of non-compliance of clauses, the organisations linked by a branch agreement or, failing that, professional agreements, undertake the negotiations under the conditions and at the frequency specified in [articles L. 2241-7 à L. 2241-18 of labour law](#). More specifically, if it is a case of negotiation of measures aimed at ensuring equal opportunities between women and men and on refresher measures designed to remedy any existing inequalities detected, the applicable provisions are established by [article L. 2241-11 of labour law](#).

In general, so that they can be understood, the branch agreements reached at national level must contain a certain number of provisions on the areas contained in the list published in [article L. 2261-22 of labour law](#). In this list, in particular, equal opportunities between women and men appears, together with the removal of the earnings gap between women and men and measures aimed at remedying any inequalities detected.

COMPANY AGREEMENTS

A company agreement is reached between the employer and union organisations that are representative of employees in the company. The employer is obliged to convene all the representative unions that have designated a union delegate (aka shop steward).

In companies where there is no union delegate, under certain conditions and depending on the size of the workforce, a special system allows agreements to be reached with mandated agents, non-mandated representatives elected by the personnel or mandated employees. Law 2016-1088 of 8 August 2016 relative in the workplace, the modernisation of social dialogue and the securement of career paths -the "Loi Travail" (Work Law) has instituted a new validation rule of company agreements in order to facilitate majority agreements.

THE OBLIGATION TO NEGOTIATE IN THE COMPANY

In companies with one or more union sections of representative organisations (and where one or more union delegates are designated), every year (or at least once every four years if a collective agreement on the frequency of compulsory negotiations has been reached) the employer is bound to carry out, with a view to reaching an agreement:

- **A negotiation on remuneration, especially employees' salaries, working hours and the sharing of profits within the company**
- **An annual negotiation on equal opportunities between women and men and the quality of life in the workplace, notably on:**
 - **Work-life conciliation for employees**
 - **Objectives and measures to attain equal opportunities between women and men, especially in terms of removal of the earnings gap, access to posts, vocational training, career development and promotion, working conditions and employment, in particular for part-time employees, and the job mix**
 - **Measures to fight against any discrimination in the field of recruitment, employment and access to vocational training**
- **etc.**

In the absence of an agreement on equal opportunities between women and men at the end of the negotiation, the employer will set up an annual action plan designed to ensure equal opportunities between women and men. After having evaluated the objectives set and the measures taken over the year, this action plan, based on clear, precise and operational criteria, determines the progress targets for the year to come, defines the qualitative and quantitative actions that will be required and evaluates the cost involved. This action plan is deposited with the appropriate administrative authority.

Furthermore, in the absence of an agreement envisaging measures aimed at removing the earnings gap between women and men, the negotiation on real salaries also affects the programming of measures to remove the earnings gap and career development differences between women and men.

In both France and Belgium, the different levels of social dialogue provide a series of fora where frameworks can be negotiated (recommendations, regulations, etc.) for companies that should lead to more inclusive workplaces. The main difference between these two examples lies in the fact that in France negotiation is obligatory, in contrast to Belgium. Nevertheless, whatever the national organisational structure, social concertation can be a lever to enable employers to fully exercise their responsibilities in this area.



GOOD PRACTICES IN THE FIELD OF SOCIAL CONCERTATION AND DIVERSITY

GOOD PRACTICE 1: COMMON POSITION ON THE JOINT MANAGEMENT OF DIVERSITY AT THE EUROPEAN LEVEL

At the European level, the social partners can also play the role of drivers by sharing good practices in the field of diversity. It is important that social dialogue should also be present at this level, to promote inclusive processes in social enterprises throughout the European Union.

At the level of social services, this reflection can be linked to the issues of labour and attractiveness of jobs, recruitment and retention of personnel in these sectors. Indeed, the sector needs to face up to the problem of a mainly female and ageing workforce (80%), with working conditions to be improved generally.

Starting from this basis, work and reflections have been done within the framework of a dialogue between [Social Employers](#), the European Federation of Social Services Employers and the [EPSU](#), the European organisation that mainly represents workers from the social and health sectors. These efforts have led to recommendations aimed at reinforcing diversity in social services. A thematic seminar has been organised within this framework on [“How to manage diversity and mobility of the workforce in more attractive social services?”](#)

A series of actions have been proposed in a [joint paper](#) to improve the sector's image, as well as the women-men balance, the situation of migrant workers, etc.

GOOD PRACTICE 2: JOINT DECLARATION BY ALL EMPLOYERS AND AN INTER-PROFESSIONAL CAMPAIGN IN BELGIUM

In 2018, the inter-professional employers' organisations, including [Unisoc](#) (a federation representing employers in the non-market sector at the federal level), drew up an action plan aimed at showing companies that a good diversity policy can be beneficial for them, and with a view to supporting companies during its implementation.

It is a [first-time initiative](#) because it affects all employers in all sectors.

The action plan focuses on awareness creation among, and information to, employers, offering expertise to companies, and a greater involvement on their part in monitoring and analysis. It also aims at a better dialogue with bodies related to diversity, such as [Unia](#) (an independent public institution that combats discrimination and defends equal opportunities in Belgium), and the [Institute for Equality between Women and Men](#). All these measures are implemented by business organisations without public co-funding. A partnership agreement has recently been reached with Unia in this framework covering several areas: support and training, the exchange of legal expertise, the exchange of opinions and recommendations in the field of public policy and communication.

In parallel, other actions are envisaged, possibly with public support, to reach the pursued objective earlier: a higher rate of employment for groups with greater difficulties in accessing the labour market.

The employers' organisations are considering, among other things, an inter-professional “one-stop shop” where employers could ask questions directly or communicate information. Basically, self-evaluation is a useful aspect in an internal diversity policy. A large number of companies already carry out quality control of their services and products. The absence of discrimination in HR policies and the treatment of discriminatory issues of clients, users or patients can be a part of this approach. The inter-professional employers' organisations can carry out joint actions in this respect. These will orientate employers towards experts who can support and advise them.

GOOD PRACTICE 3: THE DIVERSITY LABEL OF AFNOR IN FRANCE

The Diversity Label awarded by AFNOR (French Association of Standards and Certification) sets out to recognise the effective, voluntary and sustainable commitment of a company to prevent discrimination and promote diversity in the framework of its human resources management, integration, career development, etc.), taking into account the context (territorial roots, relations with suppliers/clients/users).

Created by the State in conjunction with the social partners and HR experts since 2008, the Diversity Label functions as a management tool. It means that the process of recruitment, integration and career development of your partners are not likely to create situations of discrimination.

In 2010, all the trade unions that are members of UDES signed the Diversity Charter, and UDES was awarded the Diversity Label in July 2015.

Within this framework, UDES has published a guide titled “the social and solidarity economy in anticipation of diversity” and has already organised two sessions on the subject.



The advantages of this label within a company



Fostering a fluid and constructive social dialogue



Identifying risks in the field of discrimination



Highlight and recognise good practices in the field of human resources management.



Structure the recruitment process

Lever 3: Diversity within the company



In continuity with the previous stages, the last lever identified is internal to a company and consists of specifically applying what is aimed at by regulations, social concertation or the implementation of a charter. It is a question of implementing a policy to manage diversity and inclusion within a company. This implementation process consists of several stages. There are many resources available in this area. We will describe a few of them as we go along. Naturally, it is a case of making a “reasoned” selection of resources so as not to overwhelm the reader.

Phase I: evaluating the starting situation (the diagnosis)

When approaching issues related to diversity, fairness and inclusion in your organisation are the first (and essential) elements in order to carry out a diagnosis. This allows you to:

- **Clarify the current situation of your organisation:**
- **Understand the context in which the diversity and inclusion strategy will be deployed, taking into account negative factors (what could lead to the project slowing down?) and the drivers (what will facilitate the implementation of this strategy?)**
- **Ascertain the specific needs of the organisation in the area of diversity and inclusion and the reality on the ground, to prepare tailored measures**
- **Take note of good practices in the area of diversity and inclusion that already exist within the organisation**
- **Take this as a basis for reflection to draw up an action plan**
- **Use this as a basis to evaluate the impact of your actions**



Success stories

Anticipating the challenges in your sector: ADT 44, the association that places employees at the heart of change

The ADT 44 has set up an internal mechanism titled “Libérons nos énergies” to respond to the needs of the structure regarding its policy, especially to equality between women and men. This project is in a context of work-life balance, the recognition and attractiveness of the work of home help, and the valorisation and recruitment of employees in the sector. How is this project specifically implemented? What concertation has been initiated? What real impacts of this mechanisms have been seen in the life of employees? Discover the success story [here!](#)



QUALITATIVE DIAGNOSIS

The diversity and inclusion checklist of BRUXEO



The checklist is a self-evaluation tool that offers a structure and a methodology to make a diagnosis.

The checklist distinguishes 2 levels: the organisation of the company and its personnel management. The organisation of the company covers the structure of your organisation and its communication and management. These elements are an important basis that affects personnel and their management, and therefore recruitment and selection, induction, interviews, training and talent management, and the working environment and working conditions.

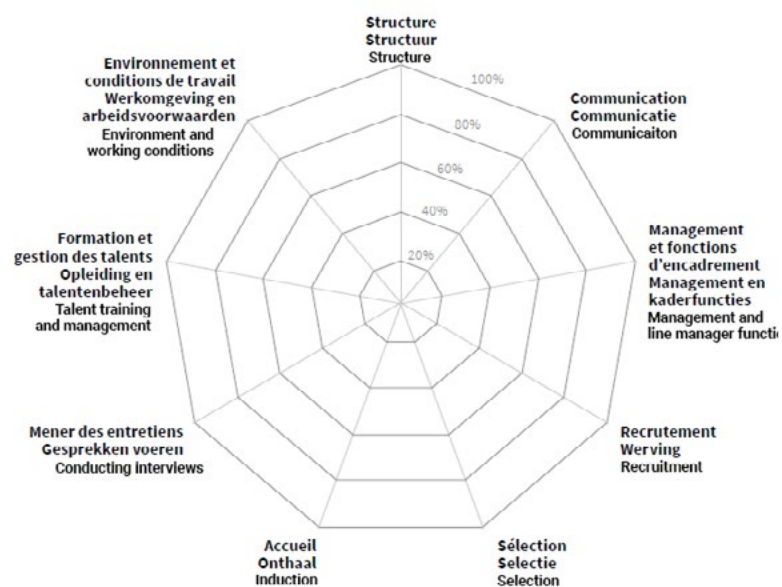
This checklist does not set out to be exhaustive. There are other areas of reflection in the area of diversity, such as the provision of services and the beneficiaries that are not covered. Nothing prevents you from expanding this tool to respond to the specific aspects of your organisation, and also of your sector of activity.

The initial aim of this tool is to make a qualitative diagnosis. As a complement, we also recommend making a quantitative diagnosis.

How can this checklist be used?

- For each theme, points are made around which you can allocate a score between 0 and 3 (or N/A - not applicable if it does not affect your organisation). To be able to exchange impressions with colleagues, use factual data (see "data collection") and take note of what justifies the score you give
- Based on the results, you can specify the points to be improved and the course(s) of action suggested
- You can score per theme in a radar graph at the end of the brochure (p. 24?), which allows you to have an overview of the results and to focus your priorities!
- Use the results of this screening as the basis for an action plan

Diagnostic D&I de mon organisation Diagnose D&I van mijn organisatie D&I diagnosis of my organisation



QUANTITATIVE DIAGNOSIS

Often described as a 'snapshot' of the current situation of your personnel, a quantitative diagnosis is an analysis of your personnel that gives a more visual idea of diversity within your structure. The D&I checklist of BRUXEO proposes a chart based on the diversity plan of the Brussels region that covers that 5 most discriminated against groups in employment in Brussels (based on nationality, age, the disability situation, gender and schooling), cross-referenced with the management levels in our organisation. An analysis of these results allow you to identify any under-representation or over-representation of certain target groups, and also to identify other phenomena. For example, the cross-referencing of 'gender' data with the management levels allows you to identify the 'glass ceiling' phenomenon, i.e. the impossibility of women reaching higher management posts, or the 'glass wall', i.e. the chances of women of reaching the top jobs but exclusively in sectors or services considered less strategic. It is important to link the results of this table the quantitative analysis in order to have a more nuanced vision of your organisation.



Note: do not lose sight of legal restrictions in the area of personal data collection! For example, in Belgium, the law forbids the treatment of personal data that reveal the racial or ethnic origin of a person, except in a number of clearly defined cases. More information sessions on the website of the Belgian data [protection authority](#).

COLLECTING DATA

How can you collect useful information to carry out the diagnosis?

- **Start by examining your documents in the widest sense of the term (articles of association, employment regulations, employment contracts, job offers, brochures, website, etc.) in order to evaluate the role given to diversity and inclusion in your organisation:**
 - Do job offers mean that the organisation should apply an active policy in the area of diversity?
 - Are job titles gender-neutral?
 - Do visuals reflect diversity or, in contrast, reinforce certain stereotypes?
 - Do the employment regulations contain a non-discrimination clause?
 - Are diversity, equality and inclusion explicitly mentioned as values of the organisation?
 - etc.
- **Carry out a survey or questionnaire among your personnel**
- **Organise focus groups (or discussion groups) on diversity issues. The aim is to understand what is experienced within your organisation by the people affected**
- **Talk to people-resources: senior managers, line managers, team leaders, HR heads, trusted individuals, trade union delegates, etc. who have a good take on what is happening internally**

PRACTICAL TOOLS

Datasheet: [“Tool 10. Methods for data collection” of the methodological guide “Drawing up a diversity policy”](#) of SPF Personnel and Organisation, 2010

Survey on diversity by the municipal administration of Jette of the methodological guide [“Manual for the implementation of diversity plans in local authorities in Brussels”](#), SPRB, 2017, pp.35-36

OTHER DIAGNOSTIC TOOLS

[Autodiagnostic RH](#) (FR) uses the methodological guide [“The social and solidarity economy in the face of diversity”](#), UDES, 2019

[Checklist Diversiteit Verso](#) (BE)

Le Diversimètre (SPF Personnel and organisation, BE)

[Overall approach](#)

[Specific HR approach](#)

[Quick-Scan Auto-évaluation non-discrimination UNIA](#) (BE)

TO FOLLOW UP

The [“Diversité en Wallonie”](#) platform (BE), which brings together a large range of information sessions and tools to favour the management of diversity in human resources and on the labour market.

AFMD (FR) is currently developing an [“inclusion index”](#). This measuring tool will not only evaluate the representativity of “diversity” and the perception of discrimination. It also moves away from a criteria-based approach. It combines factual indicators with perceptions, and enables organisations to use it to evaluate their level of inclusion through a score out of 100. It is expected to come out in autumn 2021.

The European Commission is currently working on an online evaluation tool for diversity, which organisations will be able to use free of charge. This tool will provide guidelines to help organisations to collect data. It is expected to appear in 2022.



Success stories

The General Confederation of the SCOP: towards more democratic and efficient governance, on a parity basis.

The General Confederation of the SCOP has set out to make an impact by speeding up the implementation of measures to foster equality between women and men at the very heart of their democratic functioning. What statutory and operational models have been put in place by the Confederation? See the information sessions by discovering this success story [here](#)!



**A TOOL TO ILLUSTRATE THE DIAGNOSIS PHASE
AND/OR THE ACTION PLAN PHASE, THROUGH A
COLLECTIVE INTELLIGENCE TOOL:
AN ANALYSIS OF HINDRANCES AND DRIVERS⁷.**

Here we propose a tool that encourages reflection and the participatory drawing up of a diversity plan. In your context, it allows you to understand the elements that will facilitate the implementation of your D&I strategy and the factors that could hold you back. It is better to anticipate the hindrances and drivers upstream of the project. This could help you gain time when it comes to drawing up and carrying out your action plan



First stage: describe the initial situation and the ideal situation

Here it is a case of focusing on description, both of the initial situation and the ideal situation, and not looking for explanatory causes yet.

Do not be too judicious when imagining the ideal situation: do not take financial, human or institutional constraints into account. There will always be time for you to face reality later!

Hindrances	Drivers
<ul style="list-style-type: none"> • Association of 30 employees • 1 trustworthy individual having followed specific training • A “charter of values” drawn up 15 years ago, which many people are not familiar with • Recurrent tensions and stereotypes aimed at people employed through an occupational integration contract • etc. 	<ul style="list-style-type: none"> • Everyone is familiar with the “diversity charter” and each employee has taken part in drawing it up • Convivial atmosphere: “occupational integration contract” personnel are fully integrated into the team • Conflicts are dealt with quite quickly thanks to clear processes and the possibility of resorting to a third party • etc.

⁷ The illustration of the tool was done within the framework of a training session titled “Be diverse, act inclusive: manage diversity” of BRUXEO by Emilie Brébant, a trainer in the management of diversity and multi-culturalism

Second stage: define the hindrances and drivers

Ask yourself two questions:

1. Hindrances: WHY? What is preventing my initial situation from evolving towards the ideal situation, right now?
2. Drivers: HOW? What would speed up or facilitate the change of my initial situation to the ideal situation?

Hindrances	Drivers
<ul style="list-style-type: none"> • Staff do not have enough time • Lack of knowledge about the subject • The people on occupational integration contracts do not stay in their jobs for very long • etc. 	<ul style="list-style-type: none"> • Creation of a work group to draw up a "diversity charter" in a participatory way • Creation of an induction process for each new employee • Training of heads of service/team coordinators in Diversity, Fairness and Inclusion • etc.

Third stage: evaluate your capacity for action^a

Each person evaluates their level of influence over the hindrances and drivers, based on their place in the organisation, their responsibilities, knowledge and the limits of their ability to act.

This means that the group's ability to act on the hindrances and drivers can be evaluated collectively.

Hindrances	Drivers
<ul style="list-style-type: none"> • Staff do not have enough time ● • Lack of knowledge about the subject ●● • The occupational integration contract people do not stay in their jobs for long • etc. 	<ul style="list-style-type: none"> • Creation of a work group to draw up a "diversity charter" in a participatory way ● • Creation of an induction process for each new employee ●● • Training of heads of service/team coordinators in Diversity, Fairness and Inclusion. ●●● • etc.

ANOTHER TOOL : SWOT ANALYSIS

SWOT (strengths-weaknesses-opportunities-threats) analysis is classic tool for strategic analysis. It is always useful to reach an initial conclusion on your situation.

^a0 stickers = no power, 1 sticker = a little power, 2 stickers = a little more power, etc.



Phase 2: designing your D&I action plan

After the diagnosis phase, the action plan phase will consist of listing the specific actions to be undertaken. These actions should fit in with the logic of the project, its aim and the company's mission.

ALIGNMENT WITH THE PROJECT

This initial phase is the moment to ask two basic questions:

WHY? It is a case of explaining the aim of the D&I project to make it meaningful, and to define the overall objectives. This reflection on the vision of the D&I project can be done in a group.

WHO? Identify the stakeholders to be involved in the development and implementation of the diversity and inclusion action plan. Their level of involvement may vary.

- **Who is going to be the person responsible for diversity?**
- **Who will make up the internal reflection group on diversity?**
- **Should a steering committee be set up?**
- **Which subsidising authority/authorities should be approached? Which line managers should be involved? Which partners?**
- **etc.**

EXAMPLE OF A COLLECTIVE INTELLIGENCE

Dream your future!

In 2025, you will receive the prestigious prize as the most inclusive organisation in Europe. You should prepare a press conference.

- 1/ Describe the changes made within your organisation
- 2/ Give your press article a title
- 3/ You may choose to illustrate the article with a drawing and/or an image of your choice.

DRAW UP YOUR D&I ACTION PLAN

Based on the results obtained in the diagnostic phase and the initial reflections, an action plan can be drawn up. This includes:

• 1. The objectives to be attained

Work on their formulation to make them SMART: Specific, Measurable, Attainable, Ambitious but also Realistic and Time-defined.

• 2. The definition of the actions

BRUXEO's diagnostic tools allows you to define priorities among the actions envisaged in the area of promotion of diversity and inclusion by selecting 3 actions on which you will concentrate.

You then determine, for each action,;

- **What? Clearly specify the action to be implemented**
- **How? Specify the stages, tools and possible partners**
- **Who? Specify the people responsible for the action(s)**
- **Means? Evaluate the budget needed to carry out the action(s)**
- **Timescales? Specify a deadline for the implementation of the action(s)**

We also recommend that you define, from the drawing up phase, the quantitative and qualitative indicators that will allow you to measure the progress made.

PRACTICAL TOOLS

Practical record card: "**Tool 1. Example of a project record card**" from the methodological guide "**Elaborer une politique de diversité**" of SPF Personnel and Organisation, 2010, pp. 29-33



PRACTICAL TOOLS PER AREA OF INTERVENTION

Here is a selection of tools:

RECRUITMENT

«Favoriser diversité et l'égalité dans le recrutement» (Fostering diversity and equality in recruitment) of the National Labour Council (CNT), Belgium, 2020

In CNT, a Belgian federal body, the social partners of different branches jointly signed this guide, which offers advice, illustrated by examples, and good practices in the different phases of recruitment: from the creation of a job profile to the induction and integration of workers. The brochure also refers to the legal framework governing the area.

«Recruter, ce n'est pas neutre» (Recruitment is not neutral), APEF Competentia, Belgium, 2017

Twelve data sheets allow you to discover practices and testimonies to set up neutral recruitment (match job profiles with key skills, make recruitment tests more neutral, anonymise candidates, recruit without a CV, train after starting work, etc.).

«Recruter dans la diversité y la non-discrimination» (Recruiting in diversity and non-discrimination) of the methodological guide **«L'économie sociale et solidaire au-devant de la diversité»** (The social and solidarity economy in the context of diversity), UDES, France, 2019

This guide sets out to combat discrimination and to promote diversity in the social and solidarity economy through the dissemination of methods and practices. Data sheet no. 3 on recruitment provides support to employers in the implementation of non-discriminatory recruitment based on an analysis of needs on induction and the integration of new recruits.

«Un accès non discriminatoire à l'emploi pour les femmes et les hommes», Institut pour l'égalité des femmes et des hommes, Belgium, 2020

Un tool created by the Institute for equal opportunities of women and men that aims to combat gender discrimination at work. It includes information sessions and practical advice for employers, particularly in the area of international, European and Belgian legislation, as well as ways of preventing discrimination in recruitment at the time of drawing up a job offer, during the job interview and at the time of renewing a fixed-term contract.

INTERNAL JOB MOBILITY

«Promouvoir l'évolution professionnelle dans la diversité et la non-discrimination» based on the methodological guide **«L'économie sociale et solidaire au-devant de la diversité»**, UDES, France, 2019

This practical data sheet highlights 3 principles to promote career development, and provides the necessary tools to achieve it. Among these: regularly evaluate skills and the implementation of assignments for each employee, through an annual interview.

MANAGEMENT

«Guide vers plus d'inclusion», UNIA, Belgium, 2021

This online tool, revised in 2021, offers practical advice to implement a diversity policy, recruit and keep your diverse talents and manage a team. There is also a database that covers theoretical situations with legal and management advice, and also examples of good practice in other companies.

Gestion de la diversité des ressources humaines, Annie Cornet and Philippe Warland, Practical guide 3rd edition, 2014 (BE)

Gérer la diversité au quotidien (Managing diversity on a daily basis). Practical cases of human resources management, Annie Cornet and Philippe Warland, 2013 (BE)

COMMUNICATION

«Communiquer sur la diversité ?», AFMD, France, 2018

Communication plays a key role in diversity policies. Whether it is a case of deconstructing stereotypes, informing employees and agents on their rights and obligations, or of fostering an inclusive culture, it is at the heart of the concerns of both persons responsible for diversity and communicators. Far from providing a formula that can be replicated out of context ("ready to use"), this book encourages you to question your strategy and the ways in which you communicate.

Data sheet: **«Tool 2. "Modèle de plan de communication et canaux possibles"»** of the methodological guide **«Elaborer une politique de diversité»** by SPF Personnel et Organisation, Belgium, 2010

A model that you can use to structure the communication of your diversity and inclusion policy.

Phase 3: evaluate actions carried out

Evaluation is often perceived as the endpoint of the drawing up of a diversity plan. However, it should have been considered at the time of writing the action plan. It also allows you to not only control the performance of the actions but -above all- to improve the project, by readjusting the actions if necessary or creating new ones.

NB: these are classic tools for project management. For more information:

Brochure of STICS ASBL: [Construire et gérer son projet](#), Brussels, 2014

Brochure of STICS ASBL: [Evaluation mode d'emploi](#), Brussels, 2014

It works on:

- **During the project: using a dashboard, for example**
- **At the end of the project: to take stock**
- **Post-project: to evaluate the impact of the actions**

To evaluate the implementation and the results of the project, it is necessary to define the criteria as well as the evaluation indicators:

- **An evaluation criterion is not a measuring instrument, but a reference standard that allows one to make a judgement and appreciate the effect of the action**
- **An evaluation indicator is a way of measuring the fulfilment of the standard. It quantifies or qualifies the satisfaction of a criterion. It is a unit of measurement, a gauge**



Phase 4: success factors in your diversity and inclusion project

- The senior management and the line management sign up to the project and support it actively!
- The project is built in a collaborative manner: internal and external resources are mobilised around it
- Your objectives are SMART



Success stories

Formalise your diversity and inclusion policy in a hospital: it's possible!

In 2019, Les Cliniques de l'Europe, with support from Actiris, put together an action plan to foster diversity and inclusion within this structure, which has more than 2,100 workers and doctors. How can you get personnel on board for this policy? How can we reach out to everyone? are the challenges the Cliniques had to face up to. Dorien De Man, training officer and coordinator of the diversity plan, [tells us about this.](#)



Action
Changes
Things

Conclusion

Through this guide we have set out to show that there are different ways of approaching diversity in social enterprises.

The specificity of our process reflects a chosen approach linked to the target audience of this guide (employers in the sector), which has led us to deal with the function of social dialogue in this field.

Thus, beyond the classic elements of the management of a company, which can include efficient levers for action (a policy to manage diversity, inclusive management, etc.), it seemed important to us – as federations representing social enterprises in France and Belgium – to show that social concertation plays a key role in the management of diversity and inclusion. This is an element that is usually left in the background. Each company can send its federation its ideas and proposals so that solutions can be found in discussions with the organisations representing workers and/or public authorities.

This last element leads us to the key message that is at the heart of this guide: OVER TO YOU! This can be done by being proactive in the application of regulations in the field, at the level of implementing a charter in your company and in each of your sectors of activity, in the drawing up of recommendations to be agreed and adopted at the level of social dialogue, by preparing D&I action plans for your companies, by training your managers in inclusive management and other solutions based on your own creativity!

OVER TO YOU!



List of resources (non-exhaustive)

Good practice in Belgium (Brussels - Wallonia - Federal)

Brussels Economy-Employment - Diversity instruments:

economie.emploi.brussels/diversite

Brussels charter on diversity in the service voucher sector

mkt.sodexobenefits.be/TS/Docs/bxl/fr/charte-diversite_bxl_fr.pdf

Diversity charter of the regional public service of Brussels:

https://servicepublic.brussels/wp-content/uploads/2021/03/CHARTE_NL.pdf

Actiris - Diversity plans and label: <https://www.actiris.brussels/nl/werkgevers/diversiteitsplannen/>

UNIA

www.ediv.be

[schema-wet.pdf \(ediv.be\)](#)

Public Service of Wallonia - Diversity and Equal Opportunities Charter:

spw.wallonie.be/sites/default/files/charte_signee_web.pdf

spw.wallonie.be/plan-diversite

Business Union of Wallonia: www.uwe.be/diversite-en-entreprise-une-priorite-pour-les-employeurs/

Good practice in France

AFMD: www.afmd.fr/les-chartes-et-les-labels

Autre Cercle - Commitment Charter LGBT+ (FR): www.autrecercle.org/page/charte-d-engagement-lgbt-de-l-autre-cercle

Les entreprises pour la Cité - Diversity Charter: www.charte-diversite.com/

Good practice in other European countries

Luxembourg - Lëtzebuerg Diversity Charter: chartediversite.lu/fr/pages/quest-ce-que-la-Diversite

Lëtzebuerg Diversity Charter - Legal framework: chartediversite.lu/fr/pages/cadre-legal#En-Europe

Diversity Charters in EU countries: ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/tackling-discrimination/diversity-management_en

European Diversity Month 2021: [European Diversity Month 2021 | European Commission \(europa.eu\)](https://european-diversity-month-2021.ec.europa.eu/)

SENSENET project: [Partners - SENSENET \(sensenet-project.org\)](https://partners-sensenet.org/)

European Legal Framework - Charter of Fundamental Rights of the European Union: fra.europa.eu/en/eu-charter

Practical guides and studies

Management of diversity in human resources, Annie Cornet and Philippe Warland, 3rd edition - 2014 (BE) :

http://www.diversitewallonie.be/wp-content/uploads/2016/09/Guide_diversite_3e_edition.pdf

Managing diversity on a daily basis. Case studies of human resources management, Annie Cornet and Philippe Warland - 2013 (BE):

www.diversitewallonie.be/wp-content/uploads/2016/09/Gerer_la_diversite_au_quotiden.pdf

Manual for the implementation of a diversity plan in local authorities in Brussels:

plaatselijke-besturen.brussels/bestanden-pdf-word/handleiding-diversiteit-2017-nl.pdf

Drawing up a diversity policy, SFP Personnel and organisation (BE):

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Practical tools

Diagnostic: Checklist D&I, BRUXEO (BE): sodiversity.bruxeo.be/nl/diagnose

RECRUITMENT :

Favoriser la diversité et l'égalité dans le Recrutement, Conseil National du Travail (BE) :

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Guide for the inclusion of LGBT+ persons in the workplace, AFMD (FR):

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Test tool: [«Implicit Association Test»](#) (IAT) of Harvard University, on a scientific basis, highlighting unconscious prejudices. This awareness is an essential step in overcoming preconceived ideas and making judgments objective.



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