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Labor Market Related Discrimination of Women and Migrants

Special Issue 12

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Monika Eigmüller | Stefanie Börner
Christine Barwick-Gross (Eds.)

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Christine Barwick-Gross, Stefanie Börner and Monika Eigmüller

Discrimination against women and migrants in European labor markets: An introduction

Keywords: discrimination, labor markets, migrants, women

Christine Barwick-Gross, Stefanie Börner und Monika Eigmüller, Diskriminierung von Frauen und Migrant*innen auf den europäischen Arbeitsmärkten: Eine Einführung

Schlüsselwörter: Arbeitsmärkte, Diskriminierung, Frauen, Migrant*innen

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Discrimination in labor markets is a persistent mechanism of social inequality, influencing both access to employment and opportunities for career advancement. Women, migrants, and racialized minorities are particularly affected, facing exclusion from the labor market, limited career progression, or confinement to precarious, low-paying, and part-time positions. These patterns are deeply entrenched, shaped by historical trajectories, social prejudices, institutional practices, and political frameworks.

The labor market, which in the broad sense includes access to work, training, job security, and unemployment benefits, is a central field of societal integration. In contribution-based welfare systems, formal labor market participation not only determines access to vital resources such as unemployment and retirement benefits, or health insurance, but also directly impacts life chances. On a more symbolic level, the professional sphere is a source of recognition and appreciation and hence important for a person's identity formation (Honneth 2008; Lamont 2023; Wingfield 2023). Discrimination within this sphere, whether enacted by individuals or embedded in policies and institutions, has profound and lasting consequences for access to resources and social mobility. It is in the labor market that social inequalities become most visible,

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making it an essential area of inquiry into the intersections of gender, migration, and class-based inequalities. Despite this centrality, we find that there is a lack of literature that comprehensively deals with discrimination in the labor market, that addresses the experiences of more than just one group and that adopts an interdisciplinary and multilevel analysis, to properly understand the persistence of labor-market related discrimination and how it manifests for different societal groups.

In recent decades, significantprogress has been made in advancing gender equality within labor markets, particularly in Europe. Policies such as the EU Gender Equality Strategy (2020–2025)[1] or the Lisbon Strategy[2] have promoted gender equality and, in many cases, led to the development of legally binding directives, such as the EU Equal Opportunities and Equal Treatment Directive (2006/54/EC)[3], which have created mechanisms to address gender discrimination. Nevertheless, structural disparities persist. The gender pay gap remains a pressing issue, and women continue to be overrepresented in part-time work, often due to family policies, tax regulations, and societal expectations regarding care responsibilities (Jaumotte 2004; Keck and Saraceno 2013). These contradictions highlight how formal equality frameworks often fail to address the structural roots of gender-based labor market inequalities.

The situation is even more precarious for migrants and racialized minorities, who face additional barriers stemming from restrictive migration and integration policies. Unlike gender equality policies, which are supported by EU legislation, the governance of migration remains primarily within the purview of nation-states. While EU anti-discrimination law, such as the Race Equality Directive (2000/43/EC)[4], has introduced critical tools to combat discrimination based on race, ethnicity and nationality, its scope is limited by the EU's lack of authority over integration policies. These remain dependent on national priorities, which vary widely and are increasingly influenced by securitarian and identitarian concerns (Dodevska 2023). Consequently, migrants are often relegated to informal sectors, denied access to labor markets altogether (e.g., asylum seekers), or concentrated in low-wage jobs with limited social protection (Barbulescu and Favell 2020; Börner 2020). The stratification of social rights —reinforced by key European Court of Justice rulings like Dano and Alimanovic— exemplifies how labor market exclusion intertwines with unequal access to welfare and citizenship rights (Bruzelius, Reinprecht, and Seeleib-Kaiser 2017; Farahat 2018).

Ample evidence highlights that discrimination against migrants and their descendants is often rooted in racial, ethnic, or religious biases, further exacerbated by stereotypes regarding their perceived worth or deservingness (van Oorschot 2006; Ratzmann and Sahraoui 2021). For female migrants, these dynamics are compounded by gendered norms, resulting in unique experiences of exclusion. For instance, women wearing Muslim headscarves face significantly greater challenges in securing employ-

1 https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0152
2 https://www.europarl.europa.eu/summits/lis1_en.htm
3 https://eur-lex.europa.eu/eli/dir/2006/54/oj/eng
4 https://eur-lex.europa.eu/eli/dir/2000/43/oj/eng

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ment compared to other women (Weichselbaumer 2016; Fernández-Reino, Di Stasio, and Veit 2022).

This special issue takes an intersectional approach to labor market discrimination, drawing on the foundational work of Crenshaw (1989) and Grosfoguel, Oso, and Christou (2015), to explore how overlapping categories of inequality—gender, race, class, and migration status—shape individuals' experiences. This intersectional approach is necessary to comprehensively understand processes of discrimination, and how categories of disadvantage interact to create similar or diverging experiences of discrimination. This, in turn, is important for thinking about/creating legal and policy instruments that would effectively address discrimination—which, as the articles show, are largely lacking so far. Adopting a multi-level governance perspective, the special issue also examines how national and European policies interact to influence patterns of discrimination. While the EU has been instrumental in fostering anti-discrimination agendas, as seen in directives addressing race and gender discrimination (Amiraux and Guiraudon 2010; Bell 2008), the implementation and enforcement of these measures vary across member states. This divergence underscores the importance of context in understanding the mechanisms of discrimination and the limits of policy interventions.

By integrating perspectives from sociology, political science, economy, and law, and adopting a comparative perspective, this special issue aims to shed light on the institutional and structural sources of discrimination in European labor markets. It explores how labor market and welfare policies intersect with historical and social categorizations, shaping access to employment and social rights for women, migrants and racialized minorities in various European countries. While some authors focus on the macro-level, i.e. the structural/institutional analyses of discrimination, others adopt an experiential, phenomenological approach, highlighting concrete experiences of discrimination in the labor market, always examining the interaction of gender, migration status and race/ethnicity. Taken together, the contributions emphasize the need to move beyond siloed approaches to discrimination and advocate for comparative and interdisciplinary analyses to inform more equitable policies and practices across Europe.

After the introductory chapter, two articles first shed light on labor market-related discrimination in France. **Giraud & Tietze** analyze the transformation of the concept of equality in France. They argue that the traditional French model of social citizenship is challenged as new forms of inequality and discrimination arise in the context of deindustrialization and migration. Not only the question of whether formal equality is established between the members of a community, but also which mechanisms enable people to de facto claim their social rights is crucial—especially for marginalized social groups, such as women, migrants and people in precarious employment. In a second article, **Arnaud Lechevalier** also sheds light on issues of discrimination and equality in France. He examines how gender-centered research in France has contributed to the analysis and understanding of employment dynamics and labor market inequalities since the 1990s. The article provides an overview of gender-specific research on the labor market in France. Likewise, with a view to gender inequalities in the labor

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market and the role of political and societal conditions in creating and maintaining these inequalities, the article by **Börner and Eigmüller** addresses the question of why women in Germany, despite more progressive family policies, disproportionately often work in atypical, low-paid employment relationships. Using a combination of institutional analysis and the history of ideas, they show how the specific historical and political constellation in Germany has led to a situation in which women often remain in precarious employment despite increasing labor force participation. The study shows that more progressive family policies have not been enough to compensate for the negative effects of neoliberal labor market policies, and that normative gender roles continue to play a crucial role.

In her article, **Christine Barwick-Gross** examines racism and the neglect of racial diversity in German companies from the perspective of highly qualified migrants and diversity experts. She argues that companies often promote "white diversity" while systematically ignoring race, which leads to structural disadvantage as well as emotional and ontological strain for racialized employees. To change this, profound changes in corporate culture and a more conscious approach to racial discrimination are needed.

Equally with an eye on Germany, **Alejandro Valdivia** examines the role of labor unions in producing knowledge about the occupational health of migrants in German slaughterhouses in the context of the Occupational Safety and Health Control Act (ArbSchKG) of 2020. The labor unions provided key evidence based on field research in an environment characterized by structural precarity. Valdivia shows that this "precarity-based evidence" can enable political change such as the ArbSchKG, but calls for adapted assessment standards to strengthen the democratic participation of marginalized groups. The article sheds light on the connection between union work, knowledge, and politics.

Adopting a quantitative approach, **Marcel Knobloch** uses an experiment design to shed light on discrimination regarding access to the labor market in Germany. Inspired by discrimination research in the U.S., he tests call-back rates for fictitious job applications for two groups: Turkish immigrants and their descendants (the largest migrant group in Germany) as well as persons with a criminal record, as well the interaction effect of these two disadvantaging factors. The results confirm that applicants with a Turkish-sounding name get fewer call-backs, just as do applicants with a criminal record. The fewest call backs are recorded for applicants with a criminal conviction *and* a Turkish-sounding name.

The following two articles focus on highly skilled—hence usually desired—migrants, shedding more light on processes that exclude migrants from the labor market and/or inhibit their opportunities for career advancement. Set in Denmark, **Klarissa Lueg** examines processes of microaggressions faced by highly skilled migrants in professional work settings. Based on the foundational works of Sue et al. on microaggressions, Lueg identifies four types that are commonly experienced by her respondents: microinsults, microinvalidation, microexclusion and microinvisibilisation. In her study, Lueg also foregrounds how non-Western migrants face more discrimination than Western ones. The microaggressions highlighted in the article can have detrimental ef-

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fects on migrants' health, thus stressing the importance of uncovering—and fighting—these subtle forms of discrimination at the workplace. Adopting an intersectional lens, **Clara Holzinger and Anna-Katharina Draxl** analyze deskilling processes of highly educated women from Eastern Europe who migrated to Austria. The authors show how the process of deskilling has a temporal and a spatial dimension. Regarding the latter, for example, experiences differ between urban and rural contexts. Related to time, deskilling (and reskilling) are influenced by the biographical context, including being an early-career migrant or a mother. Overall, the article stresses the structural disadvantage faced by a seemingly privileged group of highly educated, female and European migrants.

In the last article of the special issue, **Melanie Fleisch and Lukas Kerschbaumer** analyse structural categorizations and segregations of young mobile individuals in European labor markets, particularly in Austria. Coupling an intersectional with a multi-level analysis of policies and institutional discourses, the authors show how this group of movers is constructed as both culturally foreign and economically valuable. State-level regulations, related to residence or education, as well as meso-level factors such as employment opportunities, ultimately create rather precarious positions for young mobile individuals, particularly for young female migrants.

Taken together, the articles provide rich insights that advance our knowledge on labor-market related discrimination. Using different disciplinary and methodological approaches, focusing on different (European) countries and different levels of analysis, all authors clearly highlight the relevance of research on discrimination, as women, migrants and racialized minorities continue to face disadvantages in European labor markets, despite legal and policy advances to combat discrimination, on the EU as well as national levels.

Overall, the articles underline the purchase of adopting an intersectional perspective to research processes of discrimination. In this regard, we can draw three main conclusions, resulting from the papers collected in this volume: First, despite advances for gender equality—a meanwhile accepted norm in European societies—women still face discrimination in the labor market, due to lack of reforms in family and social policies. Second, class background does not protect from racial or ethnic discrimination, as even seemingly privileged migrants face discrimination not only when accessing the labor market, but also in professional workspaces. Third, for immigrants, gender often works as a further disadvantaging factor, particularly given their relegation to the realm of care work. It is therefore not sufficient to analyze discrimination one-dimensionally, as gender, class, race (including whiteness) and migration status intersect to produce different patterns of privilege and exclusion, thus also highlighting how policies need to address discrimination in a more encompassing way. Addressing only one category will not lead to the change that is necessary to create equal access to the labor market.

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Olivier Giraud and Nikola Tietze

"Non-take up", "Access to social rights", "Anti-discrimination": Reframing equality in France

Abstract: This article analyzes policy frames that address the transformation of the conception of inequalities in the French context. In the past thirty years, socio-economic and socio-cultural transformations have challenged the French version of social citizenship and its conception of equality and had impacts on welfare provision and social policies. In our view, policy frames consist of normative goals that need to be institutionalized by way of authoritative texts. This process of institutionalization creates opportunities for further development of specific ideas on an institutional level. We have scrutinized the way policy frames relevant to non-take up of social rights / access to social rights and policy frames related to the fight against discrimination have circulated between various public spheres. We then analyze legal texts that have institutionalized these policy frames. The article shows that the recent reframing of equality in the context of a dense historical legacy has triggered a consequent process of institutional change. The concrete enactment of these new norms remains fragile as it depends on social mobilizations and political support.

Keywords: French regime of social citizenship, institutionalization of normative goal settings, transformations of inequality, access to social rights and benefits

Olivier Giraud und Nikola Tietze, „*Non-take up*", „Zugang zu sozialen Rechten", „Antidiskriminierung": Neubestimmungen des Gleichheitsbegriffs in Frankreich

Zusammenfassung: In diesem Artikel werden die französischen *policy frames* untersucht, die den Wandel von Ungleichheiten fokussieren und adressieren. In den letzten 30 Jahren haben sozioökonomische und soziokulturelle Entwicklungen die französische Version der *social citizenship* verändert und die mit ihr verbundene Vorstellung von Gleichheit in Frage gestellt. Dies hat in der sozialstaatlichen Versorgung wie auch in der Sozialpolitik ihren Ausdruck gefunden. Ein *policy frame* besteht, so die Ausgangsüberlegung, aus normativen Zielsetzungen, die durch verbindliche Texte institutionalisiert werden müssen. Eine solche Institutionalisierung ermöglicht, spezifische Ideen auf der institutionellen Ebene weiterzuentwickeln. In unserer Untersuchung nehmen wir *policy frames* zum einen in Bezug auf die Nichtinanspruchnahme sozialer Rechte / den Zugang zu sozialen Rechten und zum anderen in Bezug auf den Kampf gegen Diskriminierung in den Blick. Wir spüren zunächst der Zirkulation dieser *policy frames* in verschiedenen Öffentlichkeiten nach und analysieren dann die Gesetzestexte, die zu ihrer Institutionalisierung geführt haben. Gezeigt wird, dass die jüngste Neuformulierung der Gleichstellung im Kontext eines dichten historischen Er-

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bes einen entsprechenden institutionellen Wandel ausgelöst hat. Die konkrete Umsetzung der neuen Normen bleibt fragil, da sie von sozialen Mobilisierungen und politischer Unterstützung abhängt.

Stichwörter: Französisches Regime der *social citizenship*, Institutionalisierung von normativen Zielsetzungen, Wandel der Ungleichheiten, Zugang zu sozialen Rechten und Leistungen

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In the following, we analyze policy frames that address the transformation of inequalities in the French context in about the last 30 years. During this period, a series of socio-economic and socio-cultural transformations have challenged social citizenship and its conception of equality as it is fostered and expressed in symbolic dimensions and organized in welfare provision and social policies. First, the process of deindustrialization (Raphael, 2023) coupled with the neoliberal policy options that have increasingly prevailed at the European and national levels have created new forms of work and social inequalities. Women and migrants, who were confined to the periphery of industrial and wage-earning society of the 1960s and 1970s (Castel, 1995: 597), have been particularly affected by unprotected jobs, precarious work conditions, specific regulations of labor mobility and social promotion, and unequal access to welfare provision. Second, the claims for more gender equality as well as the cultural pluralization related to immigration have been further dimensions contributing to challenging the French conception of equality and to transforming understandings of what constitutes discrimination (Castel, 2006; El-Tayab, 2006).

In the following we focus on the way emerging inequalities and forms of discrimination have been addressed in France by applying an analytical perspective founded in the notion of policy frames. This notion helps us to consider the norms manifested in policy discourses and to study their interaction with institutional dynamics. We understand institutionalized norms to be opportunities for subsequent policy making (Marx-Ferree, 2005).

In France, over the last 50 years, various policy frames that were supposed to address social challenges in terms of equality have dominated public discourse and policy debates. For instance, in the wake of the economic crisis of the late 1970's, the notions "precariousness", "social exclusion" (Barbier, 2005), or "*insertion professionnelle*"

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(Dubar, 2001) described emerging forms of labor market (mis)functioning. These terms rapidly spread in the spheres of expertise, public debate, political competition, as well as policy making and triggered official reports and key policy instruments for labor-market regulation. In spite of their influence as policy ideas, we have decided not to focus on this first wave of policy frames. Although these notions contributed to raising new questions about the capacity of the French socio-economic and policy systems to foster social integration, they did not point to concrete factors that have caused or been responsible for the evolution of the labor market.

Instead, we would like to compare the trajectory of two policy frames that have not only described the dynamic of the French labor market, but that have also addressed the transformation of inequalities. These policy frames characterize the nature of the emerging inequalities and identify mechanisms that account for them. The first encompasses two versions: *le non recours aux droits* – non-take up of entitlements – and *l'accès aux droits sociaux* – access to social rights. The second is *la lutte contre les discriminations* – the fight against discrimination.

Our analysis is organized in three analytical steps. First, we define the notion of social citizenship and characterize the French version of the conception of equality it entails. Second, in the theoretical part of the article, we discuss the policy frame approach and situate this notion within research and literature focusing on policy ideas and discourses and on the institutionalization of norms. Our focus is on the opportunities for concrete subsequent policy making and regulation opened up by institutionalization. Third, in the analytical section, we begin by reviewing the historical trajectory of the discourses of each policy frame to precisely define its rationale. Inspired by the qualitative methodology of process tracing, we consider "descriptive and causal inferences from diagnostic pieces of evidence, often understood as part of a temporal sequence of events" (Collier, 2011). We scrutinize how the policy frames we consider have circulated between various public spheres: academia, social movements, partisan politics, international organization, the European Union, or foreign countries. In a further step, we analyze authoritative texts (mostly legal texts) selected for their pathbreaking character in the institutionalization of the policy frames we focus on. Here, the objectives are to identify i) the institutionalization of the policy frame's normative goal settings (regulatory goals in terms of inequality), ii) the instrumental mechanisms and concrete policy tools that are supposed to implement the normative goals, iii) the institutional definition of the regulation's most important stakeholders (addressees, organizations, and persons in charge of the implementation). In the conclusion, we summarize our results and focus on the interplay of "non-take up" / "access to social right" with "the fight against discrimination" in order to understand the dynamics of social policy making in France and the transformation of the conception of equality entailed in the French social citizenship regime.

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1. Social citizenship and the conception of equality in France

We define social citizenship as a logic of integration of individuals into a political order that is related to a conception of equality (Somers, 1994). More precisely, social citizenship is a structured and meaningful configuration of symbolic and material relations between individuals, the social groups they are affiliated to, and institutional polities (central state, territorial public authorities, or public instituted organizations of the welfare state, etc.) that practically monopolize political legitimacy. The definition of equality (framed in relation to gender, social class, social status, profession, status, territory, religion, etc.) is an outcome of this configuration.

The French citizenship regime is complex and in part ambivalent. In a historical perspective, Bryan Turner has characterized it as based on an integrated public sphere that developed in opposition to the influence of the Catholic church. The "revolutionary conception of active citizenship" (Turner, 1990: 209) evokes the active involvement of individuals in shaping democratic rights and participation. This trajectory has tended to highlight, in the symbolic dimension, the direct confrontation between individuals and the state. Unequal status structure and professional, religious, regional, or other socio-cultural affiliations were perceived as legacies of the *Ancien Régime* and negated in order to foster equality. This "was combined with an attack on the private space of the family, religion and privacy" (Turner, 1990: 209). Theorization of the concept of solidarity, most prominently in the wake of the Durkheimian school, was an important development in the French republican citizenship tradition. The direct confrontation between individuals and the state, the negation of socio-cultural affiliations, and disregard for family privacy also shaped the French social citizenship regime and influenced the concrete ways in which equality was realized. Yet, adoption of the insurance-based type of welfare state has implied the mediation of labor unions and business associations in the French social citizenship regime (Rosanvallon, 2007). This type of welfare state arrangement reproduces the socio-professional logic of stratification. It was later complemented by the development of the wage-earning society and brought about what Robert Castel has called a "society of graduated inequalities" (Castel, 2009). The French system of social protection is, however, entangled with the public realm. Individuals' participation in the labor market includes the expectation of their involvement in the social citizenship regime. The welfare state reciprocates by protecting individuals from the adverse consequences of social risks.

Over time, both socio-cultural transformations and socio-economic dynamics have challenged the general grammar of citizenship in France. The form inherited from the French Revolution has long included all family members in the citizen status imparted to the head of the family (Verjus, 2001). This "modern" version of the antique *pater familias* has been transposed in social citizenship (Frader, 2008). The family represented the unit of social equality, which introduced an unequal gender role differentiation. Beginning in the early 1980s, a process in which social rights were individualized occurred. In the meantime, labor market regulations and social rights in France were organized around the norms of a "male breadwinner model and a half"

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(Lewis, 1992). This phrase refers to the importance of full-time female labor market participation. As several historical analyses have pointed out, labor migration in France developed at an early stage of industrialization. Migrant workers have been included in the benefits of the social citizenship system since the late 19th century (Rosental, 2011). The French tradition of *jus solis* and French policies for acquiring citizenship have facilitated integration. However, migrants, especially those coming from the Northern African and sub-Saharan regions of the French colonial empire since the early 20th century and in even greater numbers since the 1960s, have endured various forms of "negative discrimination" (Castel, 2006). Their concentration in specific urban areas and the deterioration of their economic situation as well as the restrictive regulations applied to their social rights and benefits have had specific effects and represent two key dimensions of "negative discrimination" (Castel, 2006: 789).

Since the revolution, the French regime of citizenship has been based on a tension between the symbolic commitment to radical equality and an evolving logic of organized inequalities. De-industrialization has brought about a weakening of the working population and the development of precarious and low-paid work in the lowest segments of the service industry. Disadvantages with respect to social conditions and employment opportunities plague those with no or less valued job skills (Raphael, 2023) and affect in particular migrants, women, and young people. Welfare policies play a key role in compensating for disadvantages that occur in specific social groups (Duvoux, 2009).

2. Analytical grid: policy frames as normative and institutional devices

To analyze the way policies have addressed the transformation of the dynamic of inequalities in France, we have developed an analytical grid based on the concept of "policy frames". This notion relates the analysis of normative discourses and ideas to institutional processes. It considers both the symbolic and the practical dimensions of policies that address inequality. This section reflects, first, on the idea selection aspect of policy frames, and, second, on the institutionalization of these ideas, which is seen as an opportunity for subsequent policy making.

In policy science, Martin Rein and Donald Schön were among the founders of the policy frame approach in the 1970s (Rein, 1977). They defined policy frames as the modes of actors' "selecting, organizing, interpreting and making sense of a complex reality to provide guideposts for knowing, analyzing, persuading and acting" (Rein, 1996: 146). In this view, policy frames play a guiding role throughout the policy process. Tebeje Molla and Andrea Nolan explain how policy frames enable researchers to "get behind surface features of policies in order to understand assumptions and logics underpinning" those policies (Molla and Nolan, 2019).

The literature about ideas has been particularly rich from the mid-1980s onwards (Hall, 1986). According to Daniel Béland, "the term ›ideas‹ refers to the historically constructed beliefs and perceptions of both individual and collective actors" (Béland, 2019: 4). Jal Mehta has differentiated between three types of ideas: "policy solutions,

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problem definitions, and public philosophies or Zeitgeist" (Mehta, 2011: 25). Through this double perspective, we focus on two policy frames: the fight against discrimination and the non-take up of social rights / access to social rights. These frames include ideas for policy solutions beyond the problem definition and the normative objective. Here, both the problem and the normative objectives are "given" and formulated in the notion itself (Mehta, 2011: 26). This implies also that the "idea provides the means for solving the problem and accomplishing those objectives" (Mehta, 2011: 26). The explicit identification of a policy strategy is key in the case of the policy frames we have selected.

In order to analyze the dynamic of the regime of social citizenship, we want to understand the relation between ideas and the institutional process. Consequently, focusing on the institutionalization of a policy frame is considered to be an opportunity for subsequent policy making. In this context, we share Myra Marx Ferree's view on framing as an "*interaction in which actors with agendas meet discursive opportunities as structured in institutionally authoritative texts*" (Marx-Ferree, 2012: 13, italics by the author). Authoritative texts (laws, regulations, court decisions, and the like) result from the successful institutionalization of previous policy frames. As such, they "have power to include and exclude issues and choices from the realm of politics" (Marx-Ferree, 2012: 13). This selection thus opens up an opportunity for adequate social and political forces to pursue and concretely implement the normative goals of the policy frame.

M. Marx Ferree's analytical approach focuses on the processual interplay between institutions, ideas, and social actors. Her perspective is coherent with Mary Douglas's view on institutions that "remember and forget" and "fix processes that are essentially dynamic" (Douglas, 1986: 69, 71). Institutions "fix" previously prevailing ideas, and deal with emerging ones. Sometimes, they merely eliminate institutions that cannot make it to the stage of institutionalization. In the logic of M. Douglas, institutions tend to "naturalize" their intentions and effects. They match the dominant understanding of a specific issue. Or conversely, they progressively make the dominant understanding sound coherent with the program of the institution.

However, M. Marx Ferree introduces a more dynamic view of the interplay between ideas, institutions, and social actors. For her, the "authoritative texts" that concretely perform the influence of institutions "are not a single master frame, but rather a network of meaning, a framework shaping and shaped by the active framing done by actors with agendas" (Marx-Ferree, 2012: 14). This statement has two concrete implications for us. First, institutions imply an intricate interplay between past and future decisions. Therefore, a new authoritative text does not change the understanding or the entire subsequent policy regulation of a given policy domain overnight. As Wolfgang Streeck and Katheleen Thelen have shown, several mechanisms account for these dynamics (Streeck and Thelen, 2005). Policy reform or policy institution, is, in many instances, the addition of an emerging conception about a specific issue, and / or a new provision or instrument addressing this issue. Through "layering", new instruments and their policy aims progressively evict the previous ones (Streeck and

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Thelen, 2005: 23). According to the mechanism of "drift" (Streeck and Thelen, 2005: 24), the stability of institutions fails through the transformations of the understanding – via cultural change for instance – or of the conditions that the addressees of an institution may face. Second, beyond the processual dimension of interaction between previously institutionalized policy frames, policy actors may intentionally want to provide a diverging interpretation of a specific institution (Streeck and Thelen, 2005: 15). This raises the question of the degree of constraint that is incorporated into any institutional regulation, as well as the level of the social actors' compliance or autonomy with respect to such regulations. Hendrik Wagenaar mentions the "owners" of the institutions, that "jealously guard them" (Wagenaar, 2015). The more open view of M. Marx Ferree also includes policy actors that would – more or less opportunistically – seize upon and invest in an institutionalized policy frame in order to push forward a specific policy agenda.

Following M. Marx Ferree, we aim to go beyond the contradictions between stability and change in a longitudinal perspective. Beyond social actors' compliance and autonomy, institutionalized policy frames can be understood as opportunities for a further development of a specific frame. Institutionalization is consequently only a step, however crucial, in the process of social change. Nonetheless, change must be enacted by social and political forces that pursue a similar policy goal.

3. Policy frames: sequential analysis and institutionalization

In this section, we first scrutinize, on the backdrop of M. Marx Ferree's analytical grid, the temporal layering of the ideas and discourses around policy frames that emerged in the 1990s in France, with the aim of addressing inequalities: "non-take up of social benefits" evolving into the concept of "access to social rights", and the "fight against discrimination". In a second step, we scrutinize their institutionalization through legislation. For the latter, we focus on legislative goal setting, the definition of instruments, and determining the most important stakeholders.

3.1. Non-take up and access to social rights: sequential analysis of ideas and discourses (from the 1970s to 1998)

In France in the 1970s and 1980s, no distinction was made between the policy frames of non-take up of social entitlements and access to social rights. During this period, the notion of access to social rights in the sphere of policy making was mostly mobilized by religious charities, such as the *Secours catholique*. The discourse was focused on fighting inequalities by fostering access for the poorest part of the population to social entitlements and welfare provision. In the sphere of social sciences in the mid-1970s, sociologist Antoinette Catrice-Lorey considered the inability of the most disadvantaged members of France's population to access social benefits as a key shortcoming of social policies (Catrice-Lorey, 1976). Her pioneer work showed that the interplay of cultural deprivation of the most disadvantaged people with the administra-

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tive complexity of the French social security system creates an important barrier to accessing social entitlements (Catrice-Lorey, 1976: 200–201). International scholarship has produced various explanatory models: procedures and steps of access to social rights; instruments supporting people's decisional capacity to take up schemes; the way the claims are received and processed by the administration (Van Oorschot, 1991). Those models were imported into the French debate and policy making from the early 1990s.

First, the National Office for Family Allocations (*Caisse Nationale des Allocations Familiales, CNAF*) has financed targeted research on the issue of non-take up of various benefits. Second, the introduction of a minimum income scheme (*Revenu Minimum d'Insertion, RMI*) in the late 1980s has triggered a debate about relations between the administration and the public. The CNAF has invited Wim van Oorshot, who developed his own analytical model of non-take up, to work with colleagues in France (Warin, 2017: 28). The definition that emerged from this cooperation replicated his typology and was complemented by an objectizing one, based on a ratio between the number of theoretically entitled persons and the number of actual recipients of benefits.

At the beginning of this century's first decade, non-take up of social entitlements has become an issue in public debates. Philippe Warin, a scholar of welfare state analysis, founded in 2002 an institute dedicated to both applied and more theoretical research on non-take up, the *Observatoire du non recours* (Odenore). He was identified by the media as an expert on the issue (Le Monde, 2010, 2013). During the 2010s, he argued that whereas, in terms of efficiency, non-use of specific social entitlements might lead to savings in public spending in the short term, it would result in considerably higher mid- or long-term expenses. Regarding the frequently cited issue of social fraud, he pointed out that non-take up is far more important in budgetary terms, as well as being a more crucial socio-political matter (Odenore, 2012).

Institutionalization of non-take up of social entitlements reached a peak during the decade of the 2010s. It was one central element of the French government's 2013 multi-year plan against poverty. In this plan, the notion of "fair rights" relates measures targeting social fraud and to those aiming to combat non-take up of social entitlement (Warin, 2019: 11). However, certain civic society organizations nowadays tend to criticize the notion of "non-take up" itself. They argue that the notion contributes to stigmatizing people who do not take up their social entitlements (for instance CNCDH, 2022).

From the late 1990s, debates in France on access to social rights began to diverge from discussions about non-take up. The latter was focused on the identification of concrete barriers: information for the public, administrative procedures for claiming social benefits, matching schemes to meet the needs of the population, etc. This academically informed policy frame has provided important technical expertise. Debates about access to social rights, in contrast, beyond initial contributions by leaders of charity organizations, were at first shaped by legal scholars.

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In the international debate, the notion of access to social rights relates to citizenship. The complementary importance of the legal and the socioeconomic dimensions of citizenship supposes a balance in the corresponding rights. Hilary Sommerlad refers to the increase of "substantive inequality and hence social and political exclusion" within the "privatized citizenship model" (Sommerlad, 2004: 366). Supporting access to social rights is supposed to consider a person's individual situation. The poor or people whose economic situation is precarious are excluded from ordinary citizenship. Their access to rights should, however, also not depend on legal litigation. In France, litigation is considered too risky and costly. Yet, in order to preserve equality, at least symbolically, those who are disadvantaged are granted the same legal rights as the rest of the population. This kind of inclusion is ensured through the creation of a specific sector dedicated to aiding people in realizing rights. Access to social entitlements is then based on counselling and supporting people in securing their rights and on social mediation rather than litigation (Sommerlad, 2004).

In France, legal scholars have also played an important role in framing access to rights. First, access was interpreted as a redefinition of insurance-based social rights (Lafore, 2004). Access to social rights aims, in this context, to include marginalized and fragile groups within the population in the regular provision of welfare benefits. The French tradition of defining equality implies the integration of all individuals into the common law provisions and not the creation of a "second class" of individuals for whom specific provisions are made. Second, access to social rights relates to the notion of fundamental rights. Those are defined as basic rights that guarantee a minimal standard of living (Lafore, 2004: 25). Enacting fundamental rights implies the establishment of a dividing line between these rights and others. In discussions among legal experts, fundamental rights relate specifically to the notion of equality.

More crucially for our discussion, whereas the logic of insurance-based social protection defines equality as a relationship between socially constructed and institutionally recognized social groups (profession, employment status, etc.), the notion of fundamental rights refers to equal treatment of every individual. In that respect, it relates to the policy frame of non-discrimination. The French legal tradition considers the mechanisms that are at stake here to be societal and non-political. This implies an individual conception of social rights that is distinct from the collective, insurance-based version.

Beyond this transformation of social rights into fundamental rights, political scientists have delivered a more pragmatic interpretation of the emergence of the policy frame defined in terms of access to social rights (Hamel and Muller, 2007). According to them, access to social rights must be understood in the context of policies that aim to limit welfare spending, on the one hand, and try to answer the increasing needs that arise due to the acceleration of the de-industrialization process, on the other. Access to social rights is seen as a kind of "compromise" between the important policy goal of protecting weaker individuals in society and the demands of economic performance and rationalization (Hamel and Muller, 2007). Access to social rights corresponds,

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then, to the necessity to focus welfare state provision on the most disadvantaged part of the population and on their basic needs.

3.2. Institutionalizing access to social rights

The decisive line of development in the institutionalization of access to social rights relies on two laws passed in 1998 by a left-wing parliamentary majority known as the "plural left", an alliance between Greens, Socialists, and Communists. These legal texts were the first to develop definitions of access to rights that differed from earlier ones. The first, dated 29 July, focused on combating exclusion (law no. 98–657, 29 July 1998). In general, it was intended to be a further step in the response to the "new" forms of poverty identified not only by sociological research but also by public reports dating back to the 1980s (Lafore, 2020: 39–40). Article 1 of this law states that "employment, housing, health protection, justice, education, training and culture, family and child protection" are fundamental rights. In each of these areas, the law guarantees access to entitlements that respond to precarious situations. It also defines instruments for implementing specific measures to aid people in securing access to their rights.

Article 1 states that people should be offered information about their rights but does not explicitly define social groups to be targeted. In the following articles of the law, a series of social groups are specifically identified, according to the areas concerned: age and duration of unemployment (art. 5), housing problems (art. 33), persons with health concerns (art. 67), etc. Illiteracy is mentioned as a cross-cutting difficulty (art. 33).

Similarly, the stakeholders involved in access to rights vary according to the areas of intervention. Generally, the state actors are in a position to take the initiative, along with local authorities, professionals, and specialized institutions and agencies – regional health agencies, for example. In the various areas, the law primarily introduces instruments for coordinating and activating different players: action plans involving all the relevant actors, often placed under the responsibility of a central government agency. For example, article 71 provides for a regional "program for access to prevention and care for the most disadvantaged".

Whereas the first law mostly displays policy objectives in regard to the struggle against poverty, the second law of December 1998 is devoted to "access to the judicial system and the amicable resolution of disputes". Though this law has defined policy goals primarily dedicated to the relations between individuals and the legal system, it has set up policy instruments installing a concrete provision of legal and administrative assistance, including assistance in securing the provision of social benefits, that soon proved successful. Article 9 of this second law defines access to rights as "providing general information to people about their rights and obligations and directing them to the bodies responsible for implementing these rights". Access to rights is further defined as "helping people to take steps to exercise their rights", "providing aid during non-jurisdictional proceedings" and "in drafting and concluding legal acts".

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The same article also establishes services with respect to concrete measures: "In each *département*, a departmental council for access to the law is set up, responsible for identifying needs, defining a local policy and drawing up and circulating an inventory of all actions undertaken." This body is chaired by the *département's* president of the *Tribunal de Grande Instance* and includes representatives of local authorities, the legal profession (lawyers, notaries, etc.) and an association working in the field of access to the law and, often, to social rights. The justice ministry provides financing and a legal clerk position for the most important structures. There are today more than 2000 "Points Justice" throughout the entire territory of France but mostly located in deprived neighborhoods (Ministère de la Justice, website). Most of these host several associations that send volunteer lawyers, a majority of whom specialize in laws and regulations on labor, family, social issues, or foreigners and immigration.

3.3. Fighting discrimination: sequential analysis of ideas and discourses (from the 1950s to 2004)

Three sets of ideas as well as sets of political and normative discourses concerning the "fight against discrimination" stand out. Initially, the "fight against discriminations" was based on the problematization of racism and anti-Semitism. From the 1950s onwards, it was mobilized by associations with close ties to the political and social forces that worked for France's liberation from Nazi occupation. This mobilization was strongly influenced by the experience of racial hierarchies during the Vichy regime and the German occupation. The importance of the *Mouvement contre le racisme, l'antisémitisme et pour la paix* (MRAP) in the anti-discrimination debate between the 1950s and 1970s bears witness to this.[1] This debate was driven both by left-wing political forces and by moral figures, who embodied the struggle through their own lives and stood up for the institutions of the French post-war republics and in particular for equality. This first set of discourses, focusing exclusively on racism and anti-semitism, referred above to discrimination in the form of individual acts committed by an identifiable perpetrator against his or her victim.

In 1972, the French parliament passed the first law condemning racial and anti-Semitic discrimination as criminal offenses. This law, named the Pleven law after the minister of justice at the time, took up "almost word for word" the formulations of the MRAP legal commission (Chappe, 2011: 110). This first attempt to institutionalize measures against racist discrimination was based on two ideas: firstly, an individualizing definition of direct discrimination, and secondly, confidence in the principle of equality, embodied in the institutions of the Fifth French Republic and its legislation and jurisdictions that addressed racial discrimination.

1 The MRAP (Movement against racism, anti-Semitism and for peace) was founded in 1949 by members of the French Resistance movement, the *Francs-tireurs* et *partisans*, and the communist organization of immigrant manpower (FTP-MOI) and deportees.

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Beginning in the 1980s and especially in the 1990s, a second set of discourses problematized racial discrimination more vigorously by addressing the social, political, and/or institutional processes that produce material and social inequalities. Both the mobilization of the descendants of post-colonial migrant workers (*Les Marches pour l'égalité*) and social science research have expanded the first set of ideas inherited from the resistance against the Nazi and Vichy regimes to the specific problems of postcolonial migrant workers and their families of North-African and sub-Saharan descent. According to social science research, this social group suffered discrimination in terms of access to jobs and housing, spatial segregation in cities and, more broadly, in terms of upward social mobility (Belorgey, 1988; de Rudder et al., 2000). By emphasizing the problems as deficits of social integration, this reading of discrimination could in part be linked to the definition of discrimination in terms of non-take up and access to social rights, as defective access to general rights and entitlements also played a key role in it. The book *La France raciste* (Wieviorka, 1992), resulting from research directed by Michel Wieviorka, represents an example of the interplay of both rationales. The interactions of racial and ethnic discrimination, on the one hand, and structural social inequalities in terms of unemployment and segregation in urban and social space, on the other, have produced integration problems and negated the equality principle embodied in French institutions, in particular in the public education system. Here, a different interpretation from that of the Pleven law emerged and influenced, in the 1990s, the public debate on discrimination as well as the fight against it. Discrimination was subsequently approached to a greater extent in relation to specific socio-economic situations, resulting in a de-individualization of discrimination for specific social groups. Discrimination and its affects were seen as societal problems that threaten social and national cohesion (HCI, 1998). As we have shown in the previous section, one answer to this integration problem has been to promote access to social rights for all citizens, without thematizing specific access problems of particular social groups. Furthermore, there was increasing acknowledgement that the criminal justice response and litigation, which had previously been extremely rare (Lieberman, 2004), could not deal with these societal problems. In the late 1990s, studies on racism in the workplace commissioned by the trade union CFTD and carried out by researchers at the research institute CADIS, whose director was M. Wieviorka, not only demonstrated the need to change the way racial discrimination was viewed. They also highlighted the interest of social actors, in this case the trade union movement, in using the fight against racial discrimination to address social problems, particularly in the field of work (Bataille, 1997; Chappe, 2019).

A set of discourses of a more legal nature has become salient as a third line of development from the 2000s onwards. On an international scale and in other European national contexts, for example in Great Britain, discussion on discrimination was evolving, notably by drawing on the notion of fundamental rights. Non-discrimination is then (re-)affirmed as the "logical corollary" of human equality (Borgetto, 2008: 9) and of "rights and freedoms" (European Convention on Human Rights, article 14). This set of discourses could more or less seamlessly tie in with the historical

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experience of Nazi racial hierarchization, but has contributed to opening up the fight against discrimination to other forms of unequal treatment. Researchers and jurists from international organizations not only combine their thinking on the fight against racism (for instance in the frame of the International Convention on the Elimination of All Forms of Racial Discrimination (1965)) with that on gender equality (Crenshaw, 1989), but also integrate other potentially discriminatory criteria such as religion, disability, social origin, etc. into the anti-discrimination debate. International definitions of discrimination have become increasingly complex. They include an ever-increasing number of factors and attempt to guarantee the open nature of the list of factors that can lead to discrimination. In addition, discussions between legal experts increasingly consider how the multiple dimensions of discrimination in terms of rights and freedoms intersect. Legal concepts, particularly at European Union level, encompass unequal treatment produced by "an apparently neutral provision, criterion or practice" (Directive 2000/43/EC), and support academic discussions on multiple, intersectional, or multi-variable discrimination (Verloo, 2006). French legal scholars have in part embraced these concepts and participated in the international discussion (Mercat-Bruns, 2016). They have acknowledged direct and indirect discrimination as one form of illegitimate differences in treatment (Lorchak, 1987).

When the French government had to transpose EU Directive 2000/43 into national law in 2000, it faced the issue of how to integrate the earlier concepts of the "fight against discrimination" with the multilayered sets of political and normative discourses that had meanwhile emerged. The implementation of meaning entailed various risks for the French government. Among them was the problem that the European definition of direct and indirect discrimination requires the identification of social groups and was thus at odds with the French concept of the equality norm and social citizenship. The executive also ran the risk of becoming embroiled in a public debate, backed by research, on the unfulfilled promises of the immigrants' integration and the resulting issues of social exclusion or unequal access to social rights. In 2001, the "Plural left" government transposed the European Directive's dual definition of direct and indirect discrimination into labor law (Law no. 2006–1066 of 16 November 2001). This represented the starting point of a successful legal institutionalization of measures to combat direct and indirect discrimination at the workplace (Chappe, 2019). But that government failed to establish an independent body to oversee the fight against discrimination, as required by the same Directive, and neglected discrimination with respect to administrative and in particular social rights.

3.4. Institutionalizing anti-discrimination

When the establishment of a body charged with overseeing the fight against discrimination was put on the political agenda in 2002,[2] indirect discrimination through ad-

2 President Chirac had just been re-elected in a second round against the far-right candidate Jean-Maire Le Pen (Chappe 2011, 118).

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ministrative and welfare provision emerged as a salient topic in public debate. The institutionalization of the anti-discrimination policy frame through the creation of the *Haute Autorité de Lutte contre les Discriminations et pour l'Egalité* (HALDE, High Authority for the Fight against Discrimination and for Equality) was set against the backdrop of this debate as well as against the layering of political and normative meanings described above. Vincent-Arnaud Chappe (2011) notes that three cognitive, technical-legal, and normative shifts in relation to these three-layered discursive sets enabled the establishment of the HALDE and thus the institutionalization of the policy frame "fight against discrimination" through enactment of the Law no. 2004 1486 of 30 December 2004. These three shifts were implemented both through the definition of the institution's goals and through the identification of its main stakeholders and instruments.

Article 1 establishes the HALDE as "an independent administrative authority". This represents a "cognitive" shift in relation to the first and second discursive sets (Chappe, 2019: 112). It defines the fight against discrimination, HALDE's area of competence, as the fight against "all forms of discrimination, direct or indirect, prohibited by law or by an international commitment to which France is a party" (art. 1, para. 2). The semantic scope of the notion of discrimination is not defined; instead, the text refers to existing national legislation – principally the Pleven law and the law of November 16, 2001, transposing the fight against discrimination into the Labor Code – and to the vague term "international commitment" of France. Only Title II of the Act (article 19), concerning the transposition of EU Directive 2000/43, and Title III (articles 20 to 22), reinforcing "the fight against discriminatory comments of a sexist or homophobic nature", specify the discrimination covered by the Act. This clarification remains incomplete insofar as Law no. 2004–1486 of 30 December 2004 does not name the factors of discrimination listed in the international conventions to which France is committed, nor the definitions of "direct" and "indirect", which must be sought in the European text of Directive 2000/43. The broadening of the scope of the fight against discrimination in relation to the focus of public debate on the inequalities affecting migrants and their families is based on an interlocking of international, European, and national normative provisions. These provisions are listed in a table in the report by the Parliamentary Commission on the draft law creating the HALDE (Report, 28 September 28 2004: 18–19).

The interlocking of normative provisions responds to the third discursive set in the public debate. It supports the role and importance of the legal norms of non-discrimination already established in Law no. 2004–1486. The already established legal norms justify the institutionalization of the fight against discrimination. In this respect, Law no. 2004–1486 is characterized by its high level of legal technicality. It specifies the "impartiality" of the HALDE, which represents both the normative objective of the institutionalization of the fight against discrimination and its central instrument (Law no. 2004–1486, art.1, 3, 6, 17). The independence of this body is seen as fundamental for addressing the "urgent need to find ways and means of effectively combating discriminatory practices that undermine the principle of equality and, by extension,

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social cohesion" (Bill, 15 July 2004: 3), for becoming the interlocutor for victims of discrimination (Law no. 2004–1486, art. 4) and assisting victims (art. 7). Also, the HALDE's instruments (investigating facts (art. 4, 5, 8), formulating recommendations (art. 11), raising public awareness of discrimination issues (art. 15)) and its relations with other institutions and administrations (art. 6, 8, 10, 14 and 18), notably the judiciary (art. 12 and 13), all depend on institutional "impartiality". From this point of view, Law no. 2004–1486 shifts the political debate to a technical-legal sphere. This shift makes it possible to isolate public problems, i.e. to address discrimination – in this case racial and ethnic discrimination – separately from questions of the political order of the French republic. "As the issue of discrimination is reduced to the problem of the effectiveness of positive law, and as this technical-legal shift confirms the broadening of the scope of the fight against discrimination beyond ethnic or racial discrimination, integration policies regain their autonomy by dissociating themselves from the issue of discrimination" (Chappe, 2011: 111).

The legal technicality of Law no. 2004–1486 reveals a third shift. This is of a normative nature. "Turning a political problem into a legal issue implies a shift in normative references. [...] Debating the means of making this or that standard effective implies suspending public questioning of the value of the standard and the consequences of its effectiveness" (Chappe, 2011: 129). Indeed, Law no. 2004–1486 is sparing in its use of the notion of equality, even though it leads to the establishment of the *Haute Autorité de Lutte contre les Discriminations et* ***pour l'Egalité***[3] and imposes "communication and information actions to ensure the promotion of equality" (art. 15).[4] It merely establishes the link between the institutionalization of "the fight against discrimination" and the principle of equality. The conformity of this link with the norms and promises of the French Republic and its potentially dangerous nature for "republican universalist grammar" were, however, the focus of public debate preceding Law no. 2004–1486 (Chappe, 2011: 114).

The HALDE addresses "[a]ny person who considers himself to be a victim of discrimination..." (art. 4). Its instruments, determined by Law no. 2004–1486, thus establish an interface with this republican universalist grammar, in which the principle of equality represents a pivot and "social cohesion" constitutes an end. The republican universalist grammar is affirmed by the way in which the eleven members of the HALDE are appointed (art. 1). In addition, an "Advisory Committee" of "qualified personalities chosen from among representatives of associations, trade unions, professional organizations and any other persons active in the field of anti-discrimination and the promotion of equality" (art. 1) represents civil society and offers various

3 Our emphasis.

4 In a very neutral way, this article repeats the following reasoning in the draft law: "The creation of such a body, like the independent bodies of the same kind already set up in several neighboring countries, meets the urgent need to find, in our country, the ways and means of effectively combating discriminatory practices which undermine the principle of equality and hence social cohesion" (Bill, 15 July 2024: 3).

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participants in the debate on the link between anti-discrimination and the principle of equality an opportunity to contribute.

Despite its success (Chappe, 2011), HALDE no longer exists. Following the constitutional law modernizing the institutions of the Fifth Republic (constitutional law no. 2008–724, 23 July 2008), the fight against discrimination became one of the missions of the state agency *Défenseur des droits* [Rights Defender]. This independent administrative authority, established by organic law no. 2011–333 of 29 March 2011, has been charged with integrating the normative objectives of both the fight against discrimination and for access to (social) rights. Officially, this was done to ensure greater coherence and legibility in the protection of rights and freedoms and to rationalize the action of independent administrative authorities (Chevallier, 2011). Incorporating, at the outset, a large part of HALDE's staff (Latraverse, 2018), the name of this new independent administrative authority obscures the policy frame of the fight against discrimination and places greater emphasis on that of access to rights. Yet the fight against discrimination is one of the institution's missions, and "the protection of rights" and "the promotion of equality and access to rights" are its "means of action" (Défenseur des droits, website).

4. Conclusion

With M. Marx Feree, W. Streeck, and K. Thelen, we can conclude that the interplay between the definition of policy goals and their accomplishment involves several steps of institutionalization as well as the mobilization of social actors. Institutionalization creates opportunities for social change to unfold. However, in most cases, an institutional rule's capacity to trigger change has to be considered in the context of policy regulations involving a great number of policy regulations and social mobilizations. The institutionalization of an emerging policy frame is a first shift of norms. It has to be both preceded and followed by various steps of preparation, mobilization, and enactment.

As we have shown in this article, in the case of the French social citizenship regime, these interactions take the form of a historical process. Through this process, political discourses and normative objectives evolve without disappearing altogether. Social, political, and institutional actors organize the circulation of qualitative goals they take on board from public debates and/or academic work in order to address societal change. In France, transformation of the definition of social inequalities and the succession of policy frames dealing with social inequalities reveals a dynamic both in the diagnosis of the causes of the new forms of inequality and in the ways in which they are tackled.

The "non-take up" policy frame may have been relegated to the bottom of the institutional agenda concerning social citizenship. It nonetheless forms the cognitive and normative basis of the Defenders of Rights instrument in its mission to "combat discrimination and promote equality" and "defend the rights of users of public services" (Défenseur des droits, website). Academic knowledge on the realities of non-take up was produced on an international scale and integrated into administrative thinking

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in France during the 1990s. But from the 2000s onwards, this perspective has had difficulty gaining acceptance in the face of political discourse on welfare fraud and, to an even greater extent, on the empowerment of individuals within the framework of neo-liberal social policies that focus on "activation".

Nevertheless, the principle of equality, the symbolic linchpin of the French concept of social citizenship, represented an important vector in the responses to transformed social inequalities during the period analyzed in this article. Indeed, political as well as state actors were unable to abandon equality in their pursuit of neoliberal objectives, without running the risk of positioning themselves outside the constitutional framework. The success of the "access to rights" policy framework confirms this. For some, its institutionalization and transformation into an instrument of the *Défenseur des droits* have helped to depoliticize the issue of social inequalities and defuse the risks they entail for France's institutional and normative integrity. From this point of view, access to social rights is understood as assistance for the most disadvantaged so that they can use social mediation. For others, however, the "access to social rights" policy frame represents a springboard for re-establishing the principle of equality in the exercise of French-style social citizenship, and if necessary, helping the most disadvantaged to initiate legal proceedings.

The fight against discrimination is "at odds with French universalist grammar" (Chappe, 2011: 117). It has been and still is, in the context of the *Défenseur des droits* today, linked to the promotion of equality. This policy frame is, during the period examined here, always directly tied to the symbolic linchpin of social citizenship. Yet, its institutionalization opens the way for normative, political, and legal dynamics that recognize specific social groups. This is in direct contradiction with the imagination of the "indivisible Republic", as well as with institutional mechanisms and administrative procedures denying social citizenship. Indeed, "[d]iscrimination is a specific concept, distinct from that of inequality" and requires, as jurist Sophie Latraverse points out, adaptations "in the way equality is understood" (Latraverse, 2005). The establishment of the *Défenseur des droits*, which combines the policy frame of access to social rights with that of the fight against discrimination, calls for an adaptation in the way political actors approach equality. However, this institution also represents an adaptation on the part of those who, thanks to the objectives and mechanisms of the *Défenseur des droits,* invest in the promotion of access to social rights within the framework of the fight against discrimination.

The policy frame based on access to social rights may have been less influential in symbolic terms. To assess its impact on the limits of the French social citizenship regime is a difficult task. However, several concrete policy instruments have been developed from this policy frame. They deal in various ways with the main goal of facilitating access for the most marginalized social groups to some key social entitlements. These instruments have been actively promoted and implemented by social groups (associations, activist lawyers' groups, social workers, etc.). Despite its low level of theorization, this development has brought about a concrete evolution of

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the French regime of social citizenship, in which it has undergone an unprecedented process of differentiation.

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Arnaud Lechevalier

Gender and the labour market: A survey on French research*

Abstract: This article provides a survey on the contributions made in France in sociology and economics over the last three decades in the field of gender focused research on (female) employment as well as on discrimination against women in the French labour market. The first part shows that the topics of women's work and then female employment have turned into the determining issues for the emergence of gender centred studies in social sciences in France. From this point of view, three main drivers need to be considered: the feminist movements, the internationalisation of (Anglo-Saxon) scientific research and the European integration. The second part presents an overview of French research on gender issues and the labour market with an analysis focused on employment trends and inequalities from the 1990s onwards. It looks at the ways in which this gender approach in economics and sociology research has led, first, to the revisiting of traditional issues, second, to the conceptualisation of analytical shifts as well as, third, to the exploration of new issues. Against this backdrop, this literature review highlights some of the key developments in France over the three decades concerning female employment and labour market gender inequalities.

Keywords: Gender and labour market, women and work, employment, segmentations, inequalities and discrimination, public policies.

Arnaud Lechevalier, Gender und Arbeitsmarkt: Eine Erhebung des französischen Forschungsstands

Zusammenfassung: Der Artikel gibt einen Überblick über die Beiträge, die in Frankreich in den letzten drei Jahrzehnten in Soziologie und Wirtschaftswissenschaften im Bereich der geschlechtsspezifischen Forschung zur (weiblichen) Beschäftigung sowie zur Diskriminierung von Frauen auf dem französischen Arbeitsmarkt geleistet wurden. Im ersten Teil wird gezeigt, dass in Frankreich die Themen der Frauenarbeit und später der weiblichen Beschäftigung zentrale Fragestellungen für die Entstehung und Entwicklung geschlechtsspezifischer Studien in den Sozialwissenschaften gewesen sind. Aus dieser Perspektive müssen drei treibende Kräfte berücksichtigt werden: die feministischen Bewegungen, die Internationalisierung der (angelsächsischen) wissenschaftlichen Forschung und die europäische Integration. Der zweite Teil bietet einen Überblick über die französische Forschung zu geschlechtsspezifischen Fragen und dem Arbeitsmarkt mit einer Analyse, die sich auf

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Beschäftigungstrends und Ungleichheiten ab den 1990er Jahren konzentriert. Es wird untersucht, wie dieser geschlechtsspezifische Ansatz in der Wirtschafts- und Soziologieforschung erstens zur Wiederaufnahme traditioneller Themen, zweitens zu analytischen Verschiebungen und drittens zur Erforschung neuer Themen und Fragestellungen geführt hat. Vor diesem Hintergrund beleuchtet diese Literaturübersicht einige der bedeutendsten Entwicklungen in Frankreich in den letzten drei Jahrzehnten in Bezug auf die Beschäftigung von Frauen und die geschlechtsspezifischen Ungleichheiten auf dem Arbeitsmarkt.

Stichwörter: Gender und Arbeitsmarkt, Frauen und Arbeit, Beschäftigung, Arbeitsmarktsegmente, Ungleichheiten und Diskriminierung, öffentliche Politik

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Introduction

The women's emancipation movement from a legal point of view, yet also concerning the rise of women's qualifications and labour force participation as well as in terms of sexual habits and social issues, represents one of the most significant social developments of the second half of the 20th century. In particular, "Women's increased involvement in the economy was the most significant change in labour markets during the past century" (Goldin, 2006: 1). Paradoxically, despite its significance, with a few exceptions these major social facts were initially largely overlooked by the social sciences until the women studies and then the concept of "gender" emerged as a theoretical framework. The adoption of a gender focused perspective has ultimately led to a different understanding of modern societies as well as a different conception of the social sciences themselves.

"In its most recent usage, 'gender' seems to have first appeared among American feminists who wanted to insist on the fundamentally social quality of distinctions based on sex. The word denoted a rejection of the biological determinism implicit in the use of such terms as 'sex' or 'sexual difference' (…) In addition, and perhaps most important, 'gender' was a term offered by those who claimed that women's scholarship would fundamentally transform disciplinary paradigms. Feminist scholars pointed out early on that the study of women would not only add new subject matter but would also force a critical re-examination to the premises and standards of existing scholarly work" (Scott, 1986:1054).

This link between the gender issue and its impact on the way research was conceived is of decisive importance in the present context as the gender problematic in France emerged mainly around the issues of women's work and then women's employment. The specific perspective of the gender approach is indeed an essential analytical tool for understanding the major transformations in employment over the recent decades,

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given that "women are not marginal, peripheral, but symptomatic of all the major changes in the labour market" (Marry, 2011: 170).[1] Our contribution presents a survey on the research done in economics and sociology focusing on gender and labour market issues in France over the past three decades. It shows how he gender issue progressively transformed theoretical perspectives and the objects of research in this field.

In a first part, we analyse the driving forces behind the emergence of the gender issue during the second half of the twentieth century in France and the ways it has been utilised or reappropriated in economics as well as in sociology, particularly where the dynamics of (female) employment and labour market discriminations against women are concerned. Three primary driving forces will be identified that have influenced the content of this research agenda: the feminist movement, the internationalisation of research, and the European integration. In each case the issues of women's work, and then female employment were central for the emergence and consolidation of the gender problematic in French social sciences. In the second part, we will initially examine a variety of gender and employment issues that have lead academic research in economics and sociology to revisit traditional subjects (growth of employment and changes in employment rates, women's qualifications and careers; occupational gender segregation) as well as triggering analytical shifts and new issues in the areas of gender inequalities on the labour market, employment and public policies, discriminations in pay and recruitment. At the same time, this literature review allows us to present some empirical developments in France in the field of female employment, working conditions and careers over the past three decades.

1. The emergence and consolidation of gender issues in France: The driving forces of change

Three primary driving forces will be identified that have influenced both the problematics and the content of the research on gender and labour market in France: the feminist movement, the internationalisation of research, and the European integration (Lechevalier, 2022). Analysing the first driving force presents a major clue on how the debates and demands of the feminist movement have led French feminist research and (female) researchers in sociology to tackle the issue of women's (paid and unpaid) work from the end of the 1970s onwards. Second, the reappropriation of Anglo-Saxon research in France highlights why the issues of division of labour between men and women, and those of discrimination against women on the labour market, have fuelled first orthodox and then, from the 1990s onwards, heterodox gendered approaches to economics. Third, because of its hard and soft laws, the European Union has played a key role in France in supporting and developing the research in social sciences on gendered discriminations in the labour market and regarding public policies. In all

1 Our own translation – as in the rest of the text.

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three cases, we will see that the issue of women's work and female employment have been decisive factors in the emergence and consolidation of gender centred studies.

The feminist movement(s)

Most analyses of the institutionalisation of first the feminist studies and then of the gender focused research agree on locating this genealogy in the feminist movement of the 1970s' (Pavard et al., 2020, chapter XII). This process of institutionalisation has been the result of a long and conflictual process since the end of the 19th century and the (social) birth of feminism.[2] After World War II, feminist research was developed primarily in anthropology and sociology, often in the context of issues concerning women's work and the gendered division of labour. In sociology, it can be said that "(women's) work was at the beginning of everything" (Clair, 2015). Yet, despite the pioneering works of Madeleine Guilbert, Évelyne Sullerot and Andrée Michel in the late 1950s (Lurol, 2001), the Handbooks on labour sociology during the 1960s almost totally ignored the whole issue. As stressed by M. Maruani (2001: 44), "going through the tables of content of the review *Sociologie du travail* is from this point of view quite revealing: Over the entire period covered, from 1959 (when the journal was founded) until 1999, entries on 'Women', 'Gender', 'Social relations of sex' or 'Sexual division of labour' do not appear anywhere in the thematic indexes".

Long after its introduction into the English-speaking world, the concept of "gender" made a late entry into France, particularly in historical studies (Riot-Sarcey, 2010). Researchers took a focused interest in the gendered nature of "history" – even though the use of the concept was not always explicit, and its ambiguities not always resolved. The first contemporary lecture in women's history, organised by Michelle Perrot at Paris 7 was entitled "Les femmes ont-elles une histoire?" did not emerge until the 1970s in an intellectual context that was conducive to the emergence of new questions: the pioneering research into the sociology of women's labour, the development of the anthropology of the family, the introduction into the historical discipline on the workers' history" (Thébaud, 2003: 76–77).

At the end of the 1970s (*Critique de l'économie politique* in 1978) the first analyses on domestic work appeared in the context of the debates and demands of the feminist movements but also nurtured by the sociology of the family. "The private is political: by defining free domestic work as the material basis of patriarchal exploitation, the women's movement opened a breach (...). This intrusion of (unpaid) domestic work into the field of sociology forced us to rethink the definition of work" (Maruani, 2001: 47). At the same time, the idea that the professional and family spheres were intertwined was particularly central concerning Danièle Kergoat's research (1978). Her research combined the variables of class and gender, exploitation and domination to

2 For a historical perspective from 1890 to 1940 on the obstacles to the academic and scientific recognition of women in the French social sciences, see Charron, 2014. On the issue of women within the Durkheimian tradition in France, see Lallement, 2022.

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explore working and living conditions of female workers, and later on broadening its perspective by including also their relationship to trade unionism and collective action. The first essential factor in the emergence of the gender issue was political: "the feminist movement, by questioning the past and looking for the roots of women's oppression or revolt, gave a decisive impetus and prompted sympathisers in the research and teaching" (Thébaud, 2007). Yet this impact of feminist movements is notably complex to delineate (Bereni et al., 2012). During the 1970s, activists of the Mouvement de Libération des Femmes (MLF) advocated for the development of theories that integrated intellectual and practical approaches: "conducting research on women with women as women." The second-wave feminism (during the 1960s-1970s) was instrumental in challenging the traditional gender roles within the family and fostering the development of more egalitarian norms. Consequently, this movement encouraged women to pursue education and careers, amidst a backdrop of changing context, particularly marked by increased access to contraception and the legalisation of abortion thanks to legislation introduced by Simone Veil in 1974. A first step taken towards the institutionalisation consisted in the 1982 conference held at the University Toulouse-Le Mirail, organised by different feminist groups with the support of the Ministry of Research, the Ministry for Women's Rights and the CNRS. It gave rise to the first research programme within the CNRS "Recherches feministes, recherche sur les femmes" as well as to the creation of regional associations and then, in 1989, to the *Association nationale des études féministes (Anef).* The *Anef* has aimed to develop, disseminate and promote teaching and research "on feminism, women and gender relations" (ANEF, 2014).

However, a long-standing debate existed concerning the role to be "given", one the one hand, to women's social and political engagement, who alone were supposed to be able to express their own oppression and, on the other hand, to the gradual process of institutionalisation of these research fields. To impose feminist themes and approaches in research institutions, researchers had indeed to eventually assume the logic of academic work and criteria. Some of them refused to do so – as for example the controversy surrounding the international conference organised as part of the preparations in France for the World Conference in Beijing has demonstrated in 1995 (ANEF, 2014: 7–8). Gender studies emerged as a result of a confrontation and ultimately a compromise between feminist demands and academic requirements. "For a long time, the positions between militant loyalty and academic integration seemed irreconcilable. However, it was undoubtedly in this 'in-between' that this institutionalisation was consolidated" (Pavard et al., 2020: 377).

The bicentenary of the French Revolution gave rise to a range of scientific events and publications at a time when the fight for political parity was gaining in intensity. In political science, it was precisely the rise of the issue of 'women and power' that was to encourage the disciplinary acclimatisation of the field of research (Achin and Bereni, 2013), which occurred at the time of the mobilisations, from the early 1990s onwards, and then the debates on the parity law of 2000, which were accompanied by the organisation of conferences ("Gender and Power" in 2002). The movement for

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parity in politics has had a significant impact not only on French politics but also on French political science (Jenson, 2003). More generally, this context has encouraged a new upsurge in feminist studies, as evidenced by the creation of new journals devoted to these issues: *Les Cahiers du Mage* (Marché du travail et genre) were created in 1995 (now known as *Travail, Genre et société*), the relaunch in 2001 of *Nouvelles questions féministes,* then *Genre, sexualité et sociétés* in 2009.

Following this pioneering phase, the 1990s witnessed a dual development (Maruani, 2001). This period was characterised by research programmes supported by the CNRS and various universities; although the number of PhD dissertations defended on this topic increased, it remained relatively low (Lallement, 2003).[3] First, this era marked a shift in research focus from examining women's conditions at work to a broader analysis of women's work in general, eventually evolving into the study of gender as an employment issue. This transition reflects the movement from women's studies to gender studies (Lurol, 2001). For a long time, sociologists in France spoke of 'sex relations' before adopting the term 'gender' to analyse differences in wages, careers and working hours. Second, against this background, there was a discernible shift in the research themes addressed. With the increasing number of women entering the workforce, studies began to focus on employment inequalities, unemployment, underemployment, and job insecurity. Additionally, the long-term dynamics of female employment were analysed more comprehensively (Maruani, 2000, Maruani and Méron, 2011). In this respect, part-time work, the diversification of working hours and the question of how to combine social times (work and family) became major issues.[4] The rise in female employment also reflects the increase in women's levels of qualification, a topic particularly investigated by the sociology of education in the early 1990s (Duru-Bellat, 1990; Baudelot and Establet, 1992). This development prompted questions regarding the gendered value of qualifications and the training-employment relationship, for instance for engineers (Marry, 2004). At the same time, it was shown that the valuation of qualifications in industrial sectors varies significantly according to gender (Baudelot and Gollac, 1993).

A third phase of the institutionalisation process started in 2010 with the arrival of a new generation of researchers. In spite of the attacks against "gender theory" from 2012 onwards which happened in the wake of the "Manif pour tous" and of the "Printemps français" movements[5], the field of gender studies kept expanding, e.g. with the creation of several Master degrees, while a *Groupement d'Intérêt Scientifique* (a

3 An investigation of the doctoral thesis database (https://theses.fr/?domaine=theses) reveals that it was not until the 2010s that the number of theses adopting a gender-based approach truly began to rise, primarily in the fields of sociology and history.

4 See below part 2.

5 "La Manif pour tous" and "Le printemps français" are French protest groups fighting against the Taubira law. This law, named after the French Minister of Justice, Christiane Taubira, was adopted in April 2013, legalizing same-sex marriage and the adoption of children by same-sex married couples (Morabito, 2013). Eventually, a similar "wind of reaction" would be raised against the intersectional approach around 2020 (Lépinard and Mazouz, 2021 and below part 2.).

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network bringing together around thirty institutional partners involved in gender and sexuality research), called *l'Institut du genre*, was set up at the CNRS in 2012 (Pavard et al., 2020: 384).

Internationalisation of scientific production and reappropriation of Anglo-Saxon research: the example of (labour) economics

A second factor consolidating the gender issue in French social sciences is the internationalisation of scientific production, and particularly the reappropriation of the Anglo-Saxon research. In this context, we focus particularly on the influence US research has had on (socio-)economists in France and their research on the gender issue. For a long period of time economics had neglected the contribution of women to the economy while completely ignoring the gender issue. This can be attributed to the discipline's historical academic consolidation based on a dual movement: the understanding of human beings to individual economic rationality and the equation of rationality with the masculine. This is evident in both the prevalent hypothetico-deductive methods and the use of gendered statistics as empirical material (Talahite, 2014). Moreover, economics is a paradoxical field: the differences between women and men (conceived as "natural") were introduced into the discipline through a very 'orthodox' school of thought, the Chicago School. This school of thought proposed an analytical framework for understanding sex-based inequalities, particularly regarding the access to the labour market and the division of labour within the households.

In the late 1950s, Gary Becker published "The Economics of Discrimination" (1957), which coincided with the enactment of two major American anti-discrimination laws: the Equal Pay Act of 1963 and the Civil Rights Act of 1964 (Title VII). Becker introduced several innovations that significantly influenced the understanding of sex differences within the discipline of economics (Sofer, 2003; Talahite, 2014): By generalizing the maximization calculation to a broad spectrum of human behaviours and interactions, including familial and matrimonial strategies, and by developing the theory of human capital, Becker provided a new framework. By conceptualizing the consumer as a producer who combines market goods and time to obtain non-market goods, he enabled economic theory to incorporate domestic work and the labour supply of women into its analyses. The basis of this approach is the focus on the individual and the rational behaviour of agents. If men can obtain higher wages in the labour market and women have higher productivity in domestic tasks, this configuration aligns with the traditional division of labour. Consequently, the differences between men and women are explained by 'preferences' and/or specialisation within households. This paternalistic approach is evident in Becker's early models of family decision-making (Sofer, 2003).

This theoretical perspective reached France in the 1970s, exemplified by Catherine Sofer's PhD dissertation "Essai sur la théorie économique de la division du travail entre hommes et femmes" (Essay on the Economic Theory of the Division of Labour Between Men and Women), defended in 1982. Sofer is one of the very first economists

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in France to work in this field. She adopts the Beckerian theoretical framework and, by excluding its blatant sexism, she modernises the neo-classical economics approach on gender by focusing her research on wage discrimination and the inequalities within households. In particular, she introduces an original new approach regarding discrimination (Havet and Sofer, 2002) including, more recently, the impact of stereotypes (Couprie, Cudeville and Sofer, 2019). She formulates a model for labour supply choices within households, including sharing rules and domestic work (Sofer, 2003; 2012).

Another important US source consists in Claudia Goldin's work – a former student of Gary Becker, honoured with the 2023 Sveriges Riksbank Prize in Economic Sciences in Memory of Alfred Nobel. Goldin significantly enriches the Beckerian analytical framework by placing it within a long-term historical perspective supported by extensive data accumulation. As she wrote in 2006: "It would not be much of an exaggeration to claim that women gave 'birth' to modern labour economics, especially labour supply" (Goldin, 2006:3). Her research primarily examines how (American) women's individual behaviour in the labour market responds to external shocks or incentives. Much of Goldin's work has focused on the role of education, technology and contraceptives methods as well as their interactions. These factors have transformed women's time horizons, identities, and decision-making processes, thereby explaining the "quiet revolution" that has significantly increased women's labour participation and employment since the 1960s. Goldin's work on women's participation in the labour market and discrimination (Goldin and Rousse, 2000) has had a genuine influence in France, not least because it attracted the critical interest of some French feminist economists, among them Françoise Milewski and Hélène Périvier (2018) at the *Observatoire français des conjonctures économiques*:, who in 2010 established the *Programme de Recherche de d'Enseignement des Savoirs sur le Genre* (PRESAGE) at Science Po Paris. This cross-disciplinary network of research centres has played a major role for the development of interdisciplinary gender research as well as supplying a wide range of new gender focused courses for higher education.[6]

While isolated feminist researchers had already started challenging the neo-classical approach in the 1970s, significant publications that explicitly claimed a feminist economic approach emerged only from the 1990s onwards. The International Association for Feminist Economics was founded in 1992, publishing the *Feminist Economics* journal and the manifestos *Beyond Economic Man* I (Ferber and Nelson, 1993) and II. In this context, two main themes played a key role (Nelson, 2015): the deconstruction of the established economic theory, its paradigms and methods, as well as the elaboration of a new research programme to address this issue.

This feminist economic theory has seen little conceptual development in France, apart from Christine Delphy's work linking "the over-exploitation of women in paid work to patriarchy" and "the exploitation of most women in the private sphere" (Del-

6 See https://www.sciencespo.fr/gender-studies/fr/programme/presentation/.

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phy, 1998).[7] In fact, the academic field in France has largely remained unequal from a gender point of view, as illustrated e.g. in 2000 through a manifesto ("L'économie est-elle une science des hommes?") published by female researchers protesting against a conference dedicated to the "working poor", because no women had been invited.[8]

Heterodox economists, who have often focused on labour market and employment issues, have for a long time remained rather indifferent to the issue of gender (Silvera, 2001). The theory of labour market segmentation, which emerged in the United States in the late 1960s from the work of institutionalists and 'radical' economists, was originally based on observations of black ghettos in American cities. In France, the segmentation paradigm, and its extensions with the "occupational markets" approach as well as the "transitional labour markets" research programme have remained for a long time silent on gender issues (Michon, 2003). Only the research of Jill Rubery and the creation of the journal *Gender, Work and Organization* in 1994 changed the deal by integrating gender issues within this paradigm. Several studies have shown that segmentation is also gendered, with women being particularly concentrated in certain branches and professions (Lemière and Silvera, 2014). This approach has also highlighted the interdependence between the spheres of economic production and social reproduction, which plays a central role in explaining job segmentation (Ledoux, 2020). Broadly speaking, the gendered division of labour and the dynamics of gender inequality have to be understood with regard to the functioning of society, institutions, and the legal framework. This is why methodological convergences between institutionalism and feminism have explicitly been pointed out (Morel, 2007). "This theoretical framework provides the possibility to analyse the evolutionary nature of institutions (family, social assistance, etc.) and their role in recomposing gender inequalities" (Périvier, 2018, 24).

Indeed, in France, only the development of a socio-economic approach has eventually challenged the predominant orthodox paradigm on gender issues within the economic discipline. In this regard, from a historical perspective, two institutional sets have had a major influence (Pavard et al., 2020: 379–380). First, the Gedisst (*Groupe d'étude sur la division sociale et sexuelle du travail*) was created at the University Paris 8 and later on transformed into the Gers (*Genre et rapports sociaux*). It remained for a while the only research unit explicitly focused on gender studies. The journal *Cahiers du Gedisst* (later renamed into *Les Cahiers du* genre) was launched in 1991

7 More recently, Hélène Périvier (2020) has produced a comprehensive synthesis on the contributions of feminist perspectives to the renewal of the economic theory including their implications for public policies.

8 See http://hussonet.free.fr/poors.pdf. A recent study, based on a database containing 96 % of PhD theses defended between 1985 and 2021 in the field of economics in France, shows that, after a phase of narrowing tendencies in gender gaps, over the last two decades stagnation has persisted. Nowadays approximately only one third of all PhD candidates are female and only a quarter female dissertation supervisors. While young women constitute a majority among students when beginning studies in economics, they reach the doctorate level less frequently than their male counterparts ("leaky pipeline" effect). The low representation of women among PhD supervisors appears to result from a "tiny pipeline" effect, meaning that the pool of potential female supervisors is too small (Sagot, 2023).

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in this context. Second, created in 1995 thanks to the initiative of Margaret Maruani and with the support of the European Commission (see below) and of the Service des droits des femmes (SDEF), the Mage (*Marché du travail et genre*) was the first CNRS research network dedicated to gender issues. Its main objectives have consisted in the dissemination of research through a journal launched in 1999, *Travail, genre et sociétés*, and in the organisation of scientific events. This network has also contributed to the internationalisation of French research on gender.

As shown by many articles published e.g. in *Travail, genre et sociétés,* this socio-economic approach[9] generated a wealth of work on issues related to training and employment, inequalities in access to management positions, and occupational segregation (Lemière and Silvera, 2014; Duru-Bellat, 2014). Concurrently, many studies have focused on issues of professional (in-)equality and discrimination from various points of view: employment, unemployment, working hours, wage gap, and career trajectories (Milewski, 2004; Ponthieux and Moeurs, 2015; and *below*).

Finally, the internationalisation of North American research has also played a key role in the deployment of the intersectional approach in France.[10] For this reason, it was inappropriately criticised for applying to France analyses that would only be relevant to the United States (Lépinard and Mazouz, 2021, 53–54).

European integration: law and cognitive frameworks

A third explanatory factor for the emergence of the gender issue is linked to the consequences of the European integration which can be understood as based on two pillars of unequal importance: the implementation of gender equality by and through the law (non-discrimination principle) on the one hand, positive action and gender mainstreaming on the other hand. As historical studies have shown, the European Union has played a key role in addressing gender issues by producing legislation on equality and other public policies (Briatte et al., 2019). This European framework has had a major influence on national policies in terms of content, debates and evaluation of public policies. Like in other European member states, it has also provided direct support for gender research networks in France.

Equal pay for women and men is one of the few social provisions included in the Treaty of Rome (Art. 119). Like many other social legal provisions, it has to be understood in the context of preventing "distortions of competition". This article can be explained more specifically in the context of France's fears concerning its competi-

9 In comparison to the usual approach in economics, the socio-economic approach considers economic facts as "faits sociaux" in the sense of Durkheim. It combines economic and sociological theories with the aim of explaining social facts by using a broader concept of social rationality which also includes beliefs and values. Additionally, this approach introduces power relationships, institutional frameworks as well as public policies as important and complementary factors to explain "social reality". See a. o. Steiner, 2011. However, the "Household Economy" approach, à la Swedberg (2011) – one of the most acknowledged proponents of this approach – has received rather little attention in France.

10 See below part 2.

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tiveness (Frader, 2019). The text thus had a limited objective, linked to competition law. Yet, this article introduced into the Treaty of Rome a principle which was eventually to undergo considerable development while paving the way for one of the major achievements of social Europe (Rodière, 2013).

Directives adopted in the 1970s and 1980s and the case law of the Court of Justice of the European Union (CJEU) have extended the scope of equal treatment over the entire working life (employment, training, social security) and to all persons concerned. (including self-employed individuals). The "Agreement on Social Policy," annexed to the Maastricht Treaty and later incorporated into the Amsterdam Treaty in 1997, added provisions to combat discrimination by granting the Council the power to take "appropriate action to combat discrimination based on sex (...) or sexual orientation" (current Article 19 of the TFEU). The same Treaty of Amsterdam made gender equality an objective of the EU (Articles 2 and 3). Subsequently, at the turn of the century, the launch of the European Employment Strategy gave visibility to the issue of inequalities between women and men in the labour market (Behning and Serrano Pascual, 2002). In this context, the promotion of professional equality became a tool for raising the employment rates of women (Lisbon Strategy) (Périvier and Verdugo, 2018).

From the 1990s onwards, it became evident that gender equality could no longer be confined to work and employment policies. The gender approach needed to be mainstreamed across all public policies. "Gender mainstreaming", initially advocated by NGOs, was endorsed by the European Commission following the Beijing Conference in 1995. This approach, described as an "ardent obligation", however without binding legal force (Jacquot, 2013), led to the establishment of action programmes and *ad hoc* institutions at various levels, including certain EU Commission directorates and international networks of experts supported by the Commission (Sénac, 2003).

Against this background, the European integration has had three main consequences for French research and teaching on gender. First, major scientific works have been devoted to analysing the content and impact of the European Union's policy in this area, from a historical (Briatte et al., 2019) as well as from a political perspective in sociology (Jacquot, 2013a). In this respect, the development and limits of the "gender mainstreaming approach" at the EU level have turned into a key area of research investigation (Senac, 2003; Jacquot, 2009 and 2013b). Second, the implementation of several European directives into the French legislation – from equal pay to parental leave (Collombet and Math, 2019) – just as the evaluation of the European Employment Strategy from a gender perspective, have given rise to a wide range of topic specific evaluation studies.[11] Third, from the 1980s onwards, in order to build support for its proposals, the European Commission took an active role in structuring interest group participation and developing networks of experts on the gender issues (transposition and implementation of equality directives, equal opportunities in education or decision-making, childcare, etc.). This has led to the construction of what A. Woodward

11 See Périvier and Verdugo (2018) and below, part 2.

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(2004) has called a "velvet triangle" between "feminist bureaucrats" at the European level, "trusted academics", and "organized voices in the women's movement"; these "actors" "developed histories of mutual dependence and exchange". Then, even more deliberately, European institutions funded research programmes explicitly integrating the gender perspective. In this way, the European Union was directly involved in the development of teaching and research on gender in France (ANEF, 2014), initially on the basis of a Community Action Programme in 2000, financed by the European Social Fund (Pavard et al., 2020: 382). A network of project managers in higher education establishments was set up. Universities were encouraged to include actions in favour of gender equality and to create new courses on gender at all levels of the curriculum.

This additional involvement of the EU contributed simultaneously to an early Europeanisation for gender specific issues as well as to the legitimisation of certain disciplinary sub-fields, which at that time were still being marginalised in many of the member countries – in France specifically the sociology of work as well as the sociology of gender (Jacquot, 2013a).

2. In what ways has the consideration of gender renewed our understanding of the dynamics of employment and inequality in France?

Gender analyses do not simply 'add a variable' to traditional theoretical conceptualisations or offer an additional area of knowledge. They provide "keys for revisiting the concepts, methods and canonical objects of traditional disciplines and their intersections" (Achin and Bereni, 2013:13). Moreover, thinking in terms of gender allows analytical shifts, the exploration of new research subjects, the development of new concepts, and the introduction of new methods. In the second part we present an overview of French research on gender issues and the labour market by methodologically opting for an approach centred *on research questions* with a focus on employment development and gender inequalities from the 1990s onwards. It takes a look at the ways in which this gender approach in economics and sociology research led to, firstly, revisiting the canonical objects of investigation; secondly, to producing analytical shifts; thirdly, to incorporating an intersectional approach.

Revisiting the concepts, methods and canonical objects of investigation: dynamics of employment, increase in qualifications and enduring inequalities

A first set of studies has focused on the gender dimension of employment trends in France: Increasing women's level of qualification has long been at the heart of overall employment growth in France. However, activity and employment rates have tended to stagnate for recent cohorts of birth and women's employment in France remains concentrated in certain sectors and occupations.

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Female employment at the heart of employment growth

Inspired by a socio-economic approach as presented above, a set of research has focused on the gendered patterns of employment growth in France, particularly in comparison with Germany (Giraud et Lechevalier, 2013; Lechevalier, 2018). Over the last twenty-five years, France and Germany have experienced similar economic growth, averaging 1.5 % per annum excluding inflation. Yet, Germany has created 7.4 million jobs from 2004 to 2023, an increase in employment of over 20 % compared with 16 % in France. This "employment miracle" (Burda and Seele, 2020) is even more paradoxical given that the overall volume of labour (the number of millions of hours worked each year in the economy) has grown by less than 5 % since the turn of the century compared with plus 13 % in France. In both cases, female employment was at the heart of the growth in total employment but in different ways.

In France, between 1982 and 2021, 87 % of the 4.7 million jobs created were female employment, that is an increase of two-thirds in female employment since the 1980s. Despite the decline in the female employment rate for those aged 15–24 and 60–64, the overall female employment rate increased by more than 10 percentage points. In contrast, male employment rates stagnated over the same period and the overall male employment rate initially fell before returning to the same level in 2021 as it was twenty years earlier. The growth in female employment has differed significantly between the two countries. In Germany, this increase is primarily due to the rise in part-time jobs among women. By 2022, nearly half of all female employment in Germany was parttime, compared with only one-third in 1995 and 41 % in 2004. In contrast, France has seen a different trend: 80 % of the 4 million jobs created since 2004 have been full-time jobs. Consequently, the proportion of women working part-time in France decreased from 31 % to 26 %, demonstrating the resilience of the full-time employment norm for French women. However, part-time work is still often the main form of employment for the least qualified French women (Maruani, 2017). If we look at the main reasons why women work part-time, caring for dependent persons emerges as the primary reason (Toffanin, 2024). Yet, despite the differences in terms of "row" rates of employment, in full-time equivalent terms the employment rate for women is actually very similar in both countries (Lechevalier, 2018).

While in France the activity rate for women has increased since the 1970s, this increase has not been the same across generations: activity rates by age have increased gradually over the generations, from those born in 1935 to those born in 1975, but has stagnated since then (Afsa et Buffeteau, 2006). This is also the case for the proportion of part-time jobs (at a given age), particularly for women (Briard and Calavrezo, 2016). Two recent additions have come to light (Martin, 2022). First, this stagnation must now also be extended to the activity rate. In France, at the age of 40, employment and activity stopped increasing for the generations of women born after 1975. At the age of 30, the point of inflexion concerns the generations of women born after 1980. The second observation relates to the ages of 59–64, which is usually close to the end of working life: the downward trend in activity and employment rates has been

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completely reversed for the generations born after 1940. From the generation born around 1925 to those born in 1955 the employment rate at age 59 rose from 28 % to almost 60 %. These cohorts have been progressively affected by the extension of the insurance period required to receive a full pension (1993 and 2003 reforms) and by the increase of the legal retirement age from 60 to 62 (the 2010 reform, which concerns people born after 1951). Nevertheless, the process of catching up between women and men in terms of activity and employment rates, which was very rapid for the generations born between 1925 and 1955, has been markedly slowing for the generations born after 1965. Moreover, whereas for the generations born before 1970 this catching-up process was mainly the result of rising rates for women, the slow convergence of female and male employment rates is now primarily due to the decline in the overall male employment rate. A European comparison confirms that, with a few exceptions (Spain in particular), for most European countries (Germany, Austria, Finland, France) women born at the end of the 1970s have lower full-time equivalent employment rates than women born at the end of the 1950s (Périvier and Verdugo, 2018).

Two additional variables were used to refine the understanding of these trends: the level of qualification and the number of dependent children (Martin, 2022). For women with the lowest levels of education, the rise in activity rates has mainly been reflected in part-time employment. For example, for low-skilled women at the age of 40 the activity rate increased by 10.4 percentage points from the generation born in 1945 to that born in 1975 while the full-time equivalent employment rate rose only by 4.6 percentage points. On the other hand, for the most highly educated women the increase in employment rates was almost entirely reflected in full-time employment.

Women's growing participation in the labour market has also remained strongly determined by the number of dependent minor children within the household. The increases in activity and employment have been weak for women without dependent children; moderate for those with just one dependent child; and more marked for women with two or more dependent children, even though these increases have been more markedly reflected in part-time employment. Despite the rise in their level of qualifications compared to men, women are still more likely to find themselves in any situation other than full-time employment, and particularly in less visible situations such as inactivity or the unemployment halo (Guergoat-Larivière and Lemière, 2018). The "all other things being equal" analysis confirms the huge differences between women and men when young children are involved. Mothers of young children have a low probability of full-time paid work (36.5 %, almost 40 points lower than men), a 26.9 % probability of being included in the "inactive population" (23.2 points higher than men), 9.7 % and 10.6 % respectively of working long or short part-time (Martin, 2022).

The evolution of the "female labour income share" (FLIS) in France confirms the stagnation in activity and employment rates for the most recent cohorts and the persistent inequalities in pay and employment between men and women (Neef and Robilliard, 2021). In Western European countries female labour income share has

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grown since the turn of the century. However, the region exhibits substantial heterogeneity in trajectories. According to the data of the World Inequility Database, this share grew in France from 34 % to 40 % during the first decade of the century and it has stagnated since then. This is the result of the evolution of the two components of the FLIS: the labour force participation of women compared to men and, conditional to participation, the gender earnings ratio illustrated by the underrepresentation of women at the top of the wage distribution (vertical segregation). In France, in addition to the stagnation in activity rates, this trend can be explained by the weak increase of women at the top of the wage distribution from 2010 onwards (Neef and Robilliard, 2021).

Changes in qualification levels and female carriers

Women have attained increasingly higher levels of qualifications, with the gap between women and men widening with each successive cohort. For instance, in 2020, 53 % of French women aged 25–34 had achieved tertiary education, compared with 46 % of men in the same age group. Notably, women are also more likely to obtain an academic qualification (two years post-Baccalauréat); 39 % of women aged 25–34 held such a qualification, compared with 33 % of men in the same age group, resulting in a 6-point gap (in contrast to less than a 3-point gap among those aged 45–54) (Roussel, 2022). Over the last four decades, the rise in the average employment rate for women (from 52 % to 66 %) conceals sharp contrasts depending on the level of education. The overall trend has been driven by the most highly educated women (tertiary education), while the employment rate for women with secondary education has stagnated, and that for women with only primary education has declined.

In the sociology of education, the paradoxes linked to the rise in women's qualification levels and the slow progress in gender equality in the workplace have led to the demonstration that the school system remains the primary vehicle for occupational segregation and continues to maintain stereotypes. (Duru-Bellat, 2014). Despite a higher level of academic attainment at secondary school – girls' results are higher than those of boys in French and in Life and Earth Sciences (LES) and comparable in mathematics – girls still prefer LES leading them more towards careers in the medical and social field, health or humanities, to the detriment of mathematics, which later generally allows access to the most selective courses. So far, they still account for a lower proportion of enrolments in preparatory classes for *the grandes écoles* (30.8 % in scientific classes compared to 73.2 % in literary classes) and only 28.9 % in engineering schools (up 2.4 points on 2010–2011, however) (Chabanon and Jouvenceau, 2022).[12] While the level of education of girls is increasingly higher than that of boys, the

12 In the French higher education landscape about 250 *grandes écoles* are being considered as elite institutes – a.o. they request tuition fees, that are much higher than those charged by public universities. Less than 5 % of all French students attend the *grandes écoles* to be trained for top job positions in business management as well as to become senior civil servants.

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implicit assumption of previous studies that the value of qualifications is identical for both sexes, particularly in terms of access to skilled professions, must be called into question when trying to explain the persistence of pay gaps, which translates into a significant loss of income for all women of working age (Gadrey and Gadrey, 2019).

One of the consequences of their different educational backgrounds is that women and men do not work in the same sectors: women are much more represented in the service sector (88 % of employed women, compared with 66 % of employed men) (Roussel, 2022). However, higher qualifications provide access to more skilled jobs. In 1982, only 4 % of employed women held professional and managerial positions ("les cadres"); by 2020, this figure had risen to 18 % (for men, from 10 % to 23 % over the same period). As a result, women accounted for 43 % of all managerial and professional jobs in 2020, with their share doubling since 1980.

Yet, women's employment is still concentrated in certain sectors and professions in France. Since the end of the 1990s, the distribution of women and men in the various professions has tended to become more homogenous. However, gender-based occupational segregation has remained strong: In the years 2013–2016, out of the 87 occupational families that describe all occupations, 10 account for almost half of all female employment (Briard, 2019). Men are slightly more evenly distributed with 17 occupations accounting for half of all male employment. This degree of horizontal segregation of female employment in France is slightly less pronounced than the EU average.[13] In 2020 45 % of women worked in the public administration, education, human health and social work sector compared with 19 % of men. This sectoral concentration of women's employment has changed little over time. Therefore, female and male employees do not face the same working conditions: Men are more often exposed to physical hardship, while women are more frequently exposed to psychosocial risks (Briard, 2022).

The factors put forward to explain the continued low gender mix in certain occupations and the concentration of female employment, relate – as we have just seen before – to the educational choices made just as well as to the matching processes on the labour market and to the individual working conditions. Certain professions make it particularly difficult to reconcile family and professional life and are therefore predominantly occupied by men (Lemière and Silvera, 2014).

Studies devoted to the highly qualified professions, particularly in the civil service, have shown that the feminisation of this kind of professions has not eliminated the obstacles women face in reaching the highest levels of power, prestige, and remuneration. This 'glass ceiling' phenomenon is evident in higher education, where the increase in the number of female lecturers across various disciplines does not prevent significant

13 On average in the EU, half of all women are employed in just seven occupational groups, and almost two-thirds work in ten occupational groups. In contrast, the ten occupational groups with the highest proportion of men account for a smaller share (53 %) of male employment. There are country-specific differences due to varying levels of women's participation in the labour market and the specific feminisation of certain professions at the national level (Amossé and Méron, 2013).

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gender inequalities from persisting as one moves up the hierarchy of academic bodies, positions of power, and selection committees (Musselin and Pigeyre, 2008; Buscatto and Mary, 2009; Marry et al., 2017). From a longitudinal perspective, it has been shown that the persistence of disparities in professional careers between men and women (those born in 1962 compared with those born in 1946) can be explained by new forms of inequalities with the sharp rise in female long careers with low or very low wages coexisting with the rise of carrier's heterogeneity for both sexes, notably with the decline of the traditional women career as well as the growing importance of female careers marked by precarity (Berton, Huiban and Nortier, 2011).

Analytical shifts and the exploration of new research topics: Fresh insights into gender inequalities in the labour market

Reconsidering social science through a gender lens has not only led to a fresh look at traditional research topics. It has also led to the investigation of new areas of research which have often gone hand in hand with the invention of new approaches and new tools. We will now review a number of studies on inequalities on the labour market, particularly in terms of wages, and then look at the role of public policy in this area.

New insides on gender inequality on the labour market

In sociology, numerous studies have helped to show that women are at the centre of all major changes in the labour market, with a shift in the fields of investigation towards e.g. diversity policy, glass ceiling, workforce management mechanisms (Buscatto and Marry, 2009). In (socio-)economics, it is first and foremost empirical research on social inequalities that the gender approach has renewed. A great deal of work has been done on issues of professional inequalities and discriminations from various angles: inequalities in access to employment, unemployment, working time, careers and wages – their origins and the means to reduce them (Milewski, 2004, 2019; Milewski and Périvier, 2011; Moeurs and Ponthieux, 2015).

Research done specifically on the pay gender gap in France began to take shape in the 1950s and 1960s with surveys carried out by institutions such as the National Institute of statistics and Economic Studies (INSEE) and the Ministry of Labour and expanded in the 1980s and 1990s. The issues dealt with have been diversified over time, incorporating new dimensions such as employment segregation, the "motherhood penalty" and the impact of family policies as well as analyses by birth cohorts. A variety of econometric methods for breaking down the gender pay gap have been used to assess the weight of the different factors explaining the pay gap: qualification level, professional experience, working hours, sector of activity, type of job (Moeurs and Ponthieux, 2006). It is supposed to provide a pay gap, all other things being equal, i.e. with equal characteristics, and it identifies a residual unexplained part which is considered as pure discrimination. The monthly pay gap between women and men stagnated in the 1990s and after the turn of the century, despite an increase in the level

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of women's qualifications and legislation on reduction in collective working time in 1998 and 2000. This was due to persistent differences in the occupations performed, sectors of activity and working time (Moeurs and Ponthieux, 2006). In France, in 2021 women earned (net wage) on average 23,5 % less than men over the course of a year in the private sector (Godet, 2023). One third of this gap is due to the difference in annual working time. On average, women's annual working time was 10 % lower than that of men in 2022 For the same working time, the remaining average gender *hourly* pay gap of 15 % in the private sector, which is in line with the EU average (but 21 % in Germany), can be explained by three main factors. First, even if women have on average a higher level of qualification than men, they do not follow the same types of secondary and tertiary education (see before) and are less often working as senior managers ("cadres"); second, they are over-represented in the low-paid sector; and third, their careers are characterised by more interruptions and part-time work than men's (Périvier, 2020).

From 1995 to 2022, the hourly pay gap (22 % in 1995) has decreased by a third (Godet, 2023). However, the difference in earnings between men and women is even more pronounced among parents: not only do mothers work significantly fewer hours than fathers, but their full-time equivalent earnings are also much lower, with the disparity increasing with the number of children (*ibid.*). In this respect, motherhood remains a significant obstacle to wage convergence from a gender perspective. While men's careers are hardly affected by fatherhood, the arrival of the first child leads to an average relative decline in mothers' total wage income of 40 % in the year of the birth and 30 % thereafter (Moeurs and Pora, 2019). This decline in income is attributed to three factors: a reduction in participation (career breaks), a lasting reduction in paid hours (with a significant drop in the year of childbirth due to maternity leave), and a penalty in terms of hourly pay, which appears later and can be interpreted as the result of less time spent in employment. This is especially true at the lower end of the wage distribution. This finding was confirmed by a comparison of cohorts of young adults entering the labour market according to their level of education (Bazen et al., 2021). All other things being equal, there remains a residual pay gap of approximately 5 % between men and women, which could be attributed to pure discrimination.

Inequalities in employment have been analysed from new perspectives: women are over-represented in jobs paying the minimum wage (SMIC) and face more precarious employment contracts and working conditions. Their career paths remain much more heterogeneous (part-time work, underemployment, parental leave, etc.) than those of men (Guergoat-Larivière and Lemière, 2018).

Yet, over the last 40 years, women's social mobility relative to their mothers has increased. Despite a slowdown from 1993 onwards, the rate of social mobility for women has risen steadily since the late 1970s (Collet and Pénicaud, 2019). In 2015, 71 % of French women aged between 35 and 59 who are in work or have a job belong to a different socio-professional category than their mothers; this is 12 percentage points higher than in 1977. This rate of intergenerational social mobility for women

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was 6 percentage points higher than for men in 2015, whereas it was 5 percentage points lower 40 years earlier.

In a European context shaped by several directives and recommendations on equality, particularly concerning the reconciliation of work and family life, this key issue has been revisited in various ways. Research has shown the involvement of other stakeholders, particularly companies (Périvier and Sylvera, 2010), and the issue has been extended to the articulation of social times (Fusulier and Nicole-Drancourt, 2015), highlighting European models of gender-based social contracts that differ in terms of social time frames and the actors involved in shaping them (Sylvera, 2010).

Finally, building on the research of Orloff (1998) and Walby (2004), and from a European comparative perspective, several studies have explored the notion of "regimes" for "reconciling work and family (Letablier, 2009; Giraud and Lucas, 2009). In order to understand the contrasting paths of female employment in Germany and France since the turn of the century in comparative terms, the notion of *Employment Gendered Regimes* was proposed. It was conceived as a set of interdependent variables concerning, first, the situation of women/mothers on the labour market -mainly the evolution of rates of employment and working time – with the aim of particularly capturing women's financial autonomy; second, state role in regulation of gender relations, mainly through the objectives and instruments of employment and family policies, which convey, reproduce and fuel lasting differences in the gendered division of work and family responsibilities; third, social norms regarding the prevailing familial arrangements in a society with a focus on the fertility behaviour of women in order to understand the tensions between work and family[14] (Lechevalier, 2018).

The reconsideration and evaluation of employment and other related public policies from a gender perspective

The reconsideration and new evaluation of several (fiscal, social and employment) public policies from a gender perspective, which emerged in the Anglo-Saxon and Scandinavian worlds at the end of the 1980s (Dauphin, 2011), has been one of the most dynamic fields of research in France in recent years. Indeed, public policies themselves produce gendered representations (Engeli and Perrier, 2015). Employment policies were the first to be re-examined in connection with the influence of the European Employment Strategy on them (Silvera and Behning Uthe, 2002).

Analysed in interaction with other (fiscal, family) public policies, their contribution to the unequal division between women and men has become the subject of systematised analysis. The consequences of employment support schemes in terms of occupa-

14 "What happens within the household, especially regarding the allocation of time to paid and unpaid work, is central to the understanding of the gender gap in economic outcomes. (…) Labor market institutions (…) public policies, and social norms, however, also play a major role in shaping male and female behavior, constraints, and opportunities" (Ponthieux and Meurs, 2015, 984).

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tional segregation and job quality for women have been the subject of overviews and original investigations (Lemière, 2013; Perrier, 2015).

The analysis of means-tested benefits and activation policies by means of individual financial incentives to reintegrate into the labour market has become another important issue from a gender perspective. The risks and limits associated with this activation policy from the point of view of women's social rights, particularly for "single mothers", have been highlighted as well as the key role of non-monetary obstacles for their return to employment (Eydoux, 2012). Over the past few decades one of the most notable changes within the French society has been indeed the growing number of single-parent families: out of the 8 million households with children under 18 years of age 2 million were single-parent households in 2020, that is almost a quarter of all concerned households, 83 % of whom are single mothers This proportion has risen sharply since 1990 when it stood at 12 % and most among women with the lowest levels of education (Acs, Lhommeau and Raynaud, 2015). Against this background, the gendered consequences of the introduction of the *Revenu de Solidarité Active* (RSA) in 2009 have been the subject of several investigations (Périvier and Silvera, 2009).[15] The RSA includes an increase in minimum income for single parents.[16] Women account for 96 % of all recipients of this increased RSA and three out of five have more than one dependent child (Cabannes and Chevalier, 2023). A third of single-parent families are constrained to live below the poverty line compared with 13.2 % of households with children. This poverty rate of single-parent families rises as the number of children increases from 28.4 % for single-parent families with one minor child to 45 % for single-parent families with two or more children, when at least one of whom is a minor.

This high poverty rate was attributed to the fall in employment rates that followed the introduction of support for lone parents in the 1970s. To avoid this poverty trap, it was decided, in line with the European Employment Strategy, to gradually include single mothers in 'social expenditure activation programmes'. Following this paradigm shift, the employment rates of lone parents have increased. However, these policies have not been effective against poverty. Their poverty rate has not fallen. They now work less than mothers living with a partner, whose overall employment rate has

15 The revenu de solidarité active (RSA), introduced in 2009, provides a means-tested minimum level of income, which varies according to the composition of the household. It has replaced two other means-tested social benefits: the *Revenu Minimum d'Insertion* and the assistance scheme for single parents (*Aide aux Parents Isolés*). The main innovation of the RSA scheme is that it is has improved the work incentive: During the first three months of employment, the beneficiary receives the full amount of their income from employment and their benefit, as they did before the reform. For the following months, and for an unlimited period, they receive 62 % of their income from work (RSA "activité") plus the RSA "basic" allowance (RSA "socle").

16 This increase is being granted to single parents until the third birthday of their youngest child or for 12 months if they have no children under 3 years of age.

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risen. (Lanseman, 2024).[17] Randomised trials have shown that certain return-to-work programmes based on the social investment paradigm may have a very negative impact on the labour market participation and disposable income of single mothers (Heim, 2024, chap. 3). Despite having a higher elasticity of labour supply to their wages than men (Briard, 2020), women have been doubly disadvantaged by this "activation strategy": on the one hand, their gains from returning to employment are very low and, on the other hand, their opportunity of progressing in career are generally limited. Based on the assumption that employment is the most effective bulwark against poverty, activation policies have trapped single mothers in low-quality and involuntary part-time jobs (Devetter and Lanseman, 2023). The support policies of social workers and employment agencies, where they exist, push single mothers in particular into sectors where there are shortages, mainly care work, which requires skills that are traditionally considered 'feminine'. In this sense, anti-poverty policies reproduce gender relations (Dauphin and Domingo, 2014). Otherwise, the availability of childcare facilities has remained the most important – if not the only – obstacle for returning to a full-time job. The way in which the system for allocating childcare places (crèches) – when they are available – is organised gives a big advantage to stable families, i.e. stable couples with stable jobs who know well in advance what their childcare needs will be. (Heim, 2024, chap. 2). Therefore, the exit rates out of the RSA are lower for single mothers that for other recipients (Boyer, 2023).

Against a background of stagnating activity and employment rates for cohorts that have recently entered the labour market, the key role of family policies has been highlighted because their conception and implementation have become more and more driven by the fight against unemployment (Lewis and al., 2008, Martin 2010). New family benefits were introduced in the 1990s aimed to increase employment in the service sector (childminders) as well as to boost the retirement of (low skilled) mothers out of the labour market. They were successful in this regard with the high decline in labour market activity rates for married women with two children and more, at least one of whom was aged under three years (Piketty, 1998). They were merged in 2004 into a single new benefit by the *prestation d'accueil du jeune enfant* (PAJE), which includes a universal basic allowance until a child reaches the age of 3, as well as *a complement de libre choix du mode de garde,* which is supposed to enlarge the freedom of choice in childcare for the parents and their choice regarding the working time. Parents of a young child are given the opportunity to work only part time – increasing the inequalities between women on the labour market (Lemière 2014) – or to limit their activity; a device that has proven to be successful (Marical et al. 2007).

The rhetoric of free choice has led to a shift towards cash benefits ('cash for care'); more broadly, it has led to a system that primarily aims at enabling families to purchase individually required services on the market (Letablier 2009). Since the early 1990s, the

17 In 1990, 68 % of single mothers were in employment, compared with 59 % of mothers in couples. In 2019, their employment rate was 67 %, compared with 75 % for mothers in couples.

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number of formal childcare places has increased.[18] However, this is largely due to the promotion of childminders (*assistante maternelle*), the cost of which has been heavily subsidised since the 2004 reform. By 2021 childminders were caring for more than a quarter of young children for varying lengths of time. More than 250.000 childminder jobs had been created, even though these numbers have fallen in recent years. As a result, in 2021, 56 % of children were still cared for by their parents (the vast majority by their mothers). Overall, 60 % of children were not in a 'formal' childcare arrangement. The remaining 40 % were cared for by childminders (20 %), crèches (18 %) or a paid carer at home (3 %) (ONAPE, 2023). Significant differences however still exist in the access to formal care according to activity status and income level of the parents (Boyer and Martin, 2019). Indeed, the logic of "free choice" is at odds with the fact: low-income households cannot afford a similar use of formal childcare facilities as can the well-being households. Between 2006 and 2017 the number of beneficiaries of paid parental leave dropped from around 600.000 to 279.000 by 64,3 %. These results can mainly be explained by the missing financial attractiveness of the benefit (about 430 euros) as well as by the low level of care sharing between parents, which has become mandatory since the reform adopted in 2014. Whereas before the reform, the same parent could take parental leave until the child was three years old, both parents must now share the leave to cover the same period. This corresponds to a reduction in the maximum length of leave for mothers from three to two years. It is worth noting that the participation of fathers has remained very low – 2 % for the fathers of two children in this field are paid to men. While mothers' income from employment has on average increased, not all of them have returned to work, as evidenced by the growing amount of unemployment benefits paid after parental leave (Périvier and Verugo, 2021).

In recent years, at EU level there has been a tendency to reduce gender inequalities in employment to a single issue, the issue of the gender pay gap and, even more so, the issue of "pay transparency" (Jacquot, 2023). In this context, in September 2018, in France a series of measures on professional equality were adopted as part of the law "on the freedom to choose one's professional future" (*loi pour la liberté de choisir son avenir professionnel*). From 2019 onwards, all private companies with more than 50 employees have been required to calculate a professional equality index each year.[19] The results of the index have to be made public in the spirit of a "name and shame" policy. This policy aims at constraining companies from achieving a minimum score on this index. When failing this obligation they may be subjected to penalties. Yet, first evaluations show a very imperfect coverage of the index overall, just as they show that the average percentage of companies reporting to the index is very high, therefore hiding real inequalities between women and men. Moreover, so far the introduction

18 One of the special features of childcare in France is that all children aged three and over attend nursery schools (*écoles maternelles*).

19 This index is made up of several indicators: gender pay gap, pay mobility indicator, pay increases for women after maternity leave, number of women and men in the top ten of the best earners within the company.

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of the index has had no detectable effect on gender inequalities in the concerned companies (Breda et al., 2023).

Intersectionality and discriminations in pay and recruitment

Among the most significant contemporary developments in terms of approaches and issues new research programme on intersectionality is one of the most interesting. Yet, there are two main reasons for the rather late, even controversial, reception of this new paradigm in France (Gallot et al., 2020): first, a certain conception of republican "universalism"[20] and, second, France's problematic relationship with its colonial past (Zancarini-Fournel, 2020). Moreover, in France, despite of their conflicts, 'materialist' feminism and feminism of 'difference' agreed to give sexual difference a virtual monopoly in theoretical analysis and to consider women as a homogenous category (Lépinard, 2005). As a result, the theme of racialisation was initially marginalised in French feminist research. In fact, it was not until the 'third generation' of feminism that sexual as well as racial issues were politicised and theoretically investigated based on new issues and new cleavages (Bessin and Dorlin, 2005). More recently, intersectionality has been criticised for using the "racial identity" dimension, because it was accused of leading to the "essentialization" and "reification" of the "race" concept. Also, the centrality of the social class cleavages for sociological analysis would have been lost. Indeed, it was to avoid the pitfalls of analyses which categorise social groups primarily along a single identity axis or a single power relationship – gender *or* class, race *or* class – that the concept of intersectionality was invented for (Lépinard and Mazouz, 2021).

Indeed, the intersectional approach calls into question the primacy of sexual differences over other social characteristics like ethnic origin, place of residence or sexual preferences. One of the issues at stake is the "interaction effect" produced by the articulation of these several social variables. This articulation can be either over-additive, neutral or under-additive. "Over-additivity means that social relations of power interact increasingly to the disadvantage of individuals"(Ait Ben Lmadani et al., 2008). Yet rather than being an accumulation of disadvantages, this articulation may in fact produce compensatory phenomena or even sub-additivity between disadvantages (Jaunait and Chauvin, 2013).[21] This is also a key issue from the point of view of public policy and targeting, since it involves accurately determining the characteristics of the

20 Statistics on ethnic origin are still banned in France. However, in some official statistics surveys, it is possible to identify French people with immigrant origin – and therefore those born in France of immigrant parents – on the basis of their parents' place of birth and nationality, and to reconstruct their migratory and geographical origins.

21 "If α is the penalty suffered by a woman in a given field and β is the penalty suffered by a person of foreign origin, the question is to determine whether women of foreign origin suffer a penalty different from α + β. In the empirical literature, this is also referred to as an interaction effect (or joint effect) and a distinction is made between cases of strict additivity (the penalty suffered is exactly α + β), over-additivity (the penalty exceeds α + β) and under-additivity (the penalty is less than α + β)". (Chareyron et al., 2023, p.2).

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populations which are victims of discrimination as well as determining the extent of the harm suffered by them (Chareyron et al., 2023).

Discrimination based on origin, particularly racial discrimination, has already for a long time been identified as a decisive issue for the labour market, especially when dealing with access opportunities to employment (Brinbaum, Safi and Simon, 2015). Yet, it is only recently that some empirical studies have explored inequalities by crossing gender *and* origin (or place of residence) issues. Some conclude that there is an accumulation of inequalities of gender and origins on the labour market for women of North African origin, or even a "double discrimination"; others find more mixed results depending on origin (Brinbaum, 2022).

From a methodological point of view, they are three main ways to measure discrimination: first, testing (with consists of sending two identical CVs, with the exception of one characteristic, such as gender, origin, name, etc., which constitutes the discriminatory criterion to be tested); second, to use a measure that statistically estimates the differences between the situation of potentially discriminated populations and the rest of the population, unexplained differences, that is the residual, being attributed to discrimination; third, a subjective measure based on people's own declarations, which provides an idea of how discrimination is experienced (Brinbaum, 2022). We will now present three studies using these three methods.

An empirical analysis using the *Formation Qualification Professionnelle* survey, set up by the French National Institute of Statistics (Insee), and the second method ("differences in situations") concludes that the intersectionality of gender and ethnicity is sub-additive in terms of wage discrimination – that is gender and ethnicity interact decreasingly at the advantage of individuals. It is supposed to be super-additive in terms of participation to the labour market – meaning gender and ethnicity interact increasingly to the disadvantage of individual. While wage discrimination has remained mainly related to ethnicity more than to gender, discrimination concerning labour market participation can currently be mainly attributed to gender (Ait Ben Lmadani et al., 2008).

Other studies on discrimination in hiring process are based on the *Génération* survey carried out in 2013 by the *Centre de recherche et d'études sur les qualifications* (CEREQ), which interviews people who left the educational system three years before (Brinbaum, 2022). The original aim of the survey was to study the conditions under which young people enter the labour market by crossing gender and ethnic origin issues.[22] The experience of discrimination is slightly higher for women than men (12 % vs. 9 %). Yet, according to migratory origin it varies significantly more. It is the highest among young people of North African origin (34 %), followed by those of sub-Saharan African or Turkish descent (24 %). Gender differences according to origin overall are rather small – except for the descendants of North African immigrants, for whom the intensity and frequency of discrimination vary markedly according to

22 One question asked concerned discrimination in recruitment encountered since leaving initial training (during the first three years of working life).

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gender to the detriment of young men. Moreover, discrimination varies according to the respective level of education and social background. When compared to the non-migratory population, the discriminatory effects of origin remain much higher for men than for women – particularly for people of North African origin (Brinbaum, 2022).

Another body of research on discrimination in access to employment uses multi-criteria discrimination tests to cross-reference the effects of gender, origin and place of residence of job applicants. These tests can be done in response to job offers or unsolicited requests for information from a representative sample of local recruiters. This is the case of a recent statistical analysis carried out in the context of the only national public policy that explicitly addresses the issue of combating discrimination, namely urban policy (Cheyron et al., 2023). Within this framework, an 'open employment' scheme (*emplois francs*) allows an employer to receive a subsidy if it hires a resident of a priority area (*Quartier prioritaire de la de la politique de la Ville*), as defined by the urban policy.[23] Discrimination on the basis of North African origin appears to be significant at a level comparable to the results previously obtained in France. Considering cross-effects, discrimination based on origin exists for men living in 'priority areas', but not for those living in other areas. Living in a priority area is an advantage for applicants of French origin because of the recruitment bonus linked to the "emplois francs" scheme. However, this bonus does not benefit candidates of North African origin, who are the only ones penalised for living in a disadvantaged neighbourhood (Cheyron et al., 2023).

Conclusion

Social sciences have long remained androcentric – with only rare exceptions – in their issues, methods and authors. This paper has focused on identifying three major driving forces which have gradually contributed to change the deal in French research on gender and labour market: the feminist movement, the internationalisation of research, the European integration. Against this background, we analysed the extent to which research in French sociology and economics has been enriched and transformed by the gender issue, initially focusing on women's work and subsequently on their employment conditions. We set out to look at the ways in which – since the 1990s – this issue has led to a revaluation and revisiting of traditional subjects of academic investigation, as well as to empirical and conceptual innovations which have greatly furthered the understanding of some of the major dynamics and transformations in employment in France.

Furthermore, a variety of innovations have emerged from the intersectional approach, which has provided a more complex and comprehensive understanding of

23 The subsidy amounts for 15000 euros over three years for a open-ended employment contract and 5000 euros over two years for a fixed-term contract.

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discrimination in employment and pay, not only from a gender perspective but also concerning ethnic origin and place of residence.

While there have been some successes in terms of parity in politics or in company boards in France, the contemporary research on gender issues actually highlights the extent to which gender inequalities have persisted in the French labour market, this is even more true when looking at the inequalities at the intersection of gender, race or place of residence. Contrary to a widespread perception in Germany of the French situation on these issues, in France over the last three decades, e.g. in the context of the family policy as well as the policy implemented against the gender pay gap or discriminations in employment, only few public policies have been implemented to effectively reduce the gender inequalities (Silvera, 2020) still initially produced by the education system (Cour des comptes, 2025), the inequalities in pay and careers, just as the inequalities concerning the reconciliation of work and family.

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*Stefanie Börner and Monika Eigmüller**

"Give women proper part-time work!" – Historical trajectories of employment regulation and female labor market participation in Germany between 1998 and 2006

Abstract: This article examines why women in Germany, despite progressive family policies, disproportionately work in atypical, low-paid jobs – a persistent institutional puzzle. This paradox, we argue, can only be explained in light of the normative assumptions in political discourse. Adopting a combined institutionalist and ideational approach, we analyze the relationship between labor market policy (especially policies that deregulate standard employment), family policy, and female employment patterns in order to better understand labor market-related gender discrimination in Germany. The period under consideration, 1998 to 2006, was marked by two significant paradigm shifts: the move toward a more flexible labor market policy between 2002 and 2005, and the conservative government's introduction of a parental leave scheme in 2006. During this period, we argue, specific labor market demands intersected with certain social norms, creating a unique historical context of social and economic upheaval. Emphasizing the timing of these policies and the economic incentives they created for families, we develop a historical argument that traces the two policy fields from 1998 to the introduction of the new parental leave scheme in 2006. Specifically, we analyze the content of relevant plenary debates in the German Bundestag and the underlying normative assumptions regarding gender roles and family models, combining an institutionalist policy analysis with a focus on breadwinner norms and gender role assumptions. Our analysis shows that the persistent gendered division in Germany's labor market stems from the intersection of family and deregulated labor market policies implemented since the late 1990s. In the absence of a more progressive, gender-sensitive family policy prior to the mid-2000s, the restructuring of the German labor market acted as a catalyst for the atypical employment of women.

Keywords: gendered labor markets, Germany, family policy, female labor market participation, labor market policy

Stefanie Börner und Monika Eigmüller, „Gebt den Frauen ordentliche Teilzeitarbeitsplätze" – Die Entwicklung der Beschäftigungsregulierung und der Erwerbsbeteiligung von Frauen in Deutschland zwischen 1998 und 2006

Zusammenfassung: In diesem Artikel wird untersucht, warum Frauen in Deutschland trotz Fortschritte Familienpolitik überproportional häufig in atypischen, schlechter bezahlten

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Jobs arbeiten. Wir argumentieren, dass dieses institutionelle Rätsel nur durch die Berücksichtigung der normativen Annahmen im politischen Diskurs erklärt werden kann. In unserem Beitrag kombinieren wir daher einen institutionalistischen mit einem ideengeschichtlichen Ansatz, der es uns ermöglicht, die Beziehung zwischen Arbeitsmarktpolitik (insbesondere der Politik der Deregulierung der Normalarbeitsverhältnisses), Familienpolitik und weiblichen Beschäftigungsmustern zu analysieren, um die arbeitsmarktbedingte Diskriminierung von Frauen in Deutschland besser zu verstehen. Das hier betrachtete Jahrzehnt, 1998 bis 2006, war von mehreren Paradigmenwechseln geprägt (ein Wechsel hin zu einer flexiblen Arbeitsmarktpolitik zwischen 2002 und 2005 und einem im Jahr 2006, als die konservative Regierung Elternzeit einführte). Durch die Betonung des Zeitpunkts der arbeitsmarktpolitischen Maßnahmen und der wirtschaftlichen Anreize für Familien, die sich aus der spezifischen Konstellation von Familien- und Arbeitsmarktpolitik in diesem Jahrzehnt ergaben, wird in diesem Beitrag ein historisches Argument entwickelt. Dazu werden die beiden Politikfelder von 1998 bis zur Einführung der neuen Elternzeit im Jahr 2006 anhand einer Inhaltsanalyse relevanter Plenardebatten im Deutschen Bundestag nachgezeichnet und die zugrunde liegenden normativen Annahmen in Bezug auf Geschlechterrollen und Familienmodelle analysiert. Die Untersuchung zeigt, dass die ausgeprägten geschlechtsspezifische Muster auf dem deutschen Arbeitsmarkt genau der Kombination aus Familienpolitik und de-regulierender Arbeitsmarktpolitik unterliegt, die seit Ende der 1990er Jahre Gestalt angenommen hat. In Ermangelung einer progressiven geschlechtersensiblen Familienpolitik bis Mitte der 2000er Jahre wirkten die Umstrukturierung des deutschen Arbeitsmarktes und die damit verbundenen Maßnahmen als Katalysator für die atypische Beschäftigung von Frauen.

Stichwörter: geschlechtsspezifische Arbeitsmärkte, Deutschland, Familienpolitik, Frauenerwerbsbeteiligung, Arbeitsmarktpolitik

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Introduction

After the Covid-19-induced lockdowns forced families in Germany to address the challenge of simultaneously reconciling work and family responsibilities, the effects of school closures on gender roles and women's employment were widely debated (e.g., Möhring et al., 2023; Müller, 2024). However, it does not take a pandemic to expose the highly gendered patterns of Germany's labor market. Compared to other European countries, the share of women working part-time in the country is particularly high at 48 %. In 2022, the gap between men and women in part-time employment

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stood at 37 percentage points, the third largest in the EU after the Netherlands and Austria (39 percentage points; Eurostat, 2023). Although today's modern welfare states provide caregiving systems that help both mothers—and, increasingly, fathers—balance work and family responsibilities, persistent gender pay gaps, highly gendered labor market patterns, and the horizontal segregation of men and women into different jobs, particularly in terms of job quality, point to persistent occupational and wage inequalities between men and women Kowalewska, 2023). The German welfare state saw a paradigm shift in family policy in 2006 when the conservative government introduced a parental leave scheme. The question remains: why do gender-specific social inequalities persist in Germany despite such modernization?

Feminist perspectives argue that postindustrial welfare states and women's increased labor market participation have not dismantled traditional divisions of labor between men and women (O'Connor, 1993; Guillari and Lewis, 2005). Nancy Fraser (2013: 123f.) critiques the postindustrial "universal breadwinner model" promoting women's employment has failed to deliver gender justice because it universalized the breadwinner role in families without achieving gender parity or adequately valuing predominantly female care work. State interventions undeniably shape women's labor market participation and employment patterns, but they also give rise to a paradox. According to Mandel and Semyonov, "the very same characteristics [that increased female labor market participation in the past]—generous family policies and a large public service sector—seem to reproduce the gendered division of labor and, in effect, decrease women's chances of joining desirable occupational positions" (Mandel and Semyonov, 2006: 1913). However, the German situation is compounded by a further paradox: namely, labor market deregulation, which has been gathering pace since the late 1990s and has prompted atypical employment to rise significantly, was introduced without sufficient family and caregiving policies to help women balance care and work responsibilities. This misguided extension of women's labor market participation and the normative gender roles underlying it, continues to shape male and female employment and caregiving patterns to this day.

Thus, family policies cannot be seen in isolation as either enabling or limiting women's (and particularly mothers') labor market participation. Instead, family and labor market policies must be considered together to allow for a more encompassing picture. Women have never been represented solely as workers in employment policy debates, but always also as (potential) mothers. This is in contrast to men, who have never been implicitly presented as fathers. Hence, employment policies that aim to increase women's participation in the workforce must always be understood within the context of family policy discourses and their specific normative interpretations. In this sense, women's employment is inherently tied to the discourse on maternal employment. Therefore, in this paper we analyze the relationship between labor market policy (particularly policies that deregulate standard employment), family policy, and female employment patterns in order to better understand labor market-related gender discrimination in Germany.

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The period under consideration—1998 to 2006—was marked by several policy trade-offs and paradoxes, described as the German welfare state's "Nixon goes to China" moments: a social democratic government introducing neoliberal social policy reforms between 2000 and 2005, and, as argued by Henninger and von Wahl (2010), a conservative government that sought to modernize the traditional family policy paradigm in 2006. Our argument emphasizes the interaction between these two policy areas, highlighting the timing and prevailing cultural norms shaped by the specific constellation of family and labor market policies during this period. To that end, we trace developments in both policy fields from 1998 until the introduction of the new parental leave scheme in 2006 and analyze the normative assumptions underlying gender roles and family models. Using a two-step policy analysis that focuses on normative gender role assumptions, we are able to theoretically link the social norms embedded in social policy instruments to observed labor market patterns. After discussing the current state of research (Section 2), we apply a theoretical framework that combines an institutionalist perspective with approaches that view welfare states as "norm setters" (Section 3). After introducing our research design (Section 4), we present the results of our analysis (Sections 5 to 7). We find that, despite their adherence to a gender mainstreaming agenda, the deregulating labor market measures introduced by the social democrats ultimately paved the way for an unequal adult worker model that relegates women to the role of secondary earners.

Welfare states' role in women's participation in the labor force and the German gender regime

Institutional regulations in labor market, family, and social policy play a key role in shaping gender relations and regimes by establishing socially relevant guiding principles and constructing family and gender role models. These models influence women's labor market participation and impact equality of opportunity between men and women.

To address these mechanisms, in the 1990s feminist scholarship began developing a more gender-sensitive approach to the welfare state (Lewis and Ostner, 1994; O'Connor et al., 1999; Leitner, 2003). A basic premise of this scholarship was that family and social policies should be assessed based on their effects on women's participation in both paid and unpaid work. For example, Lewis and Ostner (1994) distinguish between strong (Germany, Great Britain), moderate (France), and weak (Sweden) male breadwinner states. In the strong breadwinner model, part-time caregiver work is often referred to as the "mommy track." Using childcare and eldercare policies as examples, Leitner (2003) emphasizes the varying (de)familiarizing effects of family policy instruments. High labor force participation among women, she argues, depends on the extent to which public interventions incentivize and enable the externalization of care responsibilities. In contrast to this de-familializing effect in welfare states such as Sweden, familialistic regimes like Germany's welfare state have traditionally relied

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on private households to provide childcare and familial caregiving (Esping-Andersen, 1999: 45).

Over the past 20 years, a growing body of research evidence suggests that Germany's conservative and familialistic gender regime is eroding and that the traditional, family wage-based breadwinner model is being replaced by more modern arrangements in which both partners work (Gottschall and Schröder, 2013: 162f.). Research describes this shift as a transition from a conservative/domestic to a more social democratic/public gender regime (Henninger and von Wahl, 2019; Walby, 2020), supported by public childcare and paid parental leave, which support a dual-earner norm and enable carers to balance paid employment and unpaid care work. However, this interpretation is not uncontested. Shire and Nemoto (2020: 443), for example, argue that Germany has transitioned from a domestic to a public conservative model, where "family policies, even when they finance market or public services, have reinforced the family household as the locus of care, and reinforced the role of wives, mothers, and in eldercare, daughters, as those who provide for young and elderly family members." In the employment sphere, this has led to the "consolidation of a one-and-a-half earner or modernized (male) breadwinner family model" (Dingeldey, 2016: 222). The introduction of income-related parental leave in 2006 is paradigmatic here. According to research, this policy has not fostered a de-familialized welfare state based on a dual-earner/dual-carer model (Henninger et al., 2008: 303; Leitner, 2013). Instead, it has entrenched a gendered version of the adult worker model in Germany.

This strand of welfare state literature is particularly valuable to our argument: it highlights how welfare states can shape female careers and employment patterns for caregivers, since welfare state policies can influence family decisions about working time arrangements and the division of labor within households. Nevertheless, institutional analyses often overlook the diversity of women's career and family preferences and life plans. Inspired by Hakim's (2000) preference theory, Bertram et al. (2005: 15) remind us not to forget to ask women what they want. Most women in Germany, they stress, prefer an adaptive lifestyle that allows them to reconcile the demands of family and working life. While most social scientists agree that the welfare state did indeed improve women's access to paid work, thereby increasing their autonomy, recent scholarship has shifted focus to explore gendered labor market patterns (Kowalewska, 2023). These studies argue that even de-familializing policies can adversely affect women's labor market participation, for example by reinforcing women's overrepresentation in atypical jobs and the low-wage sector. Thus, Mandel and Semyonov (2006: 1911) argue that post-industrial welfare states, as public service welfare states, do not necessarily enhance women's workplace and economic progress, as they often fail to challenge the conventional gender division of labor. Policies that accommodate women's domestic responsibilities by adjusting work demands and offering reduced hours or extended leave may inadvertently reinforce traditional roles of women as caregivers and homemakers. The authors highlight the dual role of the welfare state as both a public employer and a legislator of family-related policies (ibid.: 1912). On the one hand, family policies facilitate women's, and especially mothers', participation

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in the labor market (Esping-Andersen, 1999; Gornick and Meyers, 2003; O'Connor et al., 1999). On the other hand, the public provision of social services has significantly increased employment rates in the public sector—a sector predominantly staffed by women. By reducing women's care responsibilities at home while simultaneously offering employment opportunities, "the state has become a major employer of women" (Mandel and Semyonov, 2006: 1913; see also Gornick and Jacobs, 1998; Langan and Ostner, 1991: 307). Paradoxically, this has not resulted in equal opportunities for men and women, but rather created new labor market-related inequalities. The very same characteristics—generous family policies and a large public service sector—seem to reproduce the gendered division of labor and, in effect, decrease women's chances of joining desirable occupational positions" (Mandel and Semyonov, 2006: 1913).

Furthermore, with respect to income, the motherhood wage penalty is lower in countries with publicly funded childcare and paternity leave regulations (Budig et al., 2016). Others show that care responsibilities for younger children, as compared to eldercare, have a greater negative impact on women's employment (Chou et al., 2017). These findings show that women's labor market status depends not only on employment regulations and family policies, but also on household circumstances, such as the presence of small children and the domestic division of labor (Emmenegger, 2010; Esping-Andersen, 1999). Consequently, women, and especially mothers, face "additional life-course risks" and "more precarious labor market positions" (Emmenegger, 2010: 10) because they are overrepresented in nonstandard employment (Kross and Gottschall, 2012). Moreover, regardless of their personal career and family plans, employed women may experience labor market discrimination because employers assume that women, on average, are more likely than men to leave their jobs for family reasons. Hence, "[t]here is no personal characteristic that makes women insulated from statistical discrimination. Rather, it is the mere fact that they are women that weakens their labor market position" (Emmenegger, 2010: 11). This points to an important problem: namely that, societally, women are broadly defined as (future) mothers, irrespective of whether or not they are currently raising children.

The fact that mothers are likely to reduce their working hours and are therefore overrepresented in low paid and part-time job sectors highlights the significance of the gender norms and role models that are implicit not only in family policies, but in social and labor market policies in general. While policies like long maternity leave and generous social rights linked to care periods reinforce women's traditional caregiving roles, other measures—such as public full-time childcare, parental or paternity leave policies, and individual taxation—promote a more equitable distribution of care work, both within households and among other welfare providers (Korpi et al., 2013; Lewis and Ostner, 1994; Seo, 2023). Family policies aligned with traditional role models, however, can perpetuate existing labor market inequalities between men and women (Seo, 2023). At the same time, Korpi et al. (2009: 3) note that within a single welfare state there may be "competing values and conflicting goals concerning relationships between women, men, and families". In Germany, this is evident in the sharp contrast

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between a comparatively flexible and progressive parental leave regulation (*Elterngeld*) and a taxation regime that incentivizes the primary earner in married couples.

Both welfare state regime theory, expanded to include a gender-sensitive perspective, and labor market research have provided crucial insights into why social policy functions differently for women and why women still fare worse than men in the labor market. From an institutionalist perspective, however, it remains a puzzle why women in Germany, despite generous leave and care policies, are especially likely to become locked into nonstandard jobs with low pay or limited career opportunities (Kowalewska, 2023; Seo, 2023).[1] Thus, in the following section, we propose a theoretical approach to address this research gap.

Welfare states as norm givers

In our view, understanding why the German labor market is so distinctly gendered requires a broader theoretical approach. Existing empirical research often narrowly focuses on the role of either family policy or labor market policy when examining mothers' labor market access, opportunities, and career prospects. In this section, we propose combining an institutionalist approach to welfare state analysis with an ideational perspective, presenting two main arguments. The first broadens the analytical focus to include both family and labor market policy. The second examines not only policy design, but also the norms and values that underpin family and breadwinner models.

First, we argue that gender norms and social values related to caregiving and family are implicit not only in family policies, but also in social and labor market policies in general. We believe the role of labor market policy in shaping women's employment patterns has been underestimated. For instance, legislation on reduced working hours or marginal employment can worsen women's economic outcomes, as such arrangements enable women to balance unpaid care responsibilities with paid work (Blossfeld and Hakim, 1997). Hence, we include labor market policy and employment regulation in our analysis of gender norms in order to better understand female labor market participation patterns in Germany. From an institutionalist perspective, female labor market outcomes do not stem from single reforms, but from complex institutional processes that unfold over time. This is because national employment and welfare policies "are the stable results of previous institutionalization projects in which the future incumbents have succeeded in establishing their" own perceptions and normative conceptions "as the generally accepted rules of appropriateness and interpretation" (Heidenreich, 2009: 17). The norms and values that underlie various policy fields often interact, creating "cumulative incentives" (Dingeldey, 2016: 224) that may conflict with one another, as emphasized by institutionalist theory (Palier and Thelen, 2010). For our case, this means that "welfare provision and employment regulation do not

1 The latter varies extremely between regions, above all between East and West Germany, where also the childcare rates for children under the age of 3 differ considerably (Chou et al. 2017).

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necessarily map onto each other," as Gottschall (2023: 7) argues in the context of 24/7 long-term care. Focusing exclusively on welfare provisions for families might yield conclusions that differ from those obtained from the study of labor market policies, as shown in the previous section. In Germany, the incentives created by deregulating employment policies between 1998 and 2006 partly contradicted prevailing family policy gender norms. This constellation, we hypothesize, led to a path-dependent female employment pattern that favors the male breadwinner/ female additional earner model as only viable 'mommy track'.

Second, most comparative studies underestimate or only indirectly address how gender norms and social values regarding family and reproduction work intersect with family and labor market policies. Conducting a case study on Germany allows us to broaden our analytical focus, combining institutional analysis with an ideational approach that examines not only policy instrument design and effects, but also ideas and social norms. In other words, we adopt a sociological institutionalist approach that emphasizes the social values and cultural practices underpinning policies and institutions, providing people with cognitive scripts (DiMaggio and Powell, 1991). Ideational approaches in welfare state research view welfare states as integral components of a society's comprehensive cultural system, highlighting the role of the guiding ideas, social norms, and values that underpin social policy instruments. These approaches stress "the relevant ideas in a given society surrounding the welfare state" and how these welfare cultures are embedded within the broader society (Pfau-Effinger, 2005a: 4). As powerful social institutions, welfare cultures serve as guiding principles and impact the way people act and think. In family policy, these principles often manifest as gendered assumptions that inform gender roles and the associated breadwinner models, such as the traditional male breadwinner model that assigns wives and mothers a caregiving role, the male breadwinner/female additional earner model as a modernized version of the traditional model, or the dual earner/dual carer model (cf. Pfau-Effinger, 2005b: 329). Scholars have also noted that political actors make strategic use of ideas when implementing reforms and that transnational ideas increasingly shape reform agendas (Béland, 2009; Béland and Waddan, 2011; Parsons, 2002).

In view of these theoretical considerations, the following analysis examines the instruments and normative orientations in German labor market and family policies between 1998 and 2006 and their potential intersections. We argue that the persistent gendered division in Germany's labor market stems from the specific combination of family policies and deregulated labor market policies that began taking shape in the 1990s. Until 2006, these two policy areas often formulated different, or even contradictory, institutional demands and provided varying answers to the question of what constitutes good motherhood. In the absence of a more progressive, gender-sensitive family policy until the mid-2000s, the restructuring of the German labor market and its related policies acted as a catalyst for women's nonstandard employment. Only recently has the German government attempted to address this imbalance by emphasizing equal opportunities and reconciliation measures.

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Tracing the intertwined policy norms of labor market and family policies: research design and methods used

Below, we present the results of our two-step analysis of German labor market and family policies between 1998 and 2006. This timeframe encompasses the new era under the Social Democratic Chancellor Gerhard Schröder, who formed a coalition with the Green Party from 1998 to 2005, and the first two years of Chancellor Angela Merkel's administration. This period is particularly significant to our research question because it features a double paradigm shift in social and labor market policy. The first paradigm shift focused on labor market deregulation and the activation and employability of the unemployed. The second paradigm shift initiated by the conservative government emerged from the introduction of a parental leave scheme (*Elterngeld*) that provides wage compensation for up to 14 months when both parents take parental leave. Coming into force in January 2007, this new instrument institutionalized the adult worker model as the new guiding principle of German family policy, albeit without fully releasing mothers from their caregiving role (Henninger et al., 2008: 303). The first step of our analysis involves a policy examination that combines insights from research with a systematic review of relevant labor market and family policy acts. For the period between 1998 and 2006, we trace the policy processes in these two areas, focusing on the instruments and their political legitimization. All labor market acts that sought to increase nonstandard employment were included in the analysis; acts not directly related to unemployment, workforce participation, or labor market access were excluded.

During the second part of our analysis, which examines the social norms regarding gender roles that underly the acts, we employed a content analytic approach. For this analytical step, we expanded our primary material to include plenary minutes. To identify arguments that reference female employment or gender mainstreaming, we conducted a keyword search using terms such as 'women,' 'mother,' 'equal opportunity' and 'reconcil*.' The final material corpus comprised 23 plenary protocols (PP) and 17 bills. Using a computer-assisted analytical process, all primary documents containing one of the keywords were coded according to our three breadwinner models, which served as deductive main categories. This step made it possible to exclude any passages unrelated to the research question. The remaining segments were then coded inductively, one by one. Three independent researchers carried out the coding to maximize intercoder reliability, resolving any discrepancies through discussion and consensus. Additionally, a pretest of the coding categories was carried out to ensure that the categories were clearly and consistently applicable. The use of computer-assisted analysis tools supported the systematic and reproducible application of codes across the entire dataset. In a final step, we created summary grids to facilitate the comparison of segments and serve as the foundation for interpreting the material.

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German labor market policy and the feminization of part-time and marginal employment

Before we analyze the normative orientations regarding working mothers, this section briefly examines the development of active and activating labor market policy during Gerhard Schröder's tenure as Chancellor, which began in 1998. In accordance with our focus on female labor market participation, we concentrate on the expansion of non-standard employment and its gender bias.

In Germany, the expansion of non-standard employment was part of the long road toward a more flexible labor market, which had been seen as a solution to several Europe-wide issues since the late 1970s, including rising unemployment and the rigidity of rich and generous welfare states in view of global competition. In the German context, these challenges were compounded by reunification and a domestic crisis in the Federal Employment Agency. In this context, the 2002 Job-AQTIV Act, regarded as a precursor to the Hartz reforms, coined the term "*Fördern und Fordern*" ("to support and to demand") (Leschke et al., 2006). To this day, this paradigm serves as a guiding principle for both the unemployed and the employment agencies in German labor market policy. At the core of the infamous Hartz reforms, implemented between 2002 and 2004, was the idea of providing the unemployed with diverse and flexible opportunities to (re)enter the labor market. Examples include a transitional allowance for individuals starting a business ("*Ich-AG*"), the institutionalization of temporary employment through Personal Service Agencies, and the expansion of the German low-wage sector through the deregulation of mini jobs and the introduction of midi jobs—non-standard jobs exempt from income tax and subject to special social security treatment. Labor market researchers describe these reforms as one-sided flexicurity (Leschke et al., 2006) because they broadly aimed to guarantee employability rather than social security. This created a tension "between demands for greater labor market flexibility on the one hand and the need to provide adequate levels of social protection for workers and their families on the other" (Viebrock and Clasen, 2009: 305–306).

Previous research has highlighted the role of flexicurity policies in gendering non-standard employment and noted that job security regulations are especially important for strengthening the labor market position of people in non-standard jobs—most of whom are women (Dingeldey, 2016; Emmenegger, 2010; Esping-Andersen, 1999). Hence, labor market deregulations without accompanying social protection measures created a deepening labor market rift between insider and outsider positions in the labor market. In Germany, as in many other industrial welfare states, flexicurity became the 'magic formula' (Sarfati, 2003: 278) in labor market policy during the 1990s; however, the groundwork for this development had already been laid before the paradigm shift of 2002–04. Among non-standard forms of employment, part-time work, self-employment, and fixed-term employment saw the greatest increases beginning in the mid-1980s (Schmid and Protsch, 2009). Although women's labor market participation jumped from 53.7 to almost 70 percent between 1985 and 2005, mainly due to reunification, the fact that only approximately 29 % of these women held standard jobs by

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2005 can be attributed to increased labor market flexibility—especially with respect to working hours and fixed-term contracts (Schmid and Protsch, 2009: 7).

The possibility of concluding *fixed-term* employment contracts under labor law for up to 18 months was introduced in 1985 for a limited period of five years and extended by another five years in 1990 and 1995, with the 1995 Employment Promotion Act further allowing fixed-term employment to extend up to two years. The continuation of this regulation of fixed-term employment without a material reason, as of January 2001, was among the first labor market policy acts of the new Social Democratic government (Bill 14/3292).

Also, from 1985, *part-time work* was promoted as an "additional employment opportunity for women" (Bill 167/85, own translation). In the spring of 1994, the final Kohl cabinet launched a campaign to highlight the advantages of part-time work for both employees and employers (Schmid and Oschmiansky 2007: 476). In 2000, the new government introduced a legal entitlement to part-time work. The increasing legal consideration and regulation of part-time employment illustrates not only the enormous importance of this instrument for German employment policy since the mid-1980s, but also the EU's growing supranational influence on employment issues. For example, the 2000 act adopted the existing prohibition of discrimination against part-time employees relative to full-time employees, in accordance with the requirements of the 1997 EC Directive on part-time work. From a gender mainstreaming perspective, the Red-Green coalition highlights that "non-discriminatory part-time work is an essential prerequisite for the actual implementation of equality between women and men" (Bill 14/4374: 1), thus combining flexibility with social security. Later, Labor Minister Olaf Scholz legitimized this flexicurity approach by referencing the EU's employment policy (PP 14/127: 8f.). This example illustrates the importance of the EU's employment strategy during that period, which not only served to legitimize domestic reforms but also provided labor market policymakers with normative ideas and principles.

The Red-Green coalition also expanded *marginal employment*, in the form of mini jobs. This simplified form of part-time work was introduced in 1977 (Social Code IV, § 8) as an instrument for irregular part-time work (below 15 hours), and has steadily expanded ever since. Until 1999, marginal employment was exempt from social contributions and applied to a weekly maximum working time of 15 hours. After the Social Democrats' 1998 election victory, the new government's *Act on the Re-Regulation of Marginal Employment* introduced flat-rate social security contributions for employers, while employees were allowed to opt out of pension insurance contributions. This regulation specifically targeted women, who constitute the largest group in marginal employment (Bill 14/280). The 1999 legislation aimed to reduce marginal employment and prevent further fragmentation of employment relationships, as well as to mitigate social insurance revenue losses. However, this policy focus shifted with the *Second Act for Modern Services on the* Labor *Market*, which came into effect in April 2003. The

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act raised the marginal earnings threshold from 325 to 400 euros.[2] In the preamble of the draft law, legislators explicitly stated that a new employment policy strategy was needed to combat unemployment (Bill 15/26), which would include restructuring the labor market to provide more flexible employment opportunities. To further expand the low-wage sector, the act introduced so-called *midi jobs* for the first time—covering wages between 401 and 800 euros—thus extending the wage range of marginal employment. While employers were subject to regular contributions, employees' social security contributions increased incrementally with their wages.

The legislative justifications in the preamble of these bills hint that part-time work, mini jobs, and midi jobs support the male breadwinner/female additional earner model as the underlying gender norm. Although the Social Democrats referenced equality between men and women as a new guiding principle, the incentives created by these instruments failed to conceal the economic disadvantages that flexible forms of employment impose on women. The rising prevalence of part-time work corroborates this argument. Following these re-regulations, the part-time rate grew more rapidly than other employment relationships from 1998 onward. By 2003, according to the Statistical Office of the Federal Employment Agency, the number of mini jobs exceeded 5 million – a 43 % increase compared to the previous year. Of this total, 76 % represented primary occupations (Eichhorst et al., 2012: 1). Women made up the majority of mini-job employees, a gender disparity that has remained relatively stable over the years. The number of women in mini jobs increased steadily until 2009, reaching approximately 3.4 million, when it plateaued. In contrast, the number of women in part-time employment rose steadily from 3.6 million in 2003 to 5 million in 2006. This number has continued to grow, reaching approximately 8 million today, with women accounting for 77 % of part-time employment—five percentage points less than in 2006. Among the female workforce, nearly 35 % worked part-time, while an additional 28 % held mini jobs without social insurance in 2006 (see Figure 1). A persistently large gender gap in part-time and mini job employment is evident during this period.

2 Since October 2022, the threshold has been based on a weekly working time of ten hours at minimum wage conditions.

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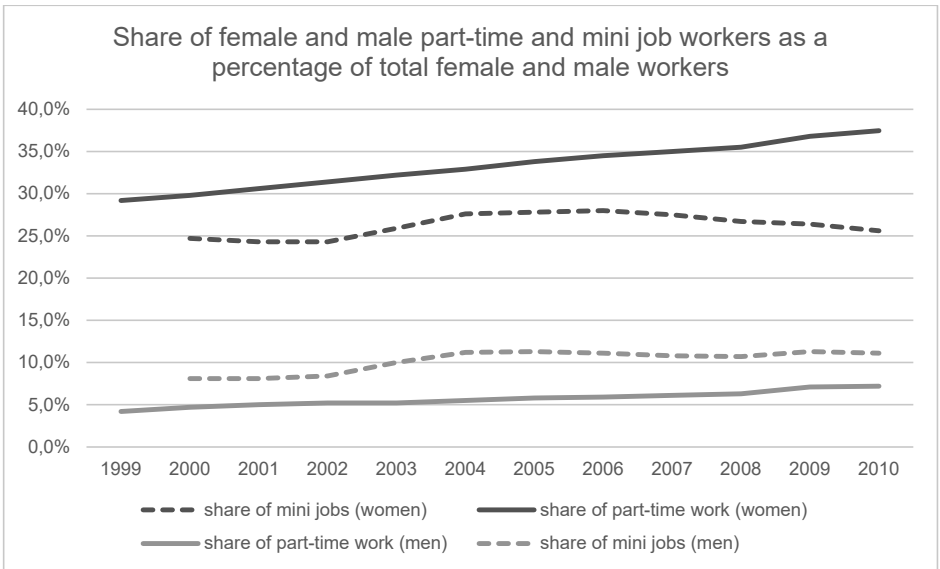
Figure 1: Part-time employment and mini jobs as a percentage of total employment, 1999–2010



Sources: Employment statistics of the Federal Employment Agency; data on mini jobs only available since 2000

Given the strong gender bias of these non-standard jobs, the increase in non-standard employment cannot be solely attributed to the Europe-wide policy shift from job security to flexicurity, which was linked to the supposed flexibility of labor market requirements. An additional factor is the rise in women's labor market participation, which required families to make more flexible work arrangements in order to reconcile work and private life. Hence, the parallel increase in female labor market participation and non-standard employment were mutually reinforcing processes. Examining the economic sectors in which part-time work is particularly prevalent across Europe also highlights its feminization against the backdrop of the expanding service sector: health and social services (32 %), services (32 %), other communal, social, and personal services (30 %), hotel and catering (29 %), and education (27 %) (Schmid and Protsch, 2009; see also Dingeldey, 2016: 221).

Although non-standard employment cannot be equated with precarious work, the long-term effects of these arrangements for women, particularly working mothers who align their employment with caregiving responsibilities, often intersect with precariousness over the course of one's life. Consequently, women, and above all working mothers, face a significantly higher risk that their employment will meet one or more of the four criteria for precarious work identified by Keller and Seifert (2006): insufficient income level, lack of employment stability, limited employability opportunities (the capacity to secure future or higher-ranked jobs), and inadequate social security coverage. Empirical evidence underscores the negative effects of atypical employment,

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particularly concerning employment histories (Seifert and Tangian, 2007). For instance, from a life-course perspective, part-time or fixed-term employees face a higher risk of dismissal or transition to another non-standard job (Oschmiansky and Oschmiansky, 2003: 33–39). As a result, non-standard employees are more likely to accumulate atypical employment episodes over their careers, leaving them worse off in the long term.

Family policy and family models until the mid-2000s

Due to time management demands, women were particularly drawn to new non-standard employment opportunities and were also directly targeted by labor market politicians, as we shall see in the following section. Women's labor market participation cannot be discussed without simultaneously considering the policies designed to support families in their caregiving responsibilities. Therefore, this section briefly examines the family policy paradigm that prevailed until 2007 and shaped women's employment propensity.

Franz-Xaver Kaufmann (2019/1993) identifies four main motives for family policy interventions: demographic, family institutional, socio-political, and emancipatory motives. While family institutional and socio-political motives primarily guided German family policy until the 1970s, emancipatory arguments began to emerge in family policy discourse from the mid-1970s, gaining prominence in the 1980s. After the turn of the millennium, tentative demographic policy arguments also began to surface (Gerlach, 2017; Gerlach and Keil 2010: 133f.). These varying motives for family policy interventions reflect different social norms and values that, based on questions of gender and care arrangements, affect the task-sharing between state, market and family with regard to the fulfillment of care responsibilities.

Whereas until the 1970s women's employment in Germany was still primarily intended for unmarried single women, the 1980s were dominated by the dictum of freedom of choice between family or employment. However, political interventions, such as the 1986 introduction of maternal leave for up to three years (the so-called "Erziehungs*urlaub*"), reinforced traditional structures and prevented mothers from entering the workforce. Ideological differences between the SPD and the CDU became evident in the dispute over whether it is possible to raise children and work at the same time. While the social-liberal coalition took the first steps towards expanding (part-time) childcare places, the CDU's assumption of power in 1982 initially cemented the male breadwinner model that underpinned conservative family policy. It was not until the 1990s that the reconciliation of family and career became a guiding theme of German family policy for women. Reunification had a significant influence on this shift, as the former GDR had a more egalitarian understanding of roles and, in particular, of women's equal participation in the workforce, with the state assuming responsibility for childcare as a given.

In 1996, the right to a childcare place for children over the age of three was introduced. However, this further entrenched the dictum that women should work

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part-time while simultaneously taking on care responsibilities, as there was no explicit provision for all-day care or care for small children. This clearly shows that, by the end of the 1990s, both labor market and family policy in Germany supported the semi-modern male breadwinner/female additional earner model. It was not until the *Child Support Act* of 2008 that the childcare system was significantly expanded (Henninger and von Wahl, 2010: 361), followed by the 2013 introduction of a legal entitlement to childcare for all children under the age of three. The then Federal Minister for Family Affairs, Renate Schmidt, described the expansion of childcare as an element of "sustainable family policy": "This is the first, most important pillar. Despite the child supplement and the discussion about parental allowance, this is a paradigm shift in Germany: away from 30 years of predominantly monetary support for families towards a policy of better infrastructure for families, which is what they need most urgently" (PP 15/123: 11194, own translation).

The legal entitlement to a childcare place for young children, introduced in 1996 and extended in 2013, marked a lasting structural change in German family policy. Nevertheless, the continuing low uptake of childcare places for children under the age of three, as well as full-time childcare in Western Germany, reflects a persistent value system rooted in traditional family concepts. According to the German Federal Statistical Office, mothers who work part-time remain the norm in 2023 (Keller and Körner, 2023). Women's increasing labor market participation in Germany since the 1970s, which has realigned the relationship between the state, the market, and private households in the provision of social services and has shaken up the traditional gender-specific allocation of tasks within families, has remained stuck in the family part-time trap.

Despite various political efforts to involve fathers in childcare—such as the first parental leave reform in 2001, and even more clearly, the introduction of a new parental leave scheme in 2007 that granted wage-related parental allowances combined with the so-called paternity months—indirect familiarizing benefits that support the male breadwinner/female additional earner model remain intact (Leitner, 2013: 91ff). The eight years of the CDU/CSU and SPD coalition particularly highlight conflicting ideological attitudes in family policy that have prevented a fundamental shift away from the conservative orientation of German family policy. For instance, new childcare allowance regulations passed in 2013, alongside structural legacies such as "*Ehegatten-splitting*" and survivors' pension regulations, stand in the way of a structural change in family policy, as such measures actively inhibit the "de-gendering" of childcare responsibilities (ibid.). Combined with the parallel expansion of non-standard employment, as analyzed above, this dynamic has often resulted—and continues to result—in atypical employment biographies for women, characterized by precarious work relationships with low income, limited legal and social protection, and fewer career development opportunities (Seo, 2023).

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Aligning contradicting normative orientations within the political discourse: Employment and family policy debates in the Bundestag in the 1990s and 2000s

How can the persistent gendered segregation in the German labor market be explained? An examination of political discourse from the 1990s reveals that, unlike in the 1970s and 1980s, the image of the working woman had firmly entered German society by that time (Börner and Eigmüller, 2024). Working women were now treated as the norm in politics, and their socio-political protection seen as a subject of political intervention. The dictum of the time was now: "Give women proper part-time jobs" (Böhmer, referring to Rudolf Scharping, 1999, PP 14/17: 19). Even the conservative CDU had come to recognize the new reality of working women.

A key demand during this period was the socio-political protection of women's employment, which primarily referred to part-time and marginal employment. While the Social Democrats and the Green Party were particularly interested in this protection for socio-political and emancipatory reasons, the CDU sought to safeguard the conservative family model. The solution to the logical dilemma of reconciling conservative family policy with changing social roles and the new labor market demands was found in the expansion and legal protection of part-time work. Working mothers who wished to balance children and employment were seen as the primary beneficiaries of this right, as Johannes Singhammer (CDU) argued in 2000 (PP 14/127:12).

At the end of the 1990s, the SPD and the Greens launched a socio-political reorganization project that sharply contrasted with the conservative position. This project aimed to increase women's workforce participation by improving the compatibility of work and family life and explicitly saw fathers as responsible for raising children. As Ekin Deligöz of Bündnis 90/Die Grünen noted, "Preconceived role stereotypes are no longer up-to-date" (PP 14/99: 22).

The debates examined here clearly show that the governing parties of the time viewed successful labor market policy as inseparable from one that promoted women's success and gender equality. According to this interpretation, unemployment can only be sustainably and effectively addressed if governments implement a gender equality policy that offers women with equal labor market opportunities. Edith Niehuis, Parliamentary State Secretary at the Federal Ministry for Family Affairs, Senior Citizens, Women, and Youth, stated: "Anyone who fights unemployment as successfully as we do has implemented a successful gender equality policy" (PP 14/121: 1). A "modern working society" was considered essential for achieving equality between men and women and enabling the compatibility of work and family life (PP 14/133: 7).

The CDU, on the other hand, rejected all measures that aimed to increase mothers' employment orientation (PP 14/99: 11), especially those involving public childcare, as demanded by the Left Party (PDS) and the Greens. Klaus Holetschek (CDU) argued in 2000: "I read here about the demand for a legal entitlement to all-day childcare outside the home from birth until the end of the fourth school year and to publicly funded leisure activities until the end of the eighth school year. Or: The law wants to establish comprehensive childcare outside the home as a 'normal biography' and define

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childcare as a social responsibility. Ladies and gentlemen of the PDS, you should finally realize that real existing socialism is over and that you cannot shape family policy in a planned economy." (Klaus Holetschek (CDU) in 2000, PP 14/99: 20)

In 2001, the Red-Green federal government presented the second law on family support to the Bundestag. Although the debate primarily centered on the need to expand childcare facilities, its core focused on providing monetary relief for families through child benefits and tax allowances. At the same time, despite a center-left government, progressive proposals that challenge the conservative view of the family struggled to gain traction. As Norbert Barthle (CDU) declared: "Marriage without children is not a reason for tax relief. We need to reach a social consensus on this. I hope that we can achieve this—not by abolishing the tax splitting for married couples, but by restricting it." He added, "Marriage ... is still regarded as the natural form of life entered into by a man and a woman, which together with the children ... forms a family" (PP 14/183: 20). Barthle further framed the "working mother" as a clear deviation from the (desired) norm (PP 14/183: 21).

In particular, the CDU/CSU continued to reject childcare outside the family and instead proposed a so-called child-raising allowance in 2004, intended for parents who cared for their children at home. This "*Herdprämie*" (stove premium) was ideologically opposed to the daycare expansion law proposed by the Red-Green federal government in 2004. While the left-wing government's law called for a massive expansion of childcare in response to demographic changes and the need to bring more women into the labor market, viewing the reconciliation of work and family as a central family policy issue, the CDU/CSU initially rejected these proposals. A lasting shift in policy only became possible after the change of government in 2005 and the appointment of conservative politician Ursula von der Leyen as Minister of Family Affairs. Under her leadership, emancipatory elements (keyword 'gender equality') of the Red-Green family policy were discursively sidelined, while the Red-Green reform project of parental allowance was further developed within the grand coalition.

The decisive factor for the CDU/CSU's approval of the law was its emphasis on voluntariness: women would still have the option of not working or working only part-time without facing disadvantages. As Ingrid Fischbach stated in 2006: "Women should continue to have the option of not working or only working part-time without being disadvantaged" (PP 16/55: 14). In this way, Minister von der Leyen managed to strike a balance: instead of framing the law around gender equality, her primary arguments focused on employment policy necessities and declining birth rates. This allowed the conservative party to claim that only mothers who truly chose to enter the labor market would be encouraged to do so.

The SPD, by contrast, prioritized increasing women's employment rates. As Jürgen Kucharczy noted in 2006: "The fact is that so far only half of all mothers return to work after parental leave. That is too few. It must be in everyone's interest to promote the employment of women, especially in times of an impending shortage of skilled workers" (PP 16/55: 17).

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However, more far-reaching emancipatory approaches, such as actively promoting part-time work for fathers, held little significance. On the contrary, simultaneous reductions in parents' working hours would significantly shorten the period of parental allowance entitlement, as explained by left-wing delegate Jörn Wunderlich (PP 16/55: 10f.).

In summary, an analysis of Bundestag debates from the late 1990s and 2000s shows that women's employment was increasingly accepted and that fewer and fewer parliamentarians and parties questioned it. However, positions on how to facilitate female employment varied significantly among the parliamentary factions. The conservative stance up to the mid-2000s upheld female care work as the norm, advocating for mothers' labor force participation primarily through part-time work and childcare. By contrast, parties to the left of the CDU viewed it as their duty to actively promote women's employment. The SPD focused on employment policy needs, while the Greens emphasized emancipatory arguments, though the boundaries between these positions were fluid. For all parties, however, the debate on female workforce participation revolved around women's rights and duties, while issues of equality in the care sector were rarely addressed. Interestingly, when considering labor market and family policy areas in parallel, it becomes evident that equal opportunities between men and women were discussed in labor market policy, while labor market problems were negotiated and addressed within the context of family policymaking such as through parental leave.

Discussion and conclusion

This article examines the policy instruments and normative orientations of German labor market and family policies from 1998 to 2006, shedding light on why women continue to face disadvantages in entering the labor market. Our analysis highlights the complex interplay between family policy and labor market deregulation since the late 1990s, which served as a catalyst for women's atypical employment. The Social Democrats and Greens' approach during this period, combining gender-sensitive employment policies with a conservative family policy, steered women into marginal labor market participation. Despite various social and political measures to promote gender equality, these inequalities persist, raising questions about the institutional mechanisms that contribute to the high likelihood of women in Germany becoming trapped in atypical work arrangements with low pay and limited career opportunities.

In line with an ideational approach that views the welfare state as part of a comprehensive cultural system, our analysis highlights the gender-specific assumptions underpinning not only family policy instruments but also labor market policies during this period. This extends the insights of feminist welfare state researchers, who have noted the gender-specific institutionalization of the adult worker model in Germany since 2006, which has not allowed mothers to enter the workforce to the same extent as fathers. The institutional complementarities between the highly familialistic and maternalistic family policy prevailing until the early 2000s and the new employment

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arrangements born out of Europe-wide labor market transformation have created a rather restrained modernization of the prevailing breadwinner model. The result was a breadwinner model that remains persistently male, supplemented by women's part-time or marginal work. The more progressive and gender-sensitive parental leave scheme introduced in 2006 does not contradict this rather conservative breadwinner model, especially since the two policy instruments address different biographical stages of childcare.

The parliamentary debates we consulted to identify the social norms that underpin these policies shed further light on these processes. On the one hand, the political discourse of the late 1990s and mid-2000s reveals a significant shift in German society's perception of working mothers. On the other hand, the Social Democratic modernization project was half-hearted, especially in the absence of adequate public childcare. Moreover, the debates illustrate how the expansion of part-time and marginal work allowed for the reconciliation of contradictory normative positions. While center-left parties were committed to the socio-political protection of women's employment, conservative parties prioritized maintaining traditional family models. Both positions found common ground in the model of female part-time employment, which became the socio-politically secured "new normal" of female employment in Germany. The analysis also shows that emancipatory or equality-based motives were only able to gain limited traction in the discourse of those years. Instead, the primacy of the family was gradually replaced by the primacy of the market and the imperative to increase employment rates, necessitating greater participation of women and mothers in the workforce. However, this shift occurred without addressing questions of a gender-equitable distribution of care work as a political priority.

These divergent perspectives underscore the complexity of addressing gender inequalities in the labor market. Structural reforms aimed at enhancing women's participation must be accompanied by broader societal shifts in perceptions of gender roles and caregiving responsibilities. A sustainable family policy must not only focus on providing means of birth control and increasing women's employment, as was envisaged at the time: it must also seek to improve the conditions that enable parents to reconcile work and family life in accordance with their preferred model. Policy interventions should address the intersectionality of labor market and family policies, ensuring that efforts to promote gender equality are integrated across all domains.

The dual analytical focus on family and labor market policy, combined with the integration of institutional and ideational arguments, offers a productive analytical lens that deepens our understanding of the complex labor market inequalities between men and women and can guide future research. This approach allows for the identification of institutional complementarities between policy fields, as well as contradictory incentives and institutional imperatives. Further research should more systematically examine the potentially conflicting social norms mothers face at different biographical stages of child-rearing and the extent to which these norms underpin different policy instruments, such as employment regulations, public services, or parental leave.

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The analysis also provides lessons for the future, particularly as political and economic actors increasingly discuss raising women's employment rates or working hours to address skilled labor shortages. The past 20 years have shown that a labor market-oriented approach to equal opportunities alone is insufficient. Focusing primarily on women's workforce participation, equal pay, and career advancement has made equal opportunity into an economic project (Fraser, 2013: 123f.). Although women's economic independence is a crucial milestone for achieving gender equality, a broader understanding of equal opportunities remains essential. In Germany, the dual earner/dual carer model has so far failed to take hold, largely due to incomplete implementation of the dual carer part of the model and the persistence of the traditional gender role models highlighted in this article.

To discuss non-discrimination, gender mainstreaming, and equal opportunities today means to raise awareness of the fact that women are still discriminated against in the labor market. This discrimination dates back to a time when women's primary role as mothers and carers was taken for granted, and equal opportunity was seen as providing policies that allowed women to combine paid work with unpaid care work. If we are to prevent discrimination against women in the labor market, we need a more comprehensive understanding of equal opportunity—one that not only focuses on women and paid work, but also considers mens' roles as carers. Eliminating persistent labor market inequalities between men and women requires a holistic approach that responds to the interconnectedness of labor market policies, family policies, and societal norms regarding gender roles. Only by reassessing existing policy frameworks and fostering a culture of gender equality can policymakers work towards creating a more equitable and inclusive labor market for all genders in Germany.

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Christine Barwick-Gross

The (dis-)comfort of diversity – perspectives of racialized workers and diversity practitioners on diversity and race at the workplace

Abstract: In this paper, I explore the topic of diversity in organizations, combining experiences of highly skilled migrant workers and diversity practitioners. Based on interviews with racialized migrant workers who moved to Germany to work, the paper foregrounds how they experience (the lack of) diversity in German workplaces. The respondents recount various incidents of racisms, indicating the lack of awareness of companies and their white privileged co-workers towards racial diversity and inequalities. Denying race in the workplace means that racialized workers face daily racism, and that they have to perform emotional and ontological labor. This is confirmed by interviews with diversity practitioners, both self-employed and employed. The perspectives of the diversity practitioners, most of whom are also racialized and migrantized, reveal that so far, most German companies address gender in their diversity work, but not race. This is partly related to the lack of language to talk about race and racial inequalities in Germany. Together, the interviews suggest that most companies adopt a 'white diversity', meaning that race is disregarded in diversity work, and that diversity is tightly connected to comfort – of the white privileged workers, while the *dis*-comfort of racialized workers remains unaddressed.

Keywords: Diversity management, racial diversity, racism, whiteness, work, migration

Christine Barwick-Gross, Die (Un-)Bequemlichkeit der Vielfalt – Perspektiven rassifizierter Arbeitnehmer*innen und Diversitäts-Expert*innen auf Diversität und race am Arbeitsplatz

Zusammenfassung: Dieser Beitrag behandelt das Thema Diversität in Organisationen, anhand der Erfahrungen von hochqualifizierten migrantischen Arbeitnehmer*innen sowie Diversitäts-Expert*innen. Auf der Grundlage von Interviews mit rassifizierten, migrierten Arbeitnehmer*innen, die nach Deutschland gezogen sind, um hier zu arbeiten, stellt der Beitrag in den Vordergrund, wie diese die (fehlende) Vielfalt an deutschen Arbeitsplätzen erleben. Die Befragten berichten von verschiedenen rassistischen Vorfällen, die auf das mangelnde Bewusstsein von Unternehmen und weißen, privilegierten Kolleg*innen im Umgang mit *race*-bezogener Diversität und Ungleichheit hinweisen. Die Missachtung von *race* am Arbeitsplatz bedeutet, dass rassifizierte Arbeitnehmer*innen täglich mit Rassismus konfrontiert sind und emotionale und ontologische Arbeit leisten müssen. Dies wird durch Interviews mit selbständigen und angestellten Diversity-Expert*innen bestätigt. Die Perspektiven der Diversity-Expert*innen, von denen die meisten ebenfalls rassifiziert

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und migrantisch sind, zeigen, dass die meisten deutschen Unternehmen bisher in ihrer Diversity-Arbeit zwar Geschlecht, nicht aber *race* berücksichtigen. Dies hängt teilweise damit zusammen, dass es in Deutschland keine Sprache gibt, um über *race* und damit zusammenhängender Ungleichheiten zu sprechen. Insgesamt deuten die Interviews darauf hin, dass die meisten Unternehmen eine „weiße Vielfalt" anstreben, was bedeutet, dass *race* in der Diversity-Arbeit vernachlässigt wird. Diversity ist somit verbunden mit dem Wohlbefinden weißer, privilegierter Arbeitnehmer*innen, während das Unwohlsein rassifizierter Arbeitnehmer*innen nicht adressiert wird.

Stichwörter: Diversity-Management, race, Rassismus, Weißsein, Arbeit, Migration

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Introduction

Diversity management[1] has become one of the main buzzwords in companies/organizations denoting a variety of measures to increase workforce diversity, raise awareness and appreciation of diversity, and strengthen the inclusion of workers from marginalized groups. While the diversity paradigm is widely used, in academic research as well as in organizational practices (Doytcheva 2020), it has also been criticized. Given its lack of precision, diversity is described as an "empty signifier" (Marten 2020), which can be filled with a variety of dimensions of diversity. Moreover, in the context of organizations and institutions, the managerial and voluntaristic use of diversity often leads to a (re-)production of white privilege, while structural inequalities related to ethno-racial discrimination remain unaddressed.

Drawing on Critical Diversity Studies, Critical Race Theory and whiteness studies, the paper is interested in how (the lack of) diversity at the workplace is experienced by highly skilled, racialized migrant workers in Germany. The workplace is a 'white space' (Anderson 2015) in which racialized individuals regularly experience discrimination. This comes in the form of microaggressions, i.e. microinsults and microinvalidations (Sue et al. 2008), but also in particular forms of emotional and ontological labor, which is not demanded from white, privileged workers (Crapo et al. 2020, Wingfield 2010). The insights from the study respondents are particularly valuable as they are potentially racialized *and* migrantized. Their experiences can thus provide information on the salience of different categories, in the context of the workplace. To expand the perspective, the paper also draws on the experiences of diversity practitioners, to gain insights on how companies fill 'diversity' with meaning, what constitutes diversity work, and the relevance of race in diversity work.

1 Also referred to as DEI – Diversity, Equity and Inclusion, sometimes also DEIB, including belonging.

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The findings show how the lack of diversity and the lack of awareness towards ethno-racial inequality is experienced by racialized migrant workers, and how they are forced to do 'diversity work', such as emotional and ontological labor. The accounts of the diversity workers show that certain dimensions of diversity such as gender are more easily implemented than others (race), and that diversity work remains rather on a superficial level.

In the following, I will first give an overview of the rise of the diversity discourse, as well as the relevance of race in German public and political discourse, which has implications on how race is addressed in diversity work. After presenting my research design and methodologies, I start with the experiences of racialized workers, before moving on to the perspectives of the interviewed diversity practitioners. The paper ends with a short summary and discussion of the findings.

The rise of the diversity discourse

Over the last ten to twenty years, diversity has become the main concept to describe difference within society. Doytcheva (2020) speaks of a normalization of the diversity paradigm, as it is applied in a variety of research fields, and widely used in organizations and institutions, including in universities, city administrations and private companies. As Titley and Lentin (2008, 20) observe: "Embracing and celebrating diversity has become a prevalent aspect of the public identity of institutions, agencies, and indeed societies presenting themselves on the European and global stage". In contrast to earlier political approaches towards increased racial diversity (which is usually described as ethnic, cultural, or religious diversity, cf. Lentin 2008), such as integration or multiculturalism, diversity stresses the positive value of diversity. Its celebratory character is "central to the self-imagining of late capitalist consumer societies" (Lentin and Titley 2011, 20), and to an image of a post-racial and tolerant Europe. Diversity is also viewed as a more encompassing term, not only referring to cultural or ethnic background, but also gender, sexual identity, or disability. Despite this more positive take on difference, the use of diversity can critically be interpreted as "damage control". As Titley and Lentin argue, "diversity euphemistically stands for the recognition that Europe is not experienced evenly by all those who live here: the poor, the racialised, the disabled and the 'alien' migrant" (2011, 14).

In contrast to approaches such as multiculture or integration, which operate on the group level, diversity individualizes difference (Boulila 2021). Every individual is diverse in some way, and it is the individual who needs to become more tolerant towards difference. This subjectivized conception of difference blurs the distinction between difference and inequality (Boulila 2021). Measures introduced under the name of 'diversity' are therefore rarely able to address and change structural inequalities (see also Baro 2024).

The diversity discourse in companies has its roots mainly in the U.S., where it replaced the legally mandated Equal Employment Opportunities (EEO) and affirmative action programs. As Ehret (2011, 44) explains: "the anti-discrimination and gender

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equality debate of the 1960s and 1970s, which emerged from the civil rights and women's rights movements, was overlaid and replaced by the so-called management ideology", for which the discourse on diversity was central. The managerial and voluntaristic character of diversity management (Prasad et al. 1997) led companies to quickly embrace the diversity discourse. Instead of anti-discrimination, the focus shifted to how diversity can increase the performance of an organization (Yadav and Lenka 2020). In line with the management ideology, companies tend to view diversity as a 'business case', not an 'equity case'.

In Germany, measures aimed at gender equality or female empowerment (*Frauenförderung*) have increasingly been viewed with a bad reputation, particularly given companies' rejection of gender quota (Lederle 2008). According to Lederle, diversity management became more prominent in Germany through four (separate, but often co-occurring) processes: relations within companies (e.g. to the mother-company, often located in the U.S.) or networks to companies in the same sector; legal pressure, following particularly the introduction of anti-discrimination law; pressure of external groups, including evaluation/ranking societies, lobby groups, or the media; and, lastly, through the orientation towards other organizations and professional networks, often coupled with a fear of 'falling behind' if diversity was not recognized as an issue (2008, 155 ff.).

As critical diversity scholars have argued, diversity is an "empty signifier" (Marten 2020), a "site of contestation" (Ahmed 2012), hence it needs to be filled with meaning. This process of filling with meaning constructs some (groups of) people as diverse: "By defining diversity management as the management of groups, a specific relationship is first constituted between the non-diverse, normal, old group and the diverse, a-normal, new groups in the workforce (women, homosexuals, non-Germans, etc.)" (Lederle 2008, 218, own translation). Which dimensions of diversity are addressed can differ between companies and is influenced by national conceptions of societal difference, as the next section will outline in more detail.

Racial diversity and anti-discrimination in the context of the workplace

Diversity has been criticized for routinely disregarding issues of "power, discrimination and social inequality" (Lederer 2002, 257, see also Boulila 2021). However, these topics are highly relevant when trying to understand the experiences of disadvantaged groups, such as women, disabled, or racialized persons, in the workplace. The discourse on diversity in companies is influenced by wider societal debates about discrimination and inequality, and by legal and political frameworks and requirements. In this regard, Hearn and Louvrier (2015) argue that while the "management discourse crosses national borders", diversity is filled up with meaning differently, following national practices of naming and not naming, and differential conceptions of diversity. To illustrate, Doytcheva (2020) has shown how in France, even though diversity work was initially introduced with a focus on ethnic and racial discrimination, it has gradually lost this focus and instead turned into 'white diversity', meaning that race as a category

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of diversity work is largely omitted – which fits France's colorblind conception of society (Beaman 2022).

Germany's (and Europe's) dominant approach towards race has long been to deny its significance. After the Shoah, which was founded on a biological understanding of race, the concept was essentially banned from public and political discourse (Goldberg 2006; Lentin 2008). Instead of race, the tendency is to talk about ethnicity, culture or religion (Titley and Lentin 2011). Given Germany's predominantly ethnic definition of national belonging, visible minorities, "Communities of color – Black, Rom_nja and (…) Muslim" are continuously othered as "non-German" (*undeutsch*) (El-Tayeb 2016, 144). Official statistics ask for 'migration background', i.e. whether the individual herself, or one or both parents/grandparents have been born abroad – which is then used for capturing ethnicity. Consequently, political and public discourse on discrimination usually refers to 'ethnic discrimination'. Studies on discrimination likewise use ethnic discrimination, sometimes also religion (e.g. Koopmans, Veit, and Yemane 2019; Fernández-Reino, Di Stasio, and Veit 2022; Veit et al. 2022). Racism is viewed as residing in individuals, instead of a result of structural inequalities (El-Tayeb 2016).

Following global social movements such as Black Lives Matter, and continuous efforts by Black German advocacy groups or societal discussions around Germany's colonial history and its effects, racial discrimination has been put on the public agenda. In 2020, the first 'Afrozensus' has been conducted, demonstrating widespread racist discrimination of Black Germans/People of Color[2]. The slowly increasing attention to the topic also helped raise awareness that racialized individuals cannot be equated with immigrants, but to highlight their long presence within Germany. How race and racism is discussed in Germany, what can be named or not, will likely influence how diversity is filled with meaning in the context of work (cf. Hearn and Louvrier 2015).

Research on workplace discrimination indicates that mechanisms of discrimination have changed from overt ones to more subtle ones. In her works on workplace discrimination in the U.S., Aidia Wingfield (2023) describes three 'grey areas' in and through which racial discrimination occurs: relationships that can influence the hiring process, networks that may help with advancing in a company, and cultural norms. Wingfield has also drawn attention to how racialized workers need to engage in particular forms of emotional labor, as certain emotions are not viewed as appropriate when displayed from racialized workers (Wingfield 2010). Relatedly, Crapo et al. (2020) draw attention to the ontological labor that is required of racialized workers, i.e. "the mundane, daily, constant effort and expertise required to bodily inhabit institutions and spaces ineluctably shaped by structural inequality" (6). The concept of ontological labor includes emotional labor, but also mental and physical labor – all forms of labor that racialized workers have to perform extra in a white workspace, and which remain undervalued and/or unnoticed (Crapo et al. 2020).

Sara Ahmed (2012) has extensively dealt with the relevance of race in diversity work, in the context of universities in the UK and in Australia. As in other 'white spaces'

2 https://afrozensus.de/reports/2020/.

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(Anderson 2015), people who are read as non-white quickly become the stranger in such spaces. In her words, a "stranger experience can be an experience of becoming noticeable, of not passing through or passing by, of being stopped or being held up" (Ahmed 2012, 3). Ahmed understands whiteness not as a bodily feature, but as an orientation, which influences what objects are within reach (Ahmed 2007). For the workplace, such objects could be a job, a promotion, or the right to speak up and voice one's opinions and emotions. Whether a person is racialized as white or non-white thus influences whether the person can feel at home in a certain place and can 'do things' in that place.

Foregrounding the paradoxes of diversity work in institutions, Ahmed (2012) shows, for example, what institutions understand as 'doing diversity', such as employing a racialized person, or producing and circulating documents, such as a diversity strategy. Institutions can read these singular measures as being 'enough'. Litvin, who has done extensive work in companies in the U.S. comes to a similar conclusion: "The picture is of executives who have come to believe that 'making the business case' for diversity together with publishing it through mission statements and awareness training for all employees is 'doing diversity'" (2002, 182). This type of diversity work, which essentially consists of ticking off boxes (hiring, diversity training, diversity strategy) makes a company 'feel good' (Baro 2024), without changing the company structure and its values. To bring about real change, particularly for racialized persons, diversity work needs to be more than just "happy talk" (Wingfield 2023, 46). If past and ongoing inequalities are not explicitly addressed, the organizational culture will not change, hence racial inequality will continue to be manifest in the workplace. In her evaluation of diversity work, Wingfield summarizes that "Far too many companies take an approach where they purport to value diversity, may even hire a few Black employees, but fall short of considering how the organizational culture may be unwelcoming or even hostile" (Wingfield 2023, 101).

This is not different in Germany, a country where 'race talk' is still a taboo. Examining ethnic and cultural diversity in workplaces in Germany, Bellard and Ruling (2001) find that "The particularity of the German companies' diversity discourses lies in their emphasis on individual managers' competencies combined with the idea that diversity is something which can be found outside Germany" (21). This echoes Lederle's findings that if companies address what they term cultural diversity, it is usually conceptualized as intercultural communication, in relation to interactions with companies/professionals from other countries (Lederle 2008). Racial diversity is thus placed *outside* Germany, *outside* German companies. Viewing race and racism as something external prevents these issues from being addressed *within* a company. This links to issues of recognition and social worth. As Lamont (2023) argues, "the extent to which groups are "seen" by others, whether they have a seat at the table, and whether they feel welcomed, valued and listened to" translates into "whether groups are recognized and afforded dignity" (4). The interviews that will be recounted in the following parts illustrate how racialized workers experience racism in German companies, and

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how diversity practitioners as *change agents* (Lamont 2023, 9) challenge the illusion of racism-free workplaces.

Data and Methodology

The paper is based on a project that examined the experiences of arriving and settling and the transfer of skills of highly skilled foreign workers in Germany, with a particular interest in whether and how they experience discrimination. I therefore conducted interviews with 30 individuals, who were recruited through personal contacts, and – mostly – through LinkedIn. For this latter approach, I posted on expatriate groups, but also consulted the list of persons working at various Berlin-based companies, and – based on the information provided on their CV – contacted them when they fit the profile, i.e. had a university degree, were in salaried employment, and have moved to Germany for work, at least six months ago. The sample includes twenty female respondents and ten male respondents. All were of working age, mostly between 25 and 40 years. The respondents worked in large tech companies, the music industry, universities, or start-ups in the service industry, mostly in mid-level positions, up to team leaders or managers of sub-divisions within a company. They moved from a variety of countries, within and outside Europe. I conducted in-depth, semi-structured interviews, which included a biographical component, to address topics such as the respondents' educational and professional trajectories, their experiences arriving and settling in Berlin, their life in Berlin, and future professional and mobility plans. While an important focus was on experiences at the workplace(s), we also addressed other fields such as housing or social contacts. The interviews were conducted in English and lasted around 1 to 1,5 hours, all were transcribed and coded. Thereby, I followed the principles of Grounded Theory (Strauss and Corbin 1994), meaning that in addition to theory-related and pre-defined themes/codes, I used a rather inductive approach to the analysis of the material. When recruiting the respondents, I ensured a varied sample regarding respondents' self-identification and (societal) racialization. While all individuals are immigrants, and thus subject to processes of migrantization, eleven respondents are People of Color (from the U.S., France, India, Bangladesh, Jordan, Lebanon) and hence also racialized based on their phenotype. Only those are included in the analysis below.

In a second step, I interviewed diversity practitioners, to get a better understanding of what constitutes diversity work in companies, and the role of race within organizational diversity work. These interviews were likewise semi-structured, but more problem centered, thus focussing more on a specific theme (Witzel 2000) – in my case diversity in organizations. I initially contacted diversity workers from the companies where the respondents from the first study worked, but most did not respond back, or the company did not allow interviews. I therefore contacted diversity workers through LinkedIn, from a variety of companies and organizations, but also freelancers. In total, I interviewed seven diversity practitioners, four of whom were self-employed, two worked in companies in the social service sector, and one at a philanthropic founda-

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tion. Two respondents were male, among them the only white German respondent, all others had own or parental migration history. Three respondents who had moved to Germany as adults are similar to the respondents from the previous study; we thus also talked about their experiences of migration, but the focus was on their work as diversity practitioners. All respondents had previously held different job positions before starting to professionally engage in diversity work. They mostly found their current positions through personal experience and longstanding engagement in diversity work, including reading on the topic; only two did an officially recognized training. The interviews were analyzed similarly to the ones with the highly skilled migrant workers, i.e. in constant exchange between theory and empirical material. Thus, while I interviewed different 'groups' of people, with differing interview guidelines, the interviews were analyzed in a similar way and greatly complement each other.

Except for one diversity practitioner who explicitly did not want her name to be anonymized, the names of all respondents (including the migrant workers) and the companies they work(ed) at or with, have been changed or omitted.

"Diversity ends with black people" – Racialized workers' experiences with diversity in the workplace

Most racialized workers I interviewed have experienced being the only Person of Color in a company, a situation that often comes with tokenism, microaggressions, and outright racist interactions, together with the emotional and ontological labor such instances demand. Several have suffered from racist discrimination, stigmatization, and marginalization, sometimes to the extent that they changed employers.

Devin is a freelancer in the digital health sector, advising companies on how to make their products more inclusive. Originally from the U.S., he has worked at several German companies, including in Hamburg and in Berlin. Remembering his first job in Berlin, he describes himself as a "diversity hire" (own words), together with a Black woman, something that the company widely advertised: "they really made a big deal about us being hired. They showed our picture in, like, in industry newspapers, you know, all that sort of thing". However, he did not view this in a negative light, but rather appreciated the company's attempt to be inclusive. In contrast, he describes how the clients he worked with over the years, large and mostly conservative pharmaceutical companies, were clearly not as open to diversity and inclusivity. On the one hand, they often were not open to his message that they have to make their medical products more inclusive – he gives the example of a skin cancer screening that also needs to recognize a mole on Black skin. He describes how it is often the top level such has CEOs or chief medical officers who are "not fully engaged in that, even though everyone else in the company may know that it's a problem. And in the bigger companies I work in, the more corporate companies I work for, it's completely ignored. On the whole structure, yeah". His work thus gives him an insight into how diversity and inclusivity, referring to various dimensions such as racial background, but also age, are barely addressed by medical companies – hence his assessment that

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"diversity ends with black people". This indicates that diversity is primarily viewed as a 'happy discourse', but that it is not used to change structures that (re-)produce inequalities, a topic that will be taken up again in the next section.

On the other hand, Devin recalls many moments in which he felt uncomfortable in interactions, talking about "strange engagements" with colleagues and clients, which repeatedly made him wonder:

> *Did they say that because of my skin color? Or did they say that because of something that I really did wrong? Or did I, like, do something in a way that was not… that I not explained it clearly enough? And I dealt with this quite a few times where I've had this kind of… not… I would never say confrontations or like bad things have happened, but kind of these situations where I'm like, I felt like that was an unnecessary amount of pushback.*

This quote illustrates how racialized workers are confronted with subtle mechanisms of racism that are hard to pinpoint and that result in repeated guesswork. Devin repeatedly asked himself whether a pushback is a result of professional disagreement, or a microaggression towards him – as a racialized worker. Guesswork, as Crapo et al. (2020) argue, is a part of ontological labor, hence labor that is only demanded from marginalized workers and that clearly remains unnoticed.

Devin's thoughts and the reactions toward the pushback also require emotional labor – labor that specifically racialized persons have to deal with. Even now, as a freelancer who can pick which companies to work with and who interacts with many start-ups, he still perceives the lack of workplace diversity: "Even when it's a young team of like… people who are in a small startup that's supposed to be like young and diverse, I'm the only Person of Color there". Meanwhile, Devin consciously chooses his clients, and he usually works with international companies, or German companies with an international orientation – to avoid being the only Person of Color and having to deal with the possible discussions and microaggressions this may entail.

Kiara shares Devin's experience of being hired to increase the company's diversity, but her experience was very negative and illustrates the problem with a top-down approach to workplace diversity, without at the same time changing the working culture. Kiara was born in India but moved to Germany during her studies and decided to stay. Before starting her current job as project manager at a German philanthropic foundation, she has worked at a public organization in the field of development. During her time there, she felt unjustifiably scrutinized and controlled by one colleague in particular. When she tried to raise her discomfort, her boss did not back her but countered that this colleague had "many foreign friends" – a typical argument for dismissing someone's racist behavior. When Kiara decided to confront her colleague directly, the colleague refused to talk to her, arguing that she (Kiara) was too emotional, hence it would not be possible to discuss rationally. Being too emotional is a common stereotype about people from the Global South, implying that they are not "as professional as Germans" (Kiara). This categorization can also be read as an instance of migrantization: by attributing Kiara with a (negatively read)

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cultural trait, the co-worker foregrounds the incompatibility with local norms, hence stressing Kiara's 'otherness', as being from elsewhere, outside Germany. Evaluating her experiences, which also included many incidents of what Kiara calls whitesplaining and mansplaining, she says that the requirement to be more diverse, which likely came from ministries and other funding partners, led the organization to hire people who would tick the 'diversity box', "but they did not know what to do with these colorful[3] people".

Being the only or one of the few racialized workers in a company with a lack of awareness towards diversity can have serious consequences for the affected employees. Two respondents – Devin, who was introduced above, and Alice who is originally from France – recount severe cases of microaggressions, highlighting the extreme difficulties of navigating a workplace that is not only lacking an awareness to racial diversity, but also reluctant to even raise awareness. Devin thinks back to how a (white) German colleague was repeatedly listening to rap music in the shared office, with songs including the N-word. Devin explained to his colleague that he would prefer not to have to listen to this word during his working hours. The colleague found this demand "unfair. And I'm like, I should be allowed to voice an opinion about me hearing the N-word while I'm working in a company". His colleague replied that the word was listed in the Duden, that it was not a "bad word" in Germany, "and I have to then, like, say, you know, but it's offensive to me". The colleague's reaction shows an utter lack of understanding of Devin's perspective and misses the reality of racialized people in Germany who are affected by daily racisms. The situation also highlights how race and migrant status combine. Devin's co-worker refuses to see 'race' as he does not understand the inherent racism in his action; at the same time, he lectures him about what is acceptable language in Germany, thus categorizing Devin as not knowing local customs, implicitly placing him to an elsewhere, outside Germany.

Alice's experience in her previous workplace, a music company where she worked in the engineering department, as the only Black and female employee, were very traumatic and led her to quit the company. The hiring agent in the Human Resources Department was also Black, and had pushed for Alice to be hired, in an ongoing attempt to make the engineering department more diverse. However, Alice says the company as a whole "were not willing to commit to give money for improving the diversity and inclusion inside the company", so their stated commitment to diversity was, in her opinion, no more than lip service. While she highly appreciated her engineering team, Alice repeatedly "faced comments in the workspace that were really inappropriate. At some point the company advertised an artist with the N-word in his name. And they didn't blur it. They didn't do anything about it". The issue was addressed in the diversity working group, which explained that the use of the N-word was not permissible. However, higher management did not listen. Instead, they hired another specialist who told the members of the diversity group that they should not be

3 In German, ethno-cultural diversity is often indicated with the word *bunt* (=colorful), a very particular expression; see e.g. Baro (2024).

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as sensitive, as it was "just a word". In the end, the advertisement was published, and Alice experienced gaslighting and was told by her colleagues to get over it. Following this incident, Alice describes how she suffered from burn-out and depression and left the company.

How the colleagues and higher management dealt with Devin's and Alice's naming and hence resistance of racism – which counts as ontological labor (Crapo et al. 2020) – denies them and their feelings recognition. Instead of "seeing" them, "making them visible and valued" (Lamont 2023, 6), the opposite was happening. The white co-workers felt offended by being accused of racism and hence denied it. Boulila argues that "The idea that naming racism is tantamount to an act of violence (.) functions as a strategy to conceal systemic inequalities" (2021, 87). Instead of recognizing their role perpetuating racist structures, ultimately denying their worth (Lamont 2023), the white subject sees himself in a position as the victim, by being accused of being racist. This reversal of who is affected by racism – which is one indication of how racism becomes universalized (Lentin 2008) – can have serious consequences for the feelings of well-being of the affected subjects, e.g. through the creation of fear of addressing other incidents of discrimination. Ahmed (2014, 69) describes how "fear works to contain some bodies such that they take up less space". Through such fear, racialized bodies ultimately take up less space in the workplace – meaning that they must contain their emotions, their experiences, their opinions. "In this way, emotions work to align bodily space with social space" (Ahmed 2014, 69). The experiences of Alice, Devin, Kiara, and other respondents not cited here but who share similar experiences, highlight the effects of a superficial approach towards racial diversity for the affected people. If a company is 'colorblind', Black workers and workers of color are made to feel "out of place" (Ahmed 2012, 2), as their concerns are not taken seriously, or dismissed. Learning how to take up space appropriately is a form on ontological labor, labor that remains invisible but that is necessary for racialized and migrantized workers "to simply *exist*" (Crapo et al. 2020, 20, italics in original) in a workplace that is already characterized by structural inequalities. The episodes also give an insight into how racialized workers have to manage their emotions vis-à-vis their white colleagues. Feeling rules at workplaces are "inherently racialized" (Wingfield 2010, 266). Racialized workers are not allowed to express certain emotions – such as anger or frustration at white colleagues using or listening to the N-word.

Following their experiences, several of the respondents became committed to diversity work, often as part of diversity working groups. They can be viewed as 'diversity champions' (Ahmed 2012) or 'change agents' (Lamont 2023), i.e. people (usually members of marginalized groups) "who intentionally aim to transform how we perceive differences in others" (Lamont 2023, 63). This also applies to the diversity practitioners, whose perspectives provide more insight into why the recounted experiences still happen in German workplaces and how companies address race within diversity work.

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Insights from Diversity practitioners

The interviewed DEI workers also have their own experiences with racialization and discrimination, which eventually made them commit to diversity work as their prime employment. All except one respondent have own or parental migration history. Throughout their careers in Germany, they have been stigmatized and marginalized, through racialization and migrantization. Similar to the other respondents, they had to engage in the daily 'diversity work' that is part of ontological labor as described above. These personal experiences, coupled with an activist background, knowledge from university studies, or continuous self-study about the topic, led them to professionally engage in diversity work.

The perspective of the diversity practitioners reveals that, in their experience, diversity work in companies refers primarily to gender, sometimes also sexuality or age, but rarely to race. Moreover, it shows that diversity work consists primarily of measures that 'tick off the box', such as single seminars and trainings, but rarely in extensive strategies to tackle structural inequalities within the workspace.

Regarding this latter aspect, scholars have described what companies understand as 'doing diversity'. Very often, these measures are not very substantive, or as Ahmed (2012) calls it, they are non-performative, i.e. they remain without consequences. Having a person responsible for diversity, producing statements or strategy papers, organizing seminars/workshops are part of institutions' diversity work; they make the institution diverse, but rarely lead to institutional change. As Ahmed (2012, 121) puts it: "Saying diversity *as if* it is doing diversity (…) can be a way of not doing diversity". These types of diversity instruments are also found in the narratives of the interviewed diversity practitioners, who are very reflective and critical about the work they (are able to) do.

Matthias, a Black German (self-identification) from Hamburg, works as a DEI freelancer, but was previously employed at a U.S. company that was rather advanced regarding workplace diversity. This is where he first got involved in issues around diversity on a voluntary base before he took the position as Head of Social Change. From his experiences, both as employee in a company, and as a freelancer, he observed how having a diversity manager is used by companies to no longer deal with diversity. If there is not a certain level of commitment from higher management, he would not recommend to anyone to become head of DEI. In a sarcastic way, he mimics a manager who would continue 'business as usual', given that "there is Susanne [i.e. the diversity worker], she will somehow make us diverse". This matches Ahmed's argument outlined before, namely that having someone responsible for diversity at the workplace is what makes the company diverse (Ahmed 2012).

Marta, who has moved to Germany from Brazil, works part-time as diversity manager at a socially oriented company in the field of migration. Reflecting on her role, she calls herself a 'typical case' or 'cliché' of a diversity worker, alluding to the fact many diversity practitioners are female and work part-time (cf. Lederle 2008). Nevertheless, she enjoys her job, the freedom she has to fill the position, and the commitment of

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higher management to change. In her work, she uses the concept of 'diversity climate'. In Marta's words, it connotates that diversity is not just about numbers, but about understanding what diversity means and that workers can voice unfair or unequal treatment without fearing negative consequences and denial. Marta often organizes mandatory trainings that address different facets of diversity, which are commonly based on racialized workers' own experiences; as she is also the first person that people can address when they feel unfairly treated, she knows first-hand about the issues the company faces in terms of diversity.

The workshops she organizes are mandatory – something that other diversity practitioners tend to avoid – hence there are always participants who are highly critical of these workshops. As might be expected, these are mostly white employees without (parental) migration history. They complain about having to go to a training while they have too much work to do. Or, more seriously, as they work in a socially oriented company, they claim that there is no racism and hence feel "personally attacked" when Marta brings up the issue. To her, these are typical cases of 'white fragility', a term defined by Robin DiAngelo as "a state in which even a minimum amount of racial stress becomes intolerable, triggering a range of defensive moves" (DiAngelo 2011, 54).

Stefka has made similar observations. Originally from Bulgaria, she has been living in Germany for eleven years at the time of the interview. Following her move across borders, she experienced herself how much her achievements were devalued, simply due to her origin. She now works in an organization that supports others – mostly public administration, but also startups and private companies – with discrimination-sensitive (*diskriminierungskritisch*) organizational development. Stefka is used to facing resistance from public administration, with common comments such as that they already are diverse, or that nobody was complaining about discrimination-related issues. These are common tropes to avoid confrontation with (racial) discrimination and the work it would take to recognize, dismantle and change structures that have grown over a long period of time.

These accounts confirm that emotional labor is expected of racialized workers, but that white privileged workers are often reluctant to do the (partly emotional) work that is necessary to institute change. Marten (2020), reflecting on whether diversity can be decolonized, argues that diversity is connected to "comfort, rather than hostility" (49) – of the predominantly white, privileged part of society. While the previous part has foregrounded how racialized workers are supposed to control certain emotions, Marta's and Stefka's accounts indicate how white workers are/expect to be spared from certain, *un*-comfortable, emotions. Focusing on white feelings means that the feelings of racialized and discriminated co-workers remain out of sight, hence reproducing racialized feeling rules, according to which only *racialized* workers have to manage their feelings.

If white workers confront their own role and privileges, this is interpreted as success. Stefka says that sometimes, white employees come up to her and tell her that hearing about critical whiteness has changed their view, it has "opened their eyes". Similarly, success means that diversity is truly supported by higher management and

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that Human Resources and/or higher management do not view diversity as a numbers game, as ticking off boxes, but understand that company structures need to change.

Another challenge mentioned by the interviewees is that the racial dimension of diversity is very often neglected and that most German companies tend to focus on gender, sometimes sexuality, and disability. Thinking back to many of the diversity counseling she has done with companies as a freelancer, Marta says that in Germany, diversity is often translated into 'women in higher positions', completely disregarding intersectional perspectives that would also pay attention to dimensions such as origin or racial background. Giving the example of a tech company that aims to attract more women and might hire an Indian woman, she says that they are often not even aware that in such a case, more dimensions than just gender will influence this worker's experience at the workplace.

Lina, who calls herself an inclusion specialist, confirms this. As a freelancer, she works primarily with higher management and observes that gender is clearly the topic that most money is spent on. She calls it "a little disturbing" how cultural and social background are almost irrelevant. With cultural background, she refers to Germans with (parental) migration history, but also first-generation immigrants. Lina, herself half Brazilian, works with Brazilian women in her free-time and knows firsthand from their experiences how they are often called too loud, too emotional. Moreover, given her own disability, she is visually impaired, she also knows that disabled persons are rarely represented in higher management – another major gap in many companies' diversity strategies.

Focusing on gender in diversity work is, as Essanhaji and van Reekum (2023) argue, a way of doing 'white' diversity, particularly when gender is disconnected from ethno-racial diversity. The accounts of the diversity practitioners suggest that most diversity work focuses on one singular dimension of diversity, but rarely considers intersectional approaches.

Matthias mentions another issue that inhibits companies from addressing racial diversity, namely that talking about race is highly controversial, and people often lack the language to do so, or they are afraid of saying the wrong thing and being called racist, an impression that is echoed by Marta. For both, Matthias and Marta, the heated debates about gender-appropriate language have increased the fears of talking about the equally sensitive issue of race and racism. Given the quick and destructive reactions on social media – doing 'something wrong' – i.e. appearing to be racist, can have serious negative effects for the affected companies; hence there is a lot of uncertainty on how to approach the topic of racial discrimination. In Marta's opinion, the scandalization of racism makes it hard to talk about it. To be better able to address racial discrimination, she says that the topic would need to be less ashaming (*schambehaftet*) – nobody wants to be a racist – and that people would need to be allowed to make mistakes, which would then have to be addressed, to learn and avoid similar mistakes in the future.

The discomfort inherent in talking about race and racism, that Matthias and Marta observe, does not fit the affirmative dimension of diversity, its positive and celebratory

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character (Boulila 2021). At the same time, it can be interpreted as a mirror of the general avoidance of 'race talk' in Germany, as well as the increasing politicization of racism (Henrichsen et al. 2022), following the rise of populist, right-wing parties and their supporters. These observations confirm that "National context intersects with the formulation of diversity, in particular, which differences are given voice, and which are silenced" (Hearn and Louvrier 2015, 75). It seems that many companies still prefer to silence the issue of race, instead of finding ways to engage with what might be uncomfortable, but which is necessary for change to be possible.

Despite these difficulties, Marta also acknowledges that, compared to 2010, the year she started working as antidiscrimination trainer, some things have changed for the better, and particularly racialized and migrantized subjects have the language to talk about their experiences, including racism and white privilege.

Summary and Discussion

Diversity work, in Lamont's words, needs to be about "'seeing others', about acknowledging people's existence and positive worth, actively making them visible and valued, reducing their marginalization, and openly integrating them into a group" (2023, 6). The accounts of the respondents suggests that diversity work in Germany, particularly regarding racial diversity, is primarily about making companies and their white workers feel good and comfortable, less about removing structural barriers and inequalities of racialized workers.

The interviewed racialized workers, all of whom have moved to Germany for work, have recounted various experiences of racisms and microaggressions at the workplace, of being gaslighted, of having their wishes and demands dismissed, which they contribute to a lack of a racially diverse workforce and a lack of awareness of the lived realities of racialized individuals in Germany. These experiences have been confirmed by the interviewed diversity practitioners – of whom all except one share the experience of being subject to racialization and migrantization in their daily lives, including in the work context.

Taken together, the experiences of highly skilled racialized migrant workers and the diversity practitioners suggest that for many companies in Germany, diversity work is an exercise of 'ticking the box(es)', through hiring practices, creating positions for diversity managers who create and circulate documents, and through offering one-off seminars or workshops. These isolated measures make a company and its white, privileged workers 'feel good' but they cannot change structures that disadvantage racialized (and other marginalized) workers. As Lea Baro argues: "From an institutional and corporate perspective, talking about diversity strengthens one's own image without changing the underlying power relations" (2024, 74). In this way, diversity is a non-performative act, it remains without consequences.

The study has also highlighted how diversity work often focuses on gender, an apparently less controversial dimension of diversity, but rarely on race. The focus on gender, with the simultaneous lack of attention to race, is an expression of 'white

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diversity' (Doytcheva 2020; Essanhaji and van Reekum 2023). This type of diversity (work) serves primarily as an 'affective instrument' (Baro 2024) that creates positive feelings for those who are *not* affected by racism and other forms of discrimination. It is rarely an instrument used to address and dismantle racial (and other forms of) discrimination in the workplace (Boulila 2021). As shown through the experiences of the racialized workers, this has severe consequences on their daily work lives, in which they have to perform emotional and ontological labor, to counter the microaggressions and other forms of racism that they regularly experience in the work context.

In her 'phenomenology of whiteness', Sara Ahmed (2007) describes whiteness as an orientation, which allows how much space bodies can take up, which actions they can take. In this perspective, "'Doing things' depends not so much on intrinsic capacity, or even upon dispositions or habits, but on the ways in which the world is available as a space for action, a space where things 'have a certain place' or are 'in place'" (153). What or who is considered to be 'in place' has historic and racial connotations. The interview accounts show that in the workplace, racialized minorities occupy a marginalized space, a space from which it is harder to achieve things.

Instead of a celebratory diversity discourse, there is a need to approach diversity from a critical perspective – not only in research but also in organizational practice – to foreground and address continuing inequalities, based on race, but also including other categories of disadvantage. In this regard, it is worth looking further at the very specific position of racialized and migrantized diversity practitioners. Given their own biographical experiences and their activist-inspired approach, they are more aware of the structures that need to change to reduce discrimination and marginalization. However, their own marginalization does not simply disappear in their role, which might likewise influence how they do diversity and the challenges they face as diversity practitioners. This might be a reason why some became freelancers, as they can thus choose the companies they want to work with and which they feel have an intention to transform. In this regard, it might also be fruitful to continue exploring the forms and effects of emotional and ontological labor. Crapo et al. (2020) define diversity work itself as ontological labor. As racialized or migrantized individuals performing diversity work in predominantly white spaces, they might experience very specific forms of ontological labor. At the same time, while many racialized workers get pushed into doing diversity work as invisible work – making it one's profession might be a way to make the ontological labor of diversity work visible, to take ownership of this commonly undervalued work and transform it. These are open questions that need to be explored further.

A second avenue for future research consists in a closer examination of the relationship between diversity work and national discourses on diversity, on race and migration. While the accounts provide support for the argument that the two are related (cf. Hearn and Louvrier 2015), a closer examination might still be valuable. At a time when populist, right-wing parties gain votes, companies are struggling to fill positions and have spoken out publicly in support of diversity. While this might not be more than lip service, there is a continued need to analyze how companies do diversity,

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and how this might change (or not) with the political context – which itself is dynamic and depends on time and space (e.g. geographic location). Moreover, this study was based on interviews with a particular group, namely racialized *migrant* workers, hence processes of racialization and migrantization partly overlapped. More work is needed to tease out the relevance of different categories, including ethnicity and culture, and how they are used in public discourse and in diversity work.

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Alejandro Valdivia

Precarity-based evidence: trade unions' knowledge production on migrant workers' occupational health in slaughterhouses in Germany

Abstract: For years, grievances from low-qualified migrant workers in slaughterhouses were structurally overlooked, hindering the introduction of regulatory measures. It was only during the COVID-19 pandemic in 2020 that structural deficiencies were formally acknowledged, leading to the introduction of comprehensive regulations in the form of the Federal Occupational Health and Safety Control Act (*Arbeitsschutzkontrollgesetz*). Throughout the legislative procedure for this act, trade unions played a key role by providing sector-specific evidence on the necessity to impose limitations on employers' fundamental rights. This evidence was grounded in trade union knowledge, produced through years of fieldwork within the sector. This article investigates the rationality of unions evidence and the intricate dynamics of its development amidst structural precarity in the years leading up to the *Arbeitsschutzkontrollgesetz*. Based on the assumption that evidence is a condition for legal change which compels political actors to produce evidence-based claims, this article offers a case study-based discussion on the knowledge-policy interface within feminist Science and Technology Studies (STS). As a research strategy, it presents a theory/methods package of situational analysis within grounded theory, building on the concept of evidence-based policy (EBP) as an initial tool for empirical data analysis. The findings highlight how structural precarity forces a highly instrumental, partial and non-systematic approach to evidence development, conceptualised in this article as precarity-based evidence (PBE). Drawing on feminist STS, the study underscores the need to acknowledge PBE's positioned rationality beyond crisis-driven policymaking to ensure democratic participation of intersectionally marginalised groups.

Keywords: Science and Technology Studies (STS); evidence-based policy (EBP); knowledge production; occupational health; precarity; trade unions; slaughterhouses; migration.

Alejandro Valdivia, Prekaritätsbasierte Evidenz: Gewerkschaftliche Wissensproduktion zur Arbeitsgesundheit migrantischer Arbeiter:innen in Schlachthöfen in Deutschland

Zusammenfassung: Über Jahre hinweg wurden die Missstände geringqualifizierter migrantischer Arbeitskräfte in Schlachthöfen systematisch verschleiert, wodurch eine Regulierung behindert wurde. Erst im Zuge der Covid-19-Pandemie, wurden die strukturellen Defizite 2020 offiziell anerkannt und eine umfassende Regulierung eingeführt: das Arbeitsschutzkontrollgesetz. Im Verlauf des Gesetzgebungsverfahrens spielten die Gewerkschaften eine

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zentrale Rolle, indem sie branchenspezifische Evidenz für die Notwendigkeit eines Eingriffs in die Grundrechte der Arbeitgeber bereitstellten. Diese Evidenz basierte auf dem Wissen der Gewerkschaften, das über Jahre hinweg durch Feldforschung im Sektor produziert wurde. Dieser Artikel untersucht die Rationalität der gewerkschaftlichen Evidenz und die komplexen Dynamiken ihrer Entwicklung im Kontext struktureller Prekarität in den Jahren vor dem Arbeitsschutzkontrollgesetz. Ausgehend von der Annahme, dass Evidenz eine Voraussetzung für Rechtsänderungen ist, die politische Akteure dazu zwingt, evidenzbasierte Ansprüche zu erheben, bietet dieser Artikel eine fallstudienbasierte Analyse der Schnittstelle zwischen Wissen und Politik innerhalb der feministischen Wissenschafts- und Technikforschung (STS). Als Forschungsstrategie wird ein Theorie- und Methodenpaket der Situationsanalyse innerhalb der Grounded Theory verwendet, dass das Konzept der evidenzbasierten Politik (EBP) als Ausgangspunkt für die empirische Datenanalyse nutzt. Die Ergebnisse verdeutlichen, wie strukturelle Prekarität eine stark instrumentelle, fragmentierte und unsystematische Herangehensweise an die Evidenzentwicklung erzwingt, die als prekaritätsbasierte Evidenz (PBE) konzeptualisiert wird. Unter Bezugnahme auf die feministische STS wird die Notwendigkeit betont, die positionierte Rationalität der PBE über krisenbedingte politische Entscheidungsprozesse hinaus anzuerkennen, um die demokratische Teilhabe intersektional marginalisierter Gruppen zu gewährleisten.

Schlüsselwörter: Wissenschafts- und Technikforschung (STS); evidenzbasierte Politik (EBP); Wissensproduktion; Arbeits- und Gesundheitsschutz; Prekarität; Gewerkschaften; Schlachthöfe; Migration.

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1. Introduction

The increasing liberalisation of European labour markets and the proliferation of non-standardised forms of employment can obscure employers' responsibility for occupational health and safety. In such cases, grievances from intersectional marginalised groups such as low-qualified migrant workers might be structurally overlooked and regulations hindered. The German meat industry exemplifies this issue. Although unions and public authorities have criticised grievances in slaughterhouses for years (Sebastian and Seeliger, 2022, p. 237), it was only in 2020, in the context of the COVID-19 pandemic, that comprehensive, binding regulations were introduced with the publication of the Federal Occupational Health and Safety Control Act (*Arbeitsschutzkontrollgesetz*, herein: ArbSchKG). This new act formally acknowledged the

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structural deficiencies in occupational health and safety in industrial slaughterhouses, seeking to tackle its root causes.

During the ArbSchKG legislative procedure, trade unions (herein: unions) provided key sector-specific evidence, explicitly requested by the government to justify imposing limitations on employers' fundamental rights (German Federal Ministry of Labour and Social Affairs, herein: BMAS[1]; 2020a, pp. 14-15). The evidence that unions provided within the meat industry results from a long and challenging process of knowledge production. Over the years, sector-specific precarity – particularly that affecting low-skilled migrant workers – functioned as a structural hinderance to unions' ability to systematically recognise, verify, and report grievances in slaughterhouses. As a result, unions were compelled to continually contextualise, adapt, and reconstruct their ways of knowing, following a highly instrumental, partial, and non-systematic rationality of evidence development. Drawing on union fieldwork in Schleswig-Holstein, this article explores the rationality of unions' evidence as well as the intricate dynamics of its development amidst structural precarity in the years before the publication of the ArbSchKG. In doing so, this paper engages in a discussion on the knowledge-policy interface within feminist Science and Technology Studies (STS). It specifically contributes to the literature on evidence-based policy by exploring evidence originating from a context of structural precarity. Thus, the research question is: How did unions develop evidence amidst structural precarity?

Emerging in the late 1970s with interdisciplinary foundations, STS asserts that not only the social institution of science but also the content of science itself, is subject to social analysis (Rohracher, 2015). The relationship between science and democracy is at the core of STS scholarship, exploring, at its most basic level, the connection between knowledge and governance (Jasanoff, 2017). Given that the analysis of science's role in legitimising social forms of domination closely aligns with the STS programme, prominent feminist scholars have significantly shaped the field, expanding its topical scope beyond the study of sex and gender (Law, 2017; Rohracher, 2015; Subramaniam, 2017). This paper specifically engages with the contributions of two prominent feminist STS scholars: Donna Haraway and Adele E. Clarke. It incorporates Haraway's ideas of objectivity and situated knowledges alongside Clarke's methodological framework for situational analysis.

This study addresses the research question by employing grounded theory (GT), a widely used strategy in qualitative analysis (Clarke and Leigh, 2008; Clarke, 2007a,b), with a focus on Clarke et al.'s (2018) interpretive extension: situational analysis (SA). As a GT research strategy, a theory/methods package is presented in section 2, where the concept of evidence-based policy (EBP) provides an analytical entry point to the empirical data. Following the operationalisation of SA with the empirical data (subsection 2.3), the article traces union evidence as it was translated into and negotiated during the legislative procedure of the ArbSchKG (section 3) and situates the structural precarity shaping the rationality and dynamics of unions' evidence development

1 Bundesministerium für Arbeit und Soziales.

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(section 4). It then examines unions' evidence development in Schleswig-Holstein (section 5) and concludes with a final reflection (section 6).

2. Theory/methods package

Case studies are central to STS scholarship (Law, 2018), drawing on and diverging from sociology in their approach to the theory-method relationship (Silvast and Virtanen, 2023, p. 168). In STS, methods are not only research tools but also objects of study (Law, 2017). Rather than relying on a priori theories to guide empirical research, STS closely integrates conceptual and empirical elements to deepen our understanding of the complex practices surrounding science (Silvast and Virtanen, 2023 on Gad and Ribes, 2014). In this sense, the theory/methods package is based on the idea that methods do not serve theory; rather, they ground it (Clarke and Leigh, 2008, on Jenks, 1995). Accordingly, the methods' goal of the theory/methods package is GT as an abductive approach in which the analysis goes back and forth between empirical data and its conceptualisation (Clarke and Leigh, 2008, p. 117). In GT, the analytical entry point and provisional theorising are facilitated by sensitising concepts (Clarke and Leigh, 2008, pp. 117-118), which Blumer (1969) defines as frameworks that provide users with a general orientation for engaging with empirical data, in contrast to definitive concepts that offer fixed guidelines on what to observe. Although sensitising concepts can be tested and refined (Bowen, 2006 on Blumer, 1954), this is not a requirement in GT, where they may simply serve as foundational tools for the analysis of empirical data (Bowen, 2006). This research uses EBP as a sensitising concept to lay the foundation for the analysis of empirical data, focusing on normative assumptions about scientific evidence and objectivity from a feminist perspective.

2.1. Evidence-based policy

The role of evidence in public policy has gradually gained significant attention, making it an almost indisputable requirement today (Pearce et al., 2014). The evidence-based movement, which led to EBP, began in health studies as evidence-based medicine, promoting randomised trials and systematic reviews to identify effective health practices (Pearce et al., 2014; Saltelli and Giampietro, 2017; Baron, 2018). In public policy, EBP has expanded significantly since 2000 (Saltelli and Giampietro, 2017; Baron, 2018) and involves a three-dimensional process as outlined by Bogenschneider and Corbett (2021). First, it entails the production – through rigorous research methods – of credible evidence on problem-targeted and effective policies (Baron, 2018). Second, it involves the utilisation of credible evidence in policymaking. Finally, it includes the evidence-based implementation of policies (Lester, 2018). In this regard, the concept of EBP encompasses both the production of knowledge (evidence) and its application (translation) in policies, relying on normative epistemological and ontological assumptions about scientific methods and what constitutes good evidence. As Wesselink et al. (2014) explain, the rhetoric of EBP assumes that problems are clearly defined,

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measurable, and unambiguous, pursuing uniform rationality. This leads policymakers to apply the "best scientific evidence" to devise effective solutions.

However, the use of evidence in policymaking raises important questions about how knowledge is recognised and applied. The claim that EBP is objective tends to marginalise qualitative research within a hierarchy of knowledge and gives rise to criticism (Wesselink et al., 2014; Saltelli and Giampietro, 2017). As Boswell (2014) and Wesselink et al. (2014) explain, despite the ongoing debates about the meaning, validity, or sufficiency of evidence, all actors are committed to using it, creating a common ground for debate. However, this common ground is shaped by power relations that are often overlooked or manipulated by EBP (Saltelli and Giampietro, 2017), with policy-relevant facts emerging from a struggle for political and epistemic authority, thereby exposing EBP's reliance on exclusionary practices such as black-boxing, knowledge monopolisation, and oversimplification (Strassheim and Kettunen, 2014). Boden and Epstein (2006) empirically illustrate how EBP can shape and control knowledge production, resulting in policy-based evidence that support neoliberal agendas. As Wesselink et al. (2014) note, while few contest that policy should be evidence-based, EBP's pursuit of objective and universally applicable evidence often overlooks the crucial role of context, which is a decisive factor in policymaking.

Critical studies on evidence in policymaking suggest that instead of a single problem being addressed by a single policymaker, multiple stakeholders with differing, overlapping, and sometimes conflicting views are involved. Each stakeholder brings unique perspectives on the problem and the type of knowledge best suited for a solution (Wesselink et al., 2014, p. 342). In line with recent debates in STS, this paper contributes to the EBP literature on the necessity to understand evidence as socially embedded in authority relations and cultural contexts (Engebretsen and Baker, 2022; Hoppe, 2005; Jasanoff, 2011; Nutley et al., 2010; Jung et al., 2014; Strassheim, 2013; Strassheim and Kettunen, 2014; Wesselink et. al, 2014). In so doing, it adopts a feminist perspective on the ontological and epistemological nature of objectivity, as proposed by Donna Haraway, a leading STS scholar whose work influenced Clarke's development of SA (Clarke A. and Star S., 2008). As Rohracher (2015) explains, Haraway proposes a dynamic epistemology that grants importance to partial perspectives, recognising and valuing the position of the knower. Haraway (1988) challenges both radical social constructionism – which views all knowledge as socially constructed, inherently relativistic, and rhetorical – and positivism, with its totalising and universalising claims to scientific truth. For Haraway (1988), objective knowledge is rooted in partiality rather than universality, as only situated perspectives allow for broader visions, making the feminist question in science one of understanding objectivity as positioned rationality. As Haraway explains: "*The knowing self is partial in all guises (…) able to join with another, to see together without claiming to be another*" (Haraway, 1988, p. 586). The processes of evidence development amidst structural precarity analysed in this paper involve two levels of partiality in the pursuit of objectivity: first, unions' positionality and reporting on intersectionally marginalised workers, and second, my own positionality in researching the unions' partial perspectives within

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the meat sector. As such, this research neither seeks nor claims to offer a complete or universal perspective; rather, it aims to integrate a partial and critical understanding of the challenges to evidence-driven democratic participation for intersectionally marginalised groups.

While a traditional conceptualisation of EBP might be highly useful in producing and assessing evidence in different settings, its normative assumptions of objectivity prove inadequate for both generating and interpreting evidence in contexts of structural precarity. Evidence in such contexts inevitably follows its own rationality and dynamics of development, particularly in embracing and channelling the uncertainty of partial positions. The analysis of unions' evidence development in the meat industry empirically contributes to a feminist perspective on EBP by challenging epistemological and ontological hierarchies of knowledge.

2.2. Data collection

The empirical data used in this study consists of around 150 documents and seven in-depth semi-structured interviews. The documents originate from three sources: documents of the German federal government and Bundestag obtained through inquiries under the Freedom of Information Act, and a non-public archive of the German Trade Union Confederation[2] (herein: DGB) in Schleswig-Holstein, accessed specifically for this study and quoted anonymously. Since the DGB's experience in Schleswig-Holstein was presented as evidence in the ArbSchKG legislative procedure to highlight major meat industry issues (BMAS, 2020a, p. 4), the DGB archive is central to the analysis of unions' knowledge production from 2012 to 2017. The archive contains over 100 non-anonymised and predominantly confidential documents, including email exchanges, position papers, workers' personal documents (contracts, pay slips, health records), printed and handwritten protocols, external legal opinions, internal knowledge verification documents (e.g., pay slip and rental price calculations), press releases, and photographs. As such, the archive primarily contains observational data, the authenticity and accuracy of which were thoroughly verified. For example, unions' knowledge of grievances, contained in, for instance, in-house reports, could be verified by examining the contracts and pay slips supporting this knowledge.

SA, which is discussed in the following section, helped to further verify the accuracy of unions' self-reported activities and resulting knowledge through the mapping and triangulation of extensive empirical data, including documents and interviews (infra). For example, in my analysis of a union's open letter informing workers of their rights and ongoing dialogue with the slaughterhouse operator (subsection 5.3), I had access to the original letter and several documents from various stakeholders reporting on it, such as non-anonymised email exchanges between NGG, DGB, Faire Mobilität, and volunteers. Similarly, the self-reported site visit in an in-house protocol was verified by mapping email exchanges with the slaughterhouse operator (including position

2 Deutscher Gewerkschaftsbund.

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papers responding to union concerns) and with external actors, such as a legal firm. Drawing on Haraway's ideas of objectivity as positioned rationality, this study seeks impartiality within partiality, asserting the validity and accuracy of the empirical data that underpin the various levels of analysis and interpretation in this research.

The document data was complemented by seven in-depth semi-structured interviews, including two follow-ups with interviewee A and B (infra). Interview is a useful method for closing knowledge gaps in complex processes (Minichiello et al., 1995). Unlike surveys, interviews provide access to personal experiences and complement macro-level observations with micro-level explanations (Lynch, 2013). The interviewees are three representatives from the specialised German Food, Beverages, and Catering Union (herein: NGG), one representative from Faire Mobilität, and one long-term volunteer at DGB. Faire Mobilität is a counselling centre for Central and Eastern European workers and a key unions' partner. Interviewees were selected based on their expertise: Interviewee A, head of the NGG's legal department, represents the union's legal claims and was key in channeling its legal knowledge into the ArbSchKG legislative procedure. Interviewee B, head of the NGG Berlin office, joined NGG after the ArbSchKG was enacted but had previously served as DGB executive director in Schleswig-Holstein, where they initiated the union's first activities in slaughterhouses. Interviewee C, a labour counsellor, worked at Faire Mobilität before and during the ArbSchKG legislative procedure. Interviewee D, a Romanian native speaker and long-term DGB volunteer, played a key role in translation and bridging the cultural gap between workers and unions before and during the ArbSchKG legislative procedure. Interviewee E held a senior position at DGB-Schleswig-Holstein for over a decade, during and prior to the ArbSchKG legislative procedure.

2.3. Situational analysis of unions' evidence development

SA, an extension of GT, draws from an interpretive perspective within the sociology of knowledge (Clarke et al., 2018 p. 10 on Berger and Luckmann,1966; McCarthy 1996). While traditional GT may still assume positivist truth in scientific knowledge, SA does not (Clarke, 2007b). Instead, SA explicitly acknowledges the situatedness of knowledge and accepts the partiality of knowing – both for the researcher and those being studied – thereby aligning with feminist scholarship such as that of Haraway, a key inspiration for SA (Clarke, 2007b). Within this perspective, situated knowledge refers to the specific historical, cultural, and geographical contexts in which knowledge is generated and applied (Clarke et al., 2018, p.10). The concept of situation in SA encompasses not only the idea of positioning but also that of a holistic entity, the situation, which is always greater than the sum of its parts as it embraces their contextual relationships (Clarke, 2007b, p. 354).

SA is an effective tool for analysing power hierarchies in the inclusion or exclusion of groups from knowledge production (Clarke et al., 2018, p.10), making it particularly suited for this research. In SA, the situation of inquiry, broadly conceived, is the key unit of analysis and is empirically constructed through three types of maps, aiming

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to analyse the messy complexities of its elements and relationships (Clarke et al., 2018; Clarke, 2007a): Situational maps lay out and reveal the complex interactions of major elements within a research context, such as human, nonhuman, discursive, historical, symbolic, cultural, and political. Social worlds/arenas maps explore the ongoing arena(s) of discourse and negotiation involving collective actors and key non-human elements. Positional maps outline key positions, taken or not taken, regarding specific axes of concern within the situation of inquiry.

SA's fundamental assumption is that all elements within a situation both shape and are shaped by one another (co-constitutiveness) (Clarke, 2007a). Accordingly, the various components and dimensions of the SA maps were analytically tailored and operationalised to the empirical specifics of this research in three steps: An inventory of the empirical data, a situational mapping, and the conceptualisation of a four-phase knowledge production cycle.

First, all documents were traced in a linear and visual chronology from 2012 to 2017, each assigned a unique numerical code. This enabled to identify connections and analyse concurrent events, beginning with discussions on working and accommodation conditions in Schleswig-Holstein slaughterhouses in 2012 and ending in 2017, with no significant activities in 2018 and 2019. The interviews, conducted partially during the document analysis, were transcribed and triangulated with the documents to address knowledge gaps or delve into key topics. Second, various SA maps were created.

Situational maps

A situational map, termed structural precarity, outlined recurring key elements related to grievances and vulnerabilities in industrial slaughterhouses (e.g. unpaid overtime, demeaning treatment, language barriers). This structural precarity, resulting from abusive power relations, creates a situation where grievances and vulnerabilities are rendered invisible, and accountability is hindered. Structural precarity permeates the social worlds/arenas and positional maps described below and was analytically differentiated into two situational maps: systemic precarity relating to the legal situation and epistemic precarity relating to the cultural situation.

In line with SA's foundational idea that the situation, as a holistic entity, is greater than the sum of its parts, section 4 traces how the interplay of systemic and epistemic precarity significantly excluded unions from systematised knowledge production. As a result, evidence arising from structural precarity – conceptualised in this article as precarity-based evidence (PBE) – follows its own rationality and dynamics of development. As illustrated in Schleswig-Holstein, structural precarity obscured grievances and, to address the issues in slaughterhouses, necessitated the instrumentalisation of uncertainty surrounding highly fragmentary knowledge or loosely founded suspicions. While this approach did facilitate knowledge production, its outcomes are mainly in-depth qualitative descriptions of a limited number of cases, with quantitative data remaining largely unattainable (section 4).

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Social world/arenas

The social worlds/arenas maps analytically operationalised union activities in two maps: 'behind the scenes' and 'in the public eye.' The 'behind-the-scenes' social world/arena map encompassed union activities that did not involve direct engagement with employers, such as interactions with workers or internal research on subcontracting labour law. In contrast, the 'in the public eye' social world/arena included activities involving direct employer engagement, such as submitting position papers and conducting site visits.

Positional maps

Three positional maps were created to analytically differentiate the stages of unions' knowledge: initial, intermediary, and advanced. Initial knowledge reflected unions' early understanding, often based on assumptions and vague representations of grievances in slaughterhouses. Intermediary knowledge, though fragmented, was actively used in communications with slaughterhouse operators and subcontractors. Advanced knowledge reveals a comprehensive understanding of the issues, evidenced by unions' growing frustration following repeated unsuccessful attempts to resolve grievances through direct employer dialogue. Throughout these maps, an empirical pattern emerged regarding unions' rationality in evidence development: the urgent need to address grievances led unions to frequently bypass knowledge verification processes, thereby instrumentalising incomplete or fragmentary knowledge (precarity-based rationality).

SA's mapping revealed an empirical pattern in the dynamics of unions' knowledge production, leading to the conceptualisation of an analytical framework to systematise this process across four phases: Phase 1 (initial knowledge gain); Phase 2 (knowledge verification); Phase 3 (knowledge application); and Phase 4 (optimised knowledge gain). Within this framework the process of knowledge production forms a cyclical and fluid continuum, with phases occurring simultaneously or repeatedly, and with the possibility of movement between the phases. To emphasise the dynamics of this ongoing, evolving process, the framework is termed the 'Knowledge Production Cycle' (KP-Cycle). The various SA maps facilitated the systematic allocation of data within this cycle, as follows:

- Phase 1 (initial knowledge gain) traces the unions' first stage of knowledge production. It begins with vague concerns and suspicions raised by NGG and Faire Mobilität about potential issues in slaughterhouses and culminates with a physician's report on major occupational grievances at Slaughterhouse SH, thereby prompting the unions to intensify their engagement within the sector.
- Phase 2 (knowledge verification) traces union activities aimed at verifying their initial concerns before dialogue with employers ('behind-the-scenes' social world/arena). This phase is brief, highlighting the structural context of precarity, which necessitates the rapid instrumentalisation of uncertainty to address urgent grievances in slaughterhouses.

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- Phase 3 (knowledge application) traces the 'intermediary' stage of knowledge and is related to direct interactions with employers (in the public eye' social world/arena). It starts with the very first communication with the operator of Slaughterhouse SH and ends with the in-site visit of Slaughterhouse SH.
- Phase 4 (optimised knowledge gain) analyses the 'advanced' stage of knowledge. After several unsuccessful efforts to address grievances through dialogue, the unions' prevailing frustration vis-à-vis employers and their inaction reflects a profound understanding of the issues in slaughterhouses. The essence of this optimised knowledge constitutes the evidence presented during the 2020 legislative procedure of the ArbSchKG concerning the necessity to impose limitations on employers' fundamental rights (section 3).

3. Union evidence in the ArbSchKG

The ArbSchKG, which was introduced during the COVID-19 pandemic, was briefly negotiated over a period of under eight months, from May to December 2020. Aiming to comprehensively regulate and improve working conditions in the meat industry, the act banned contracts for specific pieces of work (*Werkverträge*)[3] in larger meat processing plants with more than 49 employees and imposed limits on temporary agency work (*Leiharbeit*)[4]. Both types of contracts, discussed in detail in section 4, have been identified as root causes of occupational health and safety grievances in slaughterhouses. Following the ArbSchKG, meat companies must now employ slaughterhouse workers under standard labour contracts (*Arbeitsverträge*), with core work areas fully protected by health and safety regulations (Kohte, 2021, p. 41), overseen by the Federal Customs Administration.[5] To address long-standing control deficiencies, the ArbSchKG set minimum inspection quotas for labour authorities and assigned the BMAS oversight of COVID-19 regulations.[6]

Union participation in the ArbSchKG legislative procedure – where evidence grounded in their optimised knowledge was provided – can be reconstructed as follows. In early 2020, industrial slaughterhouses became COVID-19 hotspots due to poor working and living conditions. Initially, the German federal government used non-binding measures to control the pandemic among workers (Creutzburg et al., 2020), but mandatory regulation soon became necessary. The COVID-19 pandemic thus opened a window of opportunity for unions to amplify their longstanding claims for hard law regulation in the meat industry. Subsequently, DGB, NGG, and Faire Mobilität formed a crisis team to present unified demands to the German federal government (Interviewee B).

3 §§ 6a para. 2 in conjunction with § 2 para. 2 Gesetz zur Sicherung von Arbeitnehmerrechten in der Fleischindustrie. Herein: GSA Fleisch.
4 § 6a para. 3 GSA Fleisch.
5 § 6b para. 1 GSA Fleisch.
6 § 18 para. 3 ArbSchG.

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On May 12, 2020, the NGG wrote to Federal Minister of Labour Hubertus Heil (herein: the Labour Minister), highlighting slaughterhouse issues and advocating for a subcontracting ban (BMAS, 2020a, pp. 3-4). To illustrate nationwide issues, NGG included a report from DGB Schleswig-Holstein, with Interviewee B noting that the unions' extensive fieldwork in Schleswig-Holstein rendered its experience nationally representative. Shortly thereafter, on May 20, 2020, the federal government adopted the *Occupational Safety Program for the Meat Industry,*[7] aimed at banning subcontracting and temporary work (BMAS, 2020). On May 25, 2020, NGG wrote again to the Labour Minister, endorsing the programme and offering sector-specific knowledge for drafting the bill (BMAS, 2020a: 5). Within a month, on June 18, 2020, the Labour Minister turned to unions requesting sector-specific knowledge on subcontracting, temporary work, and worker housing (BMAS, 2020a: 14-15), underscoring unions' key role in the ArbSchKG legislative procedure.

The draft proposal for a new bill on July 21, 2020 included a full ban on temporary work and subcontracting in the meat industry. The explanatory memorandum of the draft heavily relies on evidence to justify the importance of the ban (BMAS, 2020b), underscoring the empirical significance of EBP. To describe the working conditions, BMAS relies on empirical findings from Faire Mobilität and the Employers' Liability Insurance Association (BMAS, 2020b: p. 23). After the draft proposal is prepared by the responsible ministry, in this case BMAS, an official public hearing typically follows.[8] Several civil society actors, including unions, were consulted (BT-Drs. 19/22997: 11). While NGG welcomed the draft proposal but advocated for stricter regulation of the meat industry (BMAS, 2020c), DGB provided more detailed comments on the draft (BMAS, 2020d).

In early October 2020, as part of the ongoing legislative procedure in the Bundestag, the responsible Committee on Labour and Social Affairs conducted public hearings, to which unions were also invited (BT Committee Print 19[11]778). The NGG argued for the constitutionality of the changes and advocated for stricter rules on artisanal slaughterhouses, along with a complete ban on *Leiharbeit* (BT-Ausschussdrs. 19[11]767). During these hearings, the NGG was specifically asked for quantitative data, suggesting a hierarchy of knowledge in regulatory processes. Due to the unions' long-term systemic obstacles in collecting quantitative data, the NGG cited Faire Mobilität's empirical findings and an NRW inspection study to support their qualitative data on slaughterhouse issues, as explained by interviewee B. In section 4, the root-causes for lacking quantitative are analysed.

In late October, acting independently to influence decision-making, the NGG sent a letter to all CDU/CSU members of the Bundestag urging them to support the ban on *Leiharbeit*. To substantiate this, the NGG provided specific evidence on the issues related to *Leiharbeit* (NGG 2020). In later negotiations, the ban on *Leiharbeit* was softened in December 2020, and the Bundestag passed the law in a roll-call vote later that

7 Arbeitsschutzprogramm für die Fleischwirtschaft.
8 § 47 para. 3 GGO.

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month (BT-Plenarprotokoll 19/201: 25258-25261). As required, the Bundestag promptly forwarded the law to the Bundesrat (BRat-Drs. 745/20) for the necessary approval under Art. 87(3), para. 3 sent. 3 GG. Following the political compromise with CDU/CSU on banning temporary work, NGG anticipated Bundesrat support and ceased further actions (Interviewee B). The ArbSchKG was approved, certified by the Federal President (Art. 82 para. 1 GG), and promulgated on December 30, 2020, entering into force on January 1, 2021 (BGBl. I 3334).

The legislative procedure of the ArbSchKG empirically underscores the conceptual discussion on EBP and supports critiques that EBP's emphasis on quantification can marginalise qualitative research within a hierarchy of knowledge. As noted, during the Bundestag hearings, emphasis was placed on negotiations informed by quantitative data, which unions lacked. Although unions' evidence ultimately proved sufficient to facilitate participation in the legislative procedure and contribute, at least in part, to this new regulation, Engebretsen et al.'s (2022) thesis on crisis-driven policymaking and its related flexibility regarding traditionally accepted evidence might offer a plausible explanation for this. In this regard, the legislative procedure of the ArbSchKG underscores not only the need to be prepared for emerging windows of opportunity but also the importance, as discussed in the following section, of acknowledging the root causes of structural precarity in order to accurately interpret precarity-based evidence beyond "flexible" crisis-driven policymaking.

4. Situating union evidence: structural precarity

Prior to the ArbSchKG, unions' knowledge of grievances in industrial slaughterhouses was situated within a sector-specific context – termed structural precarity – where grievances and vulnerabilities were rendered invisible, and accountability was hindered. The root causes of this structural precarity are linked to both the legal situation (systemic precarity) and the cultural situation (epistemic precarity). As substantiated in this section, the intertwining of systemic and epistemic precarity excluded unions from a systematised process of knowledge production, as illustrated in section 5 of this paper.

4.1. Legal situation: systemic precarity

The systemic precarity of work in slaughterhouses stems from a system where employers circumvent legal responsibilities for labour and health obligations through subcontracting agreements. In 2019, NRW labour authorities inspected slaughterhouses and found 8,752 violations in 30 follow-up inspections, including over 2,400 breaches of occupational health and safety regulations (MAGS NRW, 2019, p. 6). The extensive use of *Werkverträge* was identified as the main reason for the violations (MAGS NRW, 2019, p. 10). This inspection program was crucial for unions, providing quantitative data linking slaughterhouse problems directly to *Werkverträge*. Inverviewee A explains:

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> *"Here we could say that in NRW, you finally listened to what we've been saying for years, and you actually inspected it. So, there was a lot of material. Our problem was that everyone knew about these grievances as an open secret, but proving it was difficult because the system effectively evades accountability."*

While standard employment contracts *Arbeitsverträge* are highly regulated, *Werkverträge* are minimally regulated, leaving employees with *Werkverträge* in a particularly vulnerable position. This can be explained as follows: In German civil law, *Arbeitsverträge* and *Werkverträge* are the two legal forms used to regulate employment relationships. *Leiharbeit* is a specific form of *Arbeitsvertrag* that, however, was not representative in slaughterhouses (Interviewees A and B). In *Arbeitsverträge*, the obligation to work exists irrespective of success[9] and is linked to a legally mandated minimum wage.[10] *Arbeitsverträge*, as a standard form of employment, are highly regulated, encompassing health and safety measures, entitlement to paid leave, and provisions for workers' participation rights, among others (Kamanabrou, 2017, § 16 and §§ 32-34). In *Werkverträge*, payment is contingent upon successfully achieving specific outcomes.[11] In civil law, *Werkverträge* are minimally regulated, focusing on termination, non-performance, or inadequate performance (Looschelders, 2022, §§ 33-35).

Historically, slaughterhouses have significantly liberalised their core employment model, transitioning from *Arbeitsverträge* to *Werkverträge*. Until the 1990s, slaughterhouse employees had *Arbeitsverträge* (Schulten and Specht, 2021, pp. 36-37). In the explanatory memorandum for the ArbSchKG, the BMAS assumes that the number of regular employees in the meat industry decreased by 25% between 1999 and 2019 (BR-Drs. 426/20, 13-14). This liberalisation was highly problematic for both slaughterhouse workers and unions, as it overshadowed employers' legal responsibilities, especially regarding occupational health protection (Interviewees A and B). As a result, the reporting, verification, and documentation of grievances in slaughterhouses were significantly restricted both for workers and unions. Based on documents and interview analysis, the following reasons can be identified.[12] (1) Dividing the legal responsibility of a single company among multiple subcontractors, each responsible for only a small portion of workers, undermines the bargaining power of workers and unions; (2) The subcontractors exhibit a poor corporate culture, often opting for verbal agreements instead of written contracts; (3) additionally, due to workers' reluctance to pursue legal action, subcontractors tended to disregard employees' legal claims.

The customs inspections in NRD represented a novelty in terms of gaining quantitative data. Some of the issues in slaughterhouses, however, have been known to labour authorities since 2013 (Siekmeyer and Arndt-Zygar, 2013, pp. 21-24). Before the ArbSchKG, several political approaches had been tested to improve working

9 § 611a para. 2 BGB.
10 § 1 para. 1 Minimum Wage Act (*Mindestlohngesetz*).
11 § 631 para. 1 BGB.
12 These reasons were previously identified by Valdivia, Gallon, and Mangold (2023) in the initial empirical corpus of this study.

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conditions in slaughterhouses, yielding limited success: In 2015, the meat industry signed a voluntary agreement with the Federal Ministry for Economic Affairs, followed by the introduction of the 2017 Act to Secure Workers' Rights in the Meat Industry.[13] In its original form, the act mandated social security contributions, free work equipment, and payment of wages in euros.[14] None of these political approaches improved working conditions in slaughterhouses (Hans-Böckler-Stiftung, 2019; Kohte and Rabe-Rosendahl, 2020, p. 330; Schulten and Specht, 2021, p. 38; Kohte, 2021, p. 38). The experience in Schleswig-Holstein exemplifies unions' unsuccessful efforts to resolve issues in slaughterhouses through direct communication with employers and their resulting evidence of the need to impose limitations on employers' fundamental rights (section 5).

4.2. Cultural situation: epistemic precarity

The epistemic precarity in slaughterhouse work arises from a cultural context where workers are marginalised from the knowledge society due to the intersection of various migration- and education-specific factors. In this sense, epistemic precarity engages with Crenshaw's (1991) concept of intersectionality, applied here to the field of migrant labour and unions activities (Tapia and Alberti, 2018, p. 2). Aware of the importance of nuanced and differentiated approaches to the migrant workforce (Tapia and Alberti, 2018; Alberti et al., 2013; Heyes, 2009), SA of the empirical data enabled the identification of recurrent patterns among migrant workers in industrial slaughterhouses. Slaughterhouse workers often lack the ability to adequately learn about their rights, recognise workplace grievances, report them, and, if necessary, take necessary action against employers. The combination with systemic precarity resulted in structural disadvantages and vulnerabilities for those workers in the labour market, while also curtailing unions' ability to produce knowledge.

Based on analysis of the in-depth interviews, the following five migration- and education-specific factors contribute to epistemic precarity.[15] (1) Language barriers: These limit unions' ability to directly contact workers, and thus to report, verify, and document their problems (Interviewees A and B). (2) Cultural attitudes towards unions: All interviewees noted that dysfunctional union structures in workers' home countries foster distrust towards unions. As a result, many workers are reluctant to contact or join unions in Germany. Those who do join often hesitate to fully report their issues, fearing consequences. (3) Cultural attitudes towards state institutions: Workers often perceive state institutions such as courts as intimidating and inaccessible, deterring them from seeking support there (Interviewee C). (4) Workforce fragmentation reduces bargaining power: The harsh conditions in slaughterhouses lead to high turnover, weakening worker solidarity and reducing bargaining power

13 GSA Fleisch.
14 §§ 3–5 GSA Fleisch.
15 Building on the initial empirical corpus of this research, Valdivia, Gallon, and Mangold (2023) have partially identified these migration- and education-specific factors.

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for both workers and unions against employers. (5) Low educational profiles: Most slaughterhouse workers have low educational backgrounds, especially in manual trades (Interviewee B). Interviewees D and E noted a decline in educational levels over the years, partly due to increased recruitment of non-literate individuals from rural areas of Romania.

5. Precarity-based evidence: the experience of unions in Schleswig-Holstein

The analysis of the 2012–2017 experience in Schleswig-Holstein follows the four phases of the KP-Cycle, using SA's mapping strategy to guide data articulation. It illustrates how structural precarity rendered grievances invisible and compelled unions to instrumentalise uncertainty, suggesting a precarity-based rationality in evidence development. While this approach successfully facilitated knowledge production, its highly instrumental, non-systematic and partial outcomes – precarity-based evidence – are often constrained to qualitative descriptions, as quantitative data remains largely unattainable.

5.1. Phase 1: Initial knowledge gain

An email exchange between Faire Mobilität and NGG in 2012 documents the unions' initial actions concerning the meat industry. It highlights early concerns and suspicions, along with the unions' knowledge gaps in understanding the work culture in slaughterhouses and the challenges in reaching workers to obtain firsthand information about their issues. Consequently, it suggests the first phase of the KP-Cycle: the initial knowledge gain.

In November 2012, Faire Mobilität mailed NGG to arrange a joint visit to a slaughterhouse in Schleswig-Holstein (anonymised herein: Slaughterhouse SH) and its workers accommodations (Faire Mobilität and NGG, 2012). Back then, even Faire Mobilität, responsible for advising migrant workers and, in that role, playing a key part in the ArbSchKG legislative procedure, lacked specific knowledge about the workers' origins. The representative from Faire Mobilität stated: "*If you think that mostly Romanians are working there, I could bring an interpreter for that day.*" Additionally, the unions were not yet aware of the grievances related to the accommodations. The NGG representative remarked: "*As of now, I know that there are no mass accommodations; instead, colleagues are renting apartments.*" In this email exchange, unions also reported that they had no members in slaughterhouses, which led to insufficient information on work shifts and accommodation addresses, rendering their awareness campaigns ineffective.

One year later, in 2013, the initial knowledge gain efforts became more concrete due to the unexpected report from a physician on slaughterhouse issues. This report was crucial for unions, providing a better understanding of the problems in slaughterhouses and correcting, for example, initial beliefs about workers' accommodation. It also enabled the launch of urgent activities within the meat industry, highlighting the

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importance of "passive" knowledge gain processes for unions and the need for accessibility and availability to benefit from them. An email exchange between NGG and Faire Mobilität in mid-December 2013 outlines this process: "*A year ago, we discussed* [Slaughterhouse SH], *and now, after numerous attempts to obtain shift schedules, we finally have a contact*" (Faire Mobilität and NGG, 2013). A physician from Doctors Without Borders independently reached out to the DGB to report severe grievances in slaughterhouses: systematic overtime, unpaid hours, lack of health insurance, 100-euro daily deductions for sick leave, addresses of mass accommodations, and restricted doctor choice due to subcontractors' cooperation with specific physicians. Concerning this report, Interviewee B noted that it first alerted unions to severe issues and sparked intense activities within the meat industry. When asked about the reasons for engaging with the sector despite the absence of union members, Interviewee B explained that the DGB and its affiliated unions felt a strong obligation to stand in solidarity with the workers.

Following the exchange with the physician and prior to engaging in communication with employers ('behind-the-scenes' social world/arena), unions undertook activities to verify the issues in slaughterhouses, marking the beginning of the second phase of the KP-Cycle.

5.2. Phase 2: Knowledge verification

By 2014, an internal DGB protocol highlights unions' improved comprehension of both the working culture in slaughterhouses and the root cause of the degrading working conditions (DGB, 2014): the outsourcing practices of major meat companies. Furthermore, for the first time, unions identified Romanian workers as the primary group affected. As previously mentioned, this fact was unclear in 2012. As noted in the protocol, major meat companies in Germany – Tönnies, Vion, Westfleisch, and Danish Crown – have largely outsourced their operations. This has led to wage dumping, a declining permanent workforce, job losses in other EU countries, and the severe exploitation of Romanian workers. These workers, recruited through shell temporary employment agencies, live and work in extreme precarity: "*They live here like in a ghetto, with no contact with colleagues, neighbours, or unions,*" the report notes. The case of Slaughterhouse SH illustrates this issue. After it was taken over by Industrial Meat (anonymised, herein: IM), working conditions in the company significantly worsened. Whereas workers previously were part of a works council and a collective agreement, personnel management was outsourced after the takeover, and the permanent workforce reduced to about 8%.

To address the issues at Slaughterhouse SH directly with workers, the first activity of the unions (NGG and Faire Mobilität) was to conduct an information campaign in early 2014 outside of Slaughterhouse SH and one of the mass accommodations. The campaign aimed both to inform workers of their rights and to verify their grievances firsthand. Reconstructed from an internal DGB protocol (DGB, 2014), it was largely unsuccessful due to the context of epistemic precarity, with workers fearing to contact

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unions and disclose their issues. The only worker who could be reached reported working shifts of over 12 hours, lacking a written contract and pay slips, and consequently experiencing uncertainty regarding overtime, sick leave compensation, and rent deductions from his wages. Interviewee B explained that unions quickly realised the ineffectiveness of information campaigns outside slaughterhouses, as subcontractors had warned workers against engaging with unions, instilling fear and discouraging interaction.

Following the information campaign and internal research, unions approached the slaughterhouse operator, IM, for the first time to address these grievances. This marked the third phase of the KP-Cycle: knowledge application ('in the public eye' social world/arena).

5.3. Phase 3: Knowledge application

In 2015, IM was for the first time approached – initially through informal contact and, later, as no improvements were made, with an official position paper sent in early February 2015 and described below (DGB, Faire Mobilität, and NGG, 2015). Both approaches reveal three key aspects underlying the rationality of the unions' evidence development in context of structural precarity.

The first aspect is that, by 2015, unions had no members in industrial slaughterhouses, resulting in a significant power imbalance when raising claims with IM. In this scenario, unions had to capitalise on whatever resources and opportunities were available, including the political context, in order to gain bargaining power. In an email exchange between NGG and DGB, the unions reported a forthcoming visit by the Federal Minister for Economic Affairs for customs inspections in Schleswig-Holstein, which they strategically leveraged to reinforce their claims against IM: "*We will first meet with local* [IM] *management under the threat of customs inspections and then gradually escalate. Some information still needs to be tightened up*" (DGB and NGG, 2015a).

Second, the quote also highlights the unions' commitment to verifying knowledge, whenever possible, before formally lodging complaints, reinforcing the cyclical nature of knowledge production. As Interviewee B noted, unions' ongoing verification of grievances and their root causes over the years allowed them to be heard during the ArbSchKG legislative procedure.

Third, due to the urgency of addressing grievances in slaughterhouses and the structural precarity hindering acknowledgment, unions bypassed systematic knowledge production in favour of immediate knowledge application (translation). This is evident throughout the position paper, with unions raising claims despite the absence of quantitative data and adequate legal expertise to support any of their arguments. For instance, regarding health insurance-related matters, they comment: "*According to our findings, the posted workers do not have a European health insurance card, as we believe is required by law*" (DGB, Faire Mobilität, and NGG, 2015). The systemic precarity, as discussed in subsection 4.1, obscured employer responsibility and limited

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quantitative knowledge production. The extensive use of *Werkverträge*, as Interviewee B explained, also led to unique legal challenges for which unions lacked expertise, necessitating a lengthy and painstaking process of legal professionalisation on the field over the years.

Concerning the content of the position paper, which covered working hours, vacation, posting work, wages, and health insurance, Interviewee B explained that it illustrates the unions' efforts to organise knowledge when raising claims. Regarding working hours, unions complain about unlawful 12-hour workdays without timely compensation: "*The 12-hour shifts have three 30-minute breaks, but long distances to break rooms force employees to shorten or skip their breaks.*" In terms of vacation, unions argue that the monthly two-day leave for overtime denies workers the right to continuous vacation and prevents visits to their families in Romania. For posting work, workers are sent back to Romania for two unpaid months after two years of employment before being reassigned to Germany, which excludes them from German social security and violates European posting regulations. Concerning wages, workers do not receive pay slips, preventing verification of the 8 EUR minimum wage and costs for rent and bus transfers. Transparent time tracking for wage calculations is also missing. Lastly, in terms of health insurance, workers lack a European health insurance card, forcing them to cover their own medical costs, with little chance of reimbursement in Romania. They also lack the freedom to choose their doctors and are dependent on subcontractors' cooperative doctors (DGB, Faire Mobilität, and NGG, 2015).

IM's response in late March 2015 prompted the unions (DGB and NGG) to undertake several activities. These activities, which revealed additional aspects underlying the unions' evidence rationality and its development amidst structural precarity, included an open letter to workers in late April and a site visit to Slaughterhouse SH in early May. The outcomes of these activities allowed unions to further corroborate IM's and subcontractors' positions, leading to optimised knowledge gain, as described in subsection 5.4.

First, unions developed creative solutions to reach workers despite having very limited resources. The open letter (DGB and NGG, 2015b) addressed workers' mistrust toward unions by emphasising both their solidarity and the need to prevent the overall degradation of working conditions in the sector. Interviewee B explained that the unions' claim to prevent the degradation of German working conditions was the most compelling way for workers to understand their engagement.

Second, despite experiencing linguistic and cultural barriers tied to epistemic precarity, unions did not overshadow workers but actively gave them a voice. The open letter, part of the empirical corpus of this research, reflects a transparent and respectful approach, ensuring that workers were fully informed about their rights and all exchanges and negotiations between unions and IM. Here, volunteers were crucial for unions as cost-neutral linguistic and cultural intermediaries, exemplified by a DGB volunteer who translated and adapted the open letter from German to Romanian.

Third, to improve understanding of the grievances in slaughterhouses, unions conducted on-site investigations, emphasising the importance of both verbal (position

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papers, statements) and non-verbal communication (body language, gestures, tones). Non-verbal communication helped unions close knowledge gaps, gain new perspectives, identify hidden problems, and initiate verification processes, requiring critical self-examination to interpret and document their insights. During the site visit, for example, when verifying IM's position on promptly correcting violations of working hours regulations through a revised shift system, unions documented dissatisfaction of subcontractor responses: "*When asked about the progress, there were evasive answers and questioning looks. It was vaguely stated that discussions were ongoing*", notes an DGB in-house protocol (DGB, 2015a).

Fourth, the site visit (DGB, 2015a) exemplifies the systemic and epistemic precarity affecting work in slaughterhouses and highlights the challenges faced by unions in acknowledging these issues: When discussing the introduction of a rotating shift system, Subcontractor 1's director dismissed its utility, stating: "*The Romanian colleagues also want to work as much as possible!*". Additionally, when explaining the transition to employment under German law, Subcontractor 1's manager reported workers' supposed dissatisfaction due to higher social security contributions, adding that they would be [sic] "*satisfied again*" once they learned about child benefits. This demeaning treatment, highlighting a poor corporate culture, is documented by the unions. Moreover, regarding wage issues, unions were surprised when Subcontractor 1 claimed responsibility for managing pay slips and additional costs, given that Subcontractor 2 is the direct employer. The DGB protocol (2015a) notes the unions' lack of experience with subcontracting chains, reporting a substantial research agenda needed to decrypt the legal technicalities between Subcontractors 1 and 2. The results of this research, along with the outcomes of the activities described above, provided the unions with an advanced understanding of the grievances in slaughterhouses, as discussed in the following section.

5.4. Phase 4: Optimised knowledge gain

The unions' optimised knowledge gain, described below, follows IM's position from late March 2015, combined with workers' feedback following the open letter in late April, interactions with subcontractors during the site visit to Slaughterhouse SH in early May, and legal research on subcontracting chains. In this final phase, unions demonstrate an advanced understanding of slaughterhouse grievances, which ultimately forms the core of their evidence in the ArbSchKG legislative procedure on the necessity to impose limitations on employers' fundamental rights.

Regarding working hours, the single-shift system with three unpaid breaks remains unchanged, leaving only 10 minutes for breaks during which workers clean their workspaces. IM's claim to pay higher than the minimum wage could not be confirmed. Workers reported no written contracts or pay slips, prompting unions to continue documenting issues involving working hours and wages. On the subject of vacation, workers reported that during the site visit, they had been informed that only six days out of the three vacation weeks were compensated, leading unions to further document

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ongoing violations of vacation law. Regarding posting work, workers reported never having worked in a Romanian slaughterhouse and being employed in Germany for an average of five years, raising doubts about the legality of subcontracting chains. Subcontractors confirmed health insurance coverage but also reported cases where workers made direct payments (DGB, 2015a).

This optimised knowledge was channelled to IM in early June through a new position paper. An email exchange reveals the DGB's frustration after several failed attempts to secure a meeting with IM, and highlights concerns about structural precarity in slaughterhouses. For example, regarding subcontractor chains, the position paper states: "*Regarding your general contractor liability, we have substantial doubts about the legal structure of your contractor* [Subcontractor 1] *and their contractor [*Subcontractor 2*].*" It also notes alarming tactics to intimidate workers: "*We reiterate our concern that it is unacceptable for the managing director of* [Subcontractor 2] *to visit accommodations and pressure employees not to share information with us.*" (DGB, 2015c).

In 2016, the unions further deepened and optimised their knowledge through various proactive efforts to research and document the situation of workers. These actions included sending another position paper to IM, consulting a cooperative doctor to review workers' insurance status, recording a worker's personal report on grievances, and documenting an emergency doctor's testimony regarding the death of a worker in one of the accommodations.

In late April, the DGB executive director once more corresponded with IM about the conditions in slaughterhouses, conveying widespread frustration with IM's inaction:

> *"After more than a year of continuous attempts on our part to achieve improvements in the specific working conditions of our Romanian colleagues at* [Slaughterhouse SH] *through dialogue, we must conclude that this approach has evidently failed (...) We now lack any confidence that your company is genuinely committed to ensuring ongoing improvements in working conditions on site."* (DGB, 2016a).

In early July, the DGB confirmed through a phone call with a subcontracting cooperative physician that incorrect insurance policies meant that workers had to pay medical expenses upfront. According to a DGB in-house protocol, the physician also requested that IM "*cease sending anyone or anything further, as I am already charging less for the examinations*" (DGB, 2016b).

Unions' understanding of grievances at Slaughterhouse SH was further confirmed when Marian (anonymised), a Romanian worker, contacted Faire Mobilität in mid-August (DGB, 2016c). He reported working over 12 hours daily, falsified timesheets, missing pay slips, insufficient break times, and a lack of health insurance, with workers relying on [sic] "*swallowing pills*" provided by a supervisor. Marian also noted no formal job training, contributing to a rapid turnover of skilled workers. Interviewee C confirmed that the meat industry, with its high turnover rates, is one of the most

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precarious sectors addressed by Faire Mobilität. This turnover exacerbates workers' vulnerability to epistemic precarity.

A further example of unions' optimised knowledge gain is a physician's report from late August detailing the death of a 30-year-old worker due to cardiac arrest in one of the mass accommodations (Physician, 2016). Through discussions with witnesses, the doctor uncovered major unsafe conditions, including reliance on a Romanian-speaking intermediary for medical sick notes,[16] which delayed care. Because timely action could have saved the worker, the doctor advocated for clear Romanian-language emergency procedures in the accommodations.

The optimised knowledge resulting from the physician's report informed union claims to a district administrator and to IM. Early in September, the DGB emailed the emergency doctor's report to the district administrator, highlighting that the fatality reflected workers' vulnerability due to language and cultural barriers (epistemic precarity) and urging the district to support strategic communication with IM (DGB, 2016d).

With a new position paper sent in early October, unions once more urged IM to address ongoing issues at Slaughterhouse SH (DGB, 2016e): Unions complained that transitioning to German social insurance had not improved conditions. Problems with working hours, payment, work safety, and housing persist. Issues include single-shift systems, unpaid setup times, malfunctioning timekeeping devices, and unresolved payment issues, such as uncompensated overtime. Work safety remains a concern due to frequent accidents, inadequate training, and increased assembly line speeds. Monthly housing costs of 200 EUR exceed local rental caps by about 320%, and safety deficiencies, highlighted by the fatal incident at one of the mass accommodations, continue to be a problem. In its late October response (IM, 2016), IM addressed union concerns, attributing issues surrounding working time to layoffs resulting from switching to German subcontractors. They promised to reinstate the 4-shift system, cover 10-minute setup times, and provide monthly pay slips. IM denied increased workplace accidents, safety deficiencies in accommodations, and excessive accommodation costs, clarifying that additional costs such as transport and medical visits are included in the tenancy contracts.

In 2017, unions optimised knowledge gain continued. IM's last response led unions to hire an external law firm to review worker accommodations in Schleswig-Holstein. Three legal opinions (Law Firm, 2017) from February to March found that subcontractors' additional contracts constituted tenancy agreements, requiring compliance with accommodation rules making it inadmissible to include extra costs. Furthermore, German meat industry rules state that voluntary commitments are binding. Interviewee B explained that, despite the unions' in-house legal department, the complexity of *Werkverträge* in slaughterhouses required external support to address *sui generis* legal technicalities, including those pertaining to housing. In May, a final example of unions'

16 This is most likely the foreman. All interviewees report systematic mistreatment by the foremen, which is particularly concerning when they also act as medical intermediaries.

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actions during the optimised knowledge gain phase involved collaboration with the Friedrich Ebert Foundation (DGB and Friedrich Ebert Foundation, 2017). DGB mailed the Foundation in Romania, requesting any information on Subcontractor 2. The Foundation's response included photos of empty lots at the alleged headquarters, confirming the unions' suspicion that Subcontractor 2 was a shell company.

6. Final reflections

The unions' experience of knowledge production leading to the ArbSchKG presents an intriguing case for understanding the interpretation and use of evidence in policymaking. Comprehensively situating the unions' experience within the meat industry in its specific legal and cultural context challenges EBP's paradigm of objectivity, uniform rationality, and quantification, both in the methodologies of generating and interpreting evidence. Evidence originating in settings of structural precarity inevitably follows its own rationality and dynamics of development, particularly in embracing and channelling uncertainty of partial positions.

To tackle a system that renders grievances invisible, unions had to incorporate and embrace subjective reporting and doubt into a highly non-systematised process that matured over time. Although this approach successfully facilitated knowledge production, its non-systematic and partial outcomes – conceptualised in this study as precarity-based evidence (PBE) – are often limited to qualitative descriptions, as quantitative data collection remains largely unattainable. While PBE proved effective in facilitating democratic participation in the underlying conditions of urgency created by the COVID-19 pandemic, it raises questions about its leverage and acceptance beyond crisis-driven policymaking.

Understanding the unique features of evidence rooted in structural precarity is essential for rethinking established knowledge hierarchies and adjusting benchmarks for interpreting evidence from intersectionally marginalised groups. In expanding the EBP framework to explore evidence amidst structural precarity and challenging its rhetoric of objectivity, this study does not propose a universal definition of precarity to which policymaking should accommodate. Instead, it pledges – in line with feminist STS scholarship – to critically acknowledge different and partial positionalities in the interpretation and use of evidence. To achieve this, the paper proposes a theoretical framework for analysing rationalities and dynamics in evidence development, drawing on an extensive operationalisation of situational analysis within grounded theory.

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Competing Interests

I declare no competing interests.

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Appendix

	Organisation	Function	Date
Interviewee A	NGG	Head of Legal Department	11/03/2024 and 01/12/2022
Interviewee B	NGG	Head of Berlin Office	27/02/2024 and 16/11/2022
Interviewee C	Faire Mobilität	Labour counsellor	22/12/2022
Interviewee D	DGB	Volunteer	10/02/2024
Interviewee E	NGG	Head of Office	19/02/2024

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Marcel Knobloch

The impact of criminal records and ethnic-sounding names on young men's employment chances in Germany: Field experimental evidence

Summary: This paper examines whether job applicants with a criminal conviction are disadvantaged in the German labor market and how the effect of having a conviction compares to the effect of having a Turkish-sounding name. To answer this question, I conducted a preregistered correspondence study in Germany (N = 2,134) with a two-by-two between-subjects design. Unsolicited email requests from fictitious job applicants were sent to employers in the cleaning and security sectors. The findings indicate that having a criminal record and having a Turkish name independently reduce the likelihood of receiving a response. The negative impact of a Turkish name was similar to that of having a criminal record: Applicants with Turkish names and no criminal record received about the same number of positive responses as those with German names and a criminal record. Among all groups, Turkish applicants with a criminal record received the fewest responses. As the study examined initial and informal contact between job applicants and employers, the findings shed light on the challenges faced by convicted applicants in two fields of employment that have less formal application processes.

Keywords: field experiment, criminal record, labor market, discrimination, ethnicity

Marcel Knobloch, Die Auswirkungen von Vorstrafen und türkischen Namen auf die Beschäftigungschancen junger Männer in Deutschland: Erkenntnisse eines Feldexperiments

Zusammenfassung: In diesem Beitrag wird untersucht, ob männliche Bewerber mit einer Vorstrafe auf dem deutschen Arbeitsmarkt benachteiligt werden und wie sich eine Vorstrafe im Vergleich zu einem türkisch klingenden Namen auswirkt. Zur Beantwortung dieser Frage habe ich eine präregistrierte Korrespondenzstudie mit einem 2x2-Between-Subjects-Design in Deutschland durchgeführt (N = 2134). Initiativbewerbungen von fiktiven Bewerbern wurden per E-Mail an Firmen in der Reinigungs- und Sicherheitsbranche gesendet. Die Auswertungen dieser Daten zeigen, dass sich sowohl eine Vorstrafe als auch ein türkischer Name negativ darauf auswirkt, ob Arbeitgeber*innen auf solche Initiativbewerbungen reagieren. Die Nachteile durch einen türkischen Namen und eine Vorstrafe waren ähnlich stark: Bewerber mit türkischen Namen ohne Vorstrafe erhielten etwa genauso viele positive Rückmeldungen wie Bewerber mit deutschen Namen und einer Vorstrafe. Türkische Bewerber mit Vorstrafen erhielten insgesamt die wenigsten Rückmeldungen. Durch die Untersuchung des ersten, informellen Kontakts zwischen Bewerbern und Arbeitge-

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ber*innen spiegeln die Ergebnisse dieser Studie die Realität von vorbestraften Bewerbern in zwei Arbeitsmarktsektoren mit weniger formalisierten Bewerbungsverfahren wider.

Schlüsselwörter: Feldexperiment, Vorstrafe, Arbeitsmarkt, Diskriminierung, Ethnizität

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1 Introduction

Criminal convictions can have lasting labor market consequences even years later (Decker et al., 2015; Pager, 2003). There are many mechanisms through which a criminal conviction can influence an applicant's labor market chances. Ex-offenders may have gaps in their work history or lack formal qualifications due to time spent in prison (Apel and Sweeten, 2010: 452). Young offenders may not have access to crime-free personal networks that could help them get a job (Hagan, 1993; Granovetter, 1995). Stigma and hiring discrimination can also prevent ex-offenders from leading a crime-free life. Numerous audit and correspondence studies conducted in the United States (Agan and Starr, 2018; Leasure and Kaminski, 2021; Pager, 2003; Pager, Bonikowski, et al., 2009; Pager, Western, et al., 2009; Uggen et al., 2014) and Europe (Ahmed and Lång, 2017; Baert and Verhofstadt, 2015; Rovira, 2019) have found that having a criminal record negatively affects employment chances. This labor market discrimination may drive some individuals back to crime, as employment—or lack thereof—is one of the key predictors of recidivism (a return to criminal behavior, Schnepel, 2017; Uggen, 2000; Van Der Geest et al., 2011).

The stigma attached to having a criminal record is clear given that even minor convictions that do not result in prison time can have lasting consequences. Research from the United States indicates that one-time contact with the justice system already negatively affects future employment opportunities (Leasure, 2019; Uggen et al., 2014). In Germany, most criminal convictions are minor offenses without prison sentences. Although there is no data available on the total number of persons that have been convicted at some point in their life, around 525,000 of the roughly 615,00 convictions in 2021 resulted in a fine rather than a prison sentence (Statistisches Bundesamt, 2022b). Conviction discrimination could have far-reaching consequences if employers discriminate against applicants who have the same work experience and level of formal qualifications as other applicants but have been convicted of a minor crime.

Labor-market discrimination can also be an obstacle for ethnic minorities. An ethnically distinctive name can vastly reduce an individual's probability of receiving a positive response to a job application (Bertrand and Mullainathan, 2004; Quillian et al., 2019). In addition to the effect of ethnicity itself, ethnic minority status can intersect with other traits that negatively impact their labor market chances, such as lower socio-economic status (Kalter and Granato, 2018). It is therefore not necessarily only

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ethnicity, or the stigma attached to a criminal conviction that influences labor market outcomes, but rather a combination of these (and other) factors.

A criminal record can have a much stronger negative effect for ethnic minorities than for majority applicants. In audit studies conducted in the U.S., Pager and colleagues demonstrated that while a criminal record negatively impacts majority applicants, the combination of a criminal record and ethnic minority status is especially detrimental to employment prospects (Pager, 2003; Pager, Bonikowski, et al., 2009; Pager, Western, et al., 2009). However, recent studies have not unambiguously replicated this interaction, particularly correspondence studies conducted in both the United States (Decker et al., 2015; Leasure, 2019; Leasure and Andersen, 2020) and Europe (Peelen et al., 2022; Van Den Berg et al., 2020).

In this study, I conducted a field experiment to examine whether previously convicted ethnic minority Germans are disproportionately disadvantaged compared to previously convicted applicants with a German name when trying to find a job. There are several gaps in the literature I address in this study. First, research on this topic in Europe, and in Germany in particular, has lagged behind research in the United States (Falk et al., 2009). Although there has been some survey research on the effect of crime on labor market chances in Germany (Dominguez Alvarez and Loureiro, 2012; Entorf, 2009), this is the first study to investigate the effect of having a criminal record on employment chances using a field-experimental design. This study also adds to previous experimental research on labor market discrimination of ethnic minority groups in Germany.

Second, I address the extent to which a single criminal conviction can impact an individual's life, even when the applicant has a very promising profile. As employment is one of the strongest predictors of recidivism and stigmatization of crime is not limited to former prison inmates, it is important to investigate the consequences of having any kind of criminal record. Therefore, I investigate whether a single minor drug conviction that did not result in prison time already harms employment chances.

Third, many online correspondence studies have tested the effect of having a criminal record in highly formal application processes. In this study, I specifically target sectors with poor working conditions and high proportions of non-German employees and German employees with a migration background.[1] Ex-offenders often apply for jobs in these low-wage sectors following their convictions (Entorf and Sieger, 2010; Schnepel, 2018), and application processes in these sectors are often less formalized, with open positions not being advertised. This means that applicants need to be proactive to find a job. For that reason, I sent 2,134 emails from fictitious applicants to employers across Germany, asking whether they had any open positions that might suit the applicant.

1 In the German context, the term "with a migration background" (in German: Migrationshintergrund) is used to describe individuals who are part of an ethnic minority due to their family's migration history. The term includes first-generation immigrants as well as the descendants of immigrants in the second and subsequent generations, regardless of their citizenship or place of birth.

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This study makes several important contributions. First, it assesses the fundamental effect of a criminal record and its interaction with ethnicity in Germany using field-experimental data. Given that recent studies have reported mixed results, this relationship still remains a highly relevant research topic. My findings thus contribute to the international research on the labor market consequences of having a criminal record and being part of an ethnic minority.

Second, this study adds to previous research on the disadvantages experienced by ethnic minority groups in the German labor market. By incorporating the dimension of crime, it not only provides useful insights into the comparative labor market positions of ex-offenders and regular applicants, with and without a migration background, but also highlights how labor market discrimination can reinforce social inequalities, particularly for marginalized groups.

Finally, by showing that labor market discrimination can be assessed with a relatively straightforward and inexpensive approach, my study delivers important insights into how field experiments to capture (employment) discrimination can be simplified—at least when applying for entry-level jobs. Experiments involving speculative applications are also more ethically appropriate, as they reduce the time required from employers and do not hinder the invitation of other applicants.

2 Background

Discrimination theory

From a theoretical perspective, there are many possible explanations for why employers discriminate against ethnic minorities or applicants with a criminal history. *Statistical discrimination theory* suggests that discrimination stems from a lack of information about applicants' skills or productivity (Arrow, 1973; Phelps, 1972). When deciding on an application, employers may rely on general statistical information about the applicant's likely productivity, often inferred from visible characteristics like ethnicity or gender. There may be various mechanisms at work when hiring a convicted individual, such as the risk of reoffending, safety concerns, or lower productivity due to a lack of work experience. Therefore, statistical discrimination theory would predict that convicted applicants would be at a disadvantage compared to other applicants. Similarly, ethnic minority applicants would have lower chances of being hired and applicants with both characteristics would be especially disadvantaged (Zschirnt and Ruedin, 2016).

Status-based discrimination theory assumes that employers rely on stereotypes when judging the suitability of a particular candidate (Ridgeway, 2014; Ridgeway and Correll, 2004). Rather than assuming that discrimination occurs on rational grounds and that people have knowledge (actual numbers and empirical evidence) about a group's average productivity, as statistical discrimination theory does, status-based discrimination theory assumes that employers rely on preexisting biases when evaluating workers. Because employers tend to favor higher-status groups, applicants with both a

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minority name and a criminal record would be at a distinct disadvantage in recruitment processes. Applicants with these two characteristics would experience compounded negative effects, as they are subject to dual sources of perceived low status.

Finally, *taste-based discrimination theory* suggests that prejudice or animosity towards certain demographic groups may drive the different treatment of different groups (Becker, 1957). Unlike in statistical and status-based discrimination theory, in taste-based discrimination theory, an employer's decision is not rational, as they choose applicants from one demographic group over another based on their personal preferences alone. Having a criminal record is highly stigmatizing and people are reluctant to interact with, trust, and work with convicted persons (Hirschfield and Piquero, 2010; Rasmusen, 1996). For ex-offenders, the interaction of a criminal history with other variables such as ethnicity may be especially relevant, as applicants then possess two traits that could trigger negative biases or aversion.

Statistical, status-based, and taste-based discrimination theory all predict discrimination against applicants with a criminal record and ethnic minority applicants. Furthermore, they suggest even greater penalties for convicted ethnic minority applicants. Research from the US suggests that employers may perceive a criminal record differently depending on the applicant's ethnicity, since the high number of Black people with previous convictions makes the relationship between the two dimensions of crime and ethnicity especially salient (Agan and Starr, 2018; Pager, 2003; Uggen et al., 2014). In Germany, employers may also be more forgiving towards German-name offenders and perceive convicted German-name applicants as having made a one-time mistake; by contrast, they may assume a more systematic reason for Turkish-name applicants, such as certain socio-demographic characteristics that may make them more likely to commit a crime, thus signaling lower productivity. Although my study design does not allow me to test the different theories, it is important to note that discrimination against applicants in this study could be a product of statistical, taste-based, or status-based discrimination, or even a combination thereof.

Crime & labor market opportunities

While individuals with a criminal record may face numerous challenges in finding employment, such as limited work experience or inadequate social networks, employer-side discrimination is likely one of the most significant barriers. There is ample empirical evidence of the negative effect of having a criminal record on labor market opportunities in the United States. In-person audits have consistently shown that ex-offenders who have spent time in prison have lower chances of getting a job (Decker et al., 2015; Pager, 2003; Pager, Bonikowski, et al., 2009; Pager, Western, et al., 2009). This effect is not limited to those who have served time in prison but also applies to those with one-time minor convictions with no prison time. Applicants with minor convictions receive fewer positive responses than those without convictions in in-person audit settings (Uggen et al., 2014) and online correspondence study designs (Agan and Starr, 2018; Leasure, 2019; Leasure and Kaminski, 2021). Surprisingly,

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there is no difference in callback rates between those with less severe (misdemeanor) convictions and those with more severe (felony) convictions (Leasure, 2019). From a theoretical perspective, this could indicate that it is not the severity of the conviction that determines labor market outcomes but the mere presence of a criminal record.

Multiple field experiments underline the detrimental effect of having a criminal record on employment chances in the United States, although there are some diverging results (see Galgano, 2009 for a study that found only a small negative effect for female offenders or Decker et al., 2015 for a correspondence study with null findings). The findings that employers are reluctant to hire ex-offenders are consistent with those of previous nonexperimental studies (Apel and Sweeten, 2010; Emmert, 2019; Graffam et al., 2008; for an overview see Griffith et al., 2019; Holzer, 2007; Holzer and Raphael, 2003; Waldfogel, 1994a, 1994b; Western et al., 2015).

Publication	Country	~N	Design	Occupations	Crime	Crime effect	Interaction found
Pager (2003)	USA	350	In-person audit	Various entry-level	Drug-related	Yes	Yes
Pager, Bonikowski, and Western (2009)	USA	340	In-person audit	Various entry-level	Drug-related	Yes	Yes
Pager, Western, and Sugie (2009)	USA	250	In-person audit	Various entry-level	Drug-related	Yes	Yes
Uggen et al. (2014)	USA	300	In-person audit	Various entry-level	Disorderly conduct	Yes	No
Decker et al. (2015)	USA	300	In-person audit	Customer service, manual labor, restaurant	Drug-related	Yes	Not significant
Decker et al. (2015)	USA	3100	Correspondence study	Customer service, manual labor, restaurant	Drug-related	No	Not significant
Agan and Starr (2018)	USA	15,000	Correspondence study	Chains (restaurants, retail, hotels, etc.)	Drug-related, property crime	Yes	No
Leasure (2019)	USA	580	Correspondence study	Various entry-level	Drug-related	Yes	No
Leasure and Andersen (2020)	USA	610	Correspondence study	Various entry-level	Drug-related	Yes	Not significant
Leasure and Kaminski (2021)	USA	800	Correspondence study	Various entry-level	Drug-related, theft	Yes	Not tested
Baert and Verhofstadt (2015)	Belgium	490	Correspondence study	Manual worker, barkeeper, nanny	Juvenile Delinquency	Yes	Not tested

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Publication	Country	~N	Design	Occupations	Crime	Crime effect	Interaction found
Ahmed and Lång (2017)	Sweden	2080	Correspondence study	Truck driver, car mechanic	Assault	Yes	Not tested
Rovira (2019)	Spain	601	Correspondence Study	Various entry-level	Not specified	Yes	Not tested
van den Berg et al. (2020)	Netherlands	520	Correspondence study	Various entry-level	Violent, property, sexual offense	No	Not significant
Peelen et al. (2022)	Netherlands	300	Correspondence study	IT companies	Cybercrime, property crime	No	Not significant
Rovira (2023)	UK	1,050	Correspondence study	Various entry-level	Not specified	Yes	Yes

Note: Entry-level jobs are positions that do not require specialized qualifications beyond a basic school diploma. Examples include retail, restaurants, construction, manufacturing, agriculture, and logistics.

Table 1: Field experiments on crime & ethnicity

In Europe, researchers have also found that having a criminal record hurts employment prospects. Baert and Verhofstadt (2015) showed that having a criminal record had a negative effect on the employment chances of former juvenile delinquents in Belgium. Ahmed and Lång (2017) in Sweden and Rovira (2019, 2023) in Spain and the UK found that ex-offenders, both without (Sweden, UK) and with (Spain, UK) prison time, have a lower probability of receiving a positive employer response to their application. However, recent studies conducted in the Netherlands were not able to replicate these results and did not find a significant effect of having a criminal record; this could have been caused by differences in the severity of the crimes studied or structural differences between the US and the Netherlands (Dirkzwager et al., 2015; Peelen et al., 2022; Van Den Berg et al., 2020). For an overview of field experiments on ethnicity and crime, see Table 1.

Based on these findings and theoretical predictions, I hypothesize that applicants with a criminal history will be disadvantaged in the German labor market. This is in line with evidence from Germany that shows that having been in prison has a negative effect on hiring chances and future wages (Falk, Walkowitz, and Wirth, 2009; Dominguez Alvarez and Loureiro, 2012). From a theoretical perspective, statistical discrimination theory suggests that a criminal record signals lower productivity, while status-based discrimination theory predicts that convicted criminals have lower social status. Additionally, taste-based discrimination theory indicates that individuals with a criminal record are likely stigmatized and subject to prejudice.

H1: Applicants with a criminal record have lower chances of receiving a positive response than applicants without a criminal record.

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Ethnicity

Aside from discrimination based on criminal convictions, research has documented many different forms of hiring discrimination, such as discrimination based on gender (Hipp, 2020), religion (Di Stasio et al., 2021), or ethnicity (Quillian et al., 2019; Zschirnt and Ruedin, 2016). Studies show that ethnic minority groups have lower employment chances in Germany when their ethnic affiliation is indicated by their name (Goldberg et al., 1996; Kaas and Manger, 2012; Koopmans et al., 2018; Thijssen et al., 2021), place of birth (Veit and Thijsen, 2021), or accent (Schmaus and Kristen, 2022). Koopmans, Veit and Yemane (2018) argue that cultural distance is the driving factor behind this and that discrimination is therefore mostly the result of taste-based discrimination. On the other hand, Kaas and Manger (2012) reported that discrimination rates drop when additional material with more information about the applicants is included. This finding supports statistical discrimination theory but was not confirmed by Thijssen et al. (2021), who found that including additional personal information does not reduce discrimination against Turkish applicants in Germany. Veit and Thijsen (2021) found that although foreign-born ethnic minority applicants have worse labor market chances in Germany than majority applicants, domestic-born ethnic minority applicants receive almost the same number of positive responses as majority applicants.

Although constituting the largest ethnic minority group in Germany, Turkish migrants and their descendants nevertheless have worse labor market chances than other immigrant groups and non-minority job seekers (Höhne and Buschoff, 2015; Kalter, 2006; Statistisches Bundesamt, 2022a), even with the same level of education or professional training (Seibert and Solga, 2005). This can be read as an indication of status-based discrimination, which suggests that Turkish-name applicants have lower status than German applicants. Taste-based discrimination might lead employers to favor German-name applicants due to personal biases, while statistical discrimination predicts the assumption that Turkish-name applicants are perceived as less qualified or productive – both of which are an expression of racism. Accordingly, I expect Turkish-name applicants in both criminal record conditions (no record vs. criminal record) to receive fewer positive responses than their counterparts with a German name in the same condition.

H2: Applicants with a Turkish name have lower chances of receiving a positive response than applicants with a German name.

Interaction of crime & ethnicity

Labor market disadvantages due to ethnicity can have important implications for the effect of crime as well. Some studies have found that the negative effect of having a criminal record is even more pronounced for ethnic minority applicants. This interaction of ethnicity and crime has been documented by Pager, (2003); Pager, Bonikowski

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and Western, (2009); Pager, Western and Sugie, (2009) for Black and Hispanic applicants in the United States. Furthermore, these studies suggest that the negative effect of ethnicity even surpasses the impact of having a criminal record; Black or Hispanic applicants with no criminal history receive fewer positive callbacks than previously incarcerated White applicants. In the US and the UK, crime and ethnic minorities are considered to be so strongly linked that prohibiting employers from asking about the criminal history of an applicant fosters discrimination against Black applicants (Agan and Starr, 2018; Rovira, 2023). Similarly, providing additional documents stating the good behavior of ex-prisoners only benefits White and not Black applicants (Leasure and Andersen, 2020).

In recent years, however, researchers from both the United States and Europe have struggled to replicate these findings. Some studies have found no evidence for an interaction at all (Leasure, 2019; Uggen et al., 2014), whereas others detected an interaction between crime and ethnicity that was not statistically significant (Decker et al., 2015; Leasure and Andersen, 2020; Peelen et al., 2022; Van Den Berg et al., 2020). Although these studies lack statistical power, two studies from the Netherlands did find that minority applicants without a criminal record are less likely to receive a positive response than majority applicants with a criminal record (Peelen et al., 2022; Van Den Berg et al., 2020). Nevertheless, the evidence for an interaction between ethnicity and crime remains somewhat mixed, with researchers finding no evidence or an effect that was not statistically significant. However, field experiments are highly context-dependent, and diverging results may be driven by the different contexts, sample sizes, and design decisions of these studies.

It is not possible to determine whether foreigners are relatively more frequently convicted than Germans, because official crime statistics also includes other foreigner groups such as e.g. tourists and illegal immigrants that are not part of the foreign resident population in Germany. As a result, these statistics cannot be directly compared to the foreign resident population. Similarly, there is no distinction between Germans and Germans with a Turkish (or any other) background (Bundeskriminalamt, 2020: 93; Sommer, 2012; Walburg, 2014). Nevertheless, the stereotype of the foreign (or migrant) offender is prevalent amongst the German population (Bolesta et al., 2022) and media outlets report higher crime rates amongst foreigners/migrants, even though they have no empirical basis (Feltes et al., 2018; Sommer, 2012; Walburg, 2014). Statistics on criminal suspects could be influenced by different reporting behavior with regard to ethnic minorities or a different intensity of policing of ethnic minorities (Bundeskriminalamt, 2020; Expert Council on Integration and Migration, 2023; Golian, 2019). This hints at a multiplicative interaction between crime and ethnicity and may indicate that offenders with a non-German name suffer greater penalties for their criminal record.

Given the theoretical predictions and current state of research regarding the effects of having a criminal record and ethnicity, I expect that convicted applicants will receive fewer responses if they have a Turkish name. This expectation aligns with statistical, status-based, and taste-based discrimination theory, all of which suggest that employers may perceive Turkish-named applicants with a criminal record as more risky hires

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(statistical discrimination), as having lower social status (status-based discrimination), or as less preferable (taste-based discrimination).

H3: Convicted applicants with a Turkish name have lower chances of receiving a positive response than convicted applicants with a German name.

3 Data & Methods

Study design

To investigate whether ethnic minority applicants are disproportionately discriminated against for having a criminal record in the German labor market, I conducted a field experiment with a two-by-two between-subjects design in which I sent inquiries about job vacancies via email to real employers across Germany. When employers don't have open positions, they usually don't need to choose between two applicants but make their decision based on one individual application, which favors a between-subject design. A matched (or within-subject) design using speculative applications was also ruled out due to the increased risk of detection. From an ethical standpoint, a between-subjects design also minimizes the time required from each employer, although a matched design would require a lower sample size to detect small differences in positive responses (in the case of high concordance, Hipp, 2020, Vuolo et al., 2016, 2018).

Since the majority of crimes are committed by men (e.g., around 90% of all drug convictions in Germany in 2021, Statistisches Bundesamt, 2022b) and the addition of gender as a dimension in the research design would require more statistical power, I only included male applicants. Before data collection, I preregistered the study and obtained ethics approval. Due to ethical concerns, I sent employers a rejection as soon as possible if they responded favorably to the email, to avoid causing them any further inconvenience.

In the email, the applicants asked whether the employers had any open positions for which the applicant could be considered. This text contained most of the information that would be conveyed in a formal application, such as the age of the applicant, their education, and their work experience. All applicants met the formal requirements for a position in the employment sector in question.

The employer sample consisted of employers from the cleaning or security sectors. Both sectors have problematic working conditions, low incomes, and a comparatively low level of required qualifications (Nexaro GmbH, 2023; Zanker, 2023). Therefore, in theory, ex-offenders may face less discrimination in these sectors than in other, high-skilled sectors in which crime may be perceived more negatively (Peelen et al., 2022: 12). They are also characterized by less formalized application processes, and speculative applications and social networks may be common hiring routes (Granovetter, 1973).

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The cleaning sector has one of the highest shares of non-German workers (workers without a German passport, Bundesagentur für Arbeit, 2023) and German employees with a migration background (about 55%, Statistisches Bundesamt, 2020) of all German employment sectors. Similarly, the security sector also has a high share of non-German employees (about 17 %) and workers with a migration background (about 37% for the combined sectors of transport, logistics, and security and protection, Statistisches Bundesamt, 2020; Zanker, 2023). Where an ex-offender applies matters a great deal to their employment prospects, as previous research has shown that minority-owned businesses are substantially more likely to hire ex-offenders (Pager, 2007: 129). The high number of ethnic minority employees and minority-owned businesses therefore make both the sectors in this study particularly suitable for determining ethnic differences at a fundamental level; substantial negative effects of ethnicity found in these sectors will most likely be even more pronounced for other German employment sectors with a lower share of foreign or migrant workers or fewer minority-owned businesses.

To obtain jobs in the security sector, applicants are required to present a clean criminal record to employers. This is not the case for the cleaning sector. Some jobs in the security sector have stronger limitations with regard to a criminal record, and rely on the Bewacherregister[2] (guard register) or require at least 5 years to have passed since the last conviction (§ 34a Gewerbeordnung, trade regulations). Possible differences in effect sizes between the two sectors may in part be driven by these requirements.

Experimental manipulations

In the criminal record condition, applicants stated that they had been convicted of a drug offense three years previously. In Germany, possible penalties for drug crimes range from a fine to a prison sentence, depending on the type of offense committed and the substances involved. Drug crimes with quantities above a certain threshold will result in at least one year of prison time (§ 29a BtMG, Betäubungsmittelgesetz, German Narcotics Act). However, more than three-quarters of BtMG offenses in 2021 resulted in fines (Statistisches Bundesamt, 2022b).

There are several reasons why I chose drug crimes for the crime condition. First, BtMG offenses are among the most common offenses, both overall and among German and Turkish passport offenders (Statistisches Bundesamt, 2022c). Choosing drug crimes therefore boosts the external validity of the results.

Second, drug crimes usually do not indicate a tendency towards violence or untrustworthiness to the same extent as other crimes. When an individual has been convicted of theft or robbery, for example, the employer may be reluctant to hire the applicant because they fear that company inventory may be stolen. The same may be true for violent crimes such as assault, where the employer may fear for their safety or that of their other employees. For these reasons, employers are far more likely to hire

2 For more information, see: https://www.bewacherregister.de

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offenders who have committed drug offenses than those who have committed other crimes (Holzer et al., 2007; Holzer and Raphael, 2003; Society for Human Resource Management and Charles Koch Institute, 2018).

Third, drug crimes have been shown to have important implications for ethnic disparities and are often linked with ethnic minorities, especially in the United States (Pager, 2003) but also in Germany (Golian, 2019). Given the lack of field-experimental research on this topic in Germany, this study can therefore help to address the importance of drug crimes for ethnic disparities in the German context. Since this study investigates the effect of crime at its most fundamental level, it was crucial to ensure that applicants had a brief criminal history consisting solely of a minor conviction.

In the security sector, applicants are almost always required to have a clean criminal record. This is not the case in the cleaning sector, but some employers ask for it anyway. It is therefore important that the applicants fulfill the formal requirement of having a clean criminal record. Applicants stated that they had been convicted of a drug offense 3 years previously, but that this conviction would be expunged from their criminal record in the following days and they would then have a clean criminal record again. In Germany, drug convictions are expunged from an individual's criminal record after a period of between 3 years (for minor crimes such as in this study) and 20 years (Brauer, 2022; Strauer, 2019). For this study, this has the advantage of signaling the applicants' criminal past to the employer while making sure that they still meet the formal requirements. Furthermore, this clarifies that the applicants did not serve time in prison for their conviction. That the conviction was already three years old and would officially be a thing of the past following its deletion from the record — both from the offender's and the state's perspective—should also have reduced discrimination against applicants with a criminal record. Applicants expressed their regret about what had happened and stated that it would not happen again (Ahmed and Lång, 2017; Van Den Berg et al., 2020). This statement was included to provide as much information to the employer as possible and reduce stigma and ambiguity, while also keeping the statement as short as possible.

Applicants are not required to state their criminal record to the employer for most of the jobs in the sample. However, admitting to a criminal history upfront is a form of stigma management (Park and Tietjen, 2021). This can prevent stigmatization problems at a later point if the topic comes up in the interview or the employer finds out after hiring (Ali et al., 2017; Harding, 2003). Many ex-prisoners use this tactic to signal their criminal record (Cherney and Fitzgerald, 2016; Ramakers, 2022; Ricciardelli and Mooney, 2018) and survey data suggests that this honesty leaves a positive impression on employers (Employee Screen IQ, 2013). Mentioning a criminal record upfront also provides an explanation for why the applicant has not worked in the sector they completed their training in for the past three years (*see Applicant characteristics*), a question that is likely to come up in a potential interview.

I manipulated the signaling of ethnic affiliation to employers by altering the applicant's name, with applicants either having a German or Turkish name. To reduce bias related to potential uncertainty about language skills or educational background, appli-

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cants in the Turkish-name condition were also presented as German citizens. This was done by mentioning that the city that the employer is located in was the applicant's place of birth (»recently moved back to my hometown [city] with my partner«). First names were selected from lists of the most common names of the applicant's birth cohorts. For surnames, I selected common ethnically distinct surnames for both the German and the Turkish name condition.

Applicant characteristics

Although many jobs in the security and cleaning sector do not require professional training, there are vocational training programs available for both of them. In order to stand out, applicants mentioned that they had completed dedicated vocational training. Both vocational training courses last three years. In the case of the security sector, applicants presented themselves as protection and security professionals (*Fachkraft für Schutz und Sicherheit*), and in the case of the cleaning sector as trained building cleaners (*Gebäudereiniger*).[3]

Apart from the vocational training, applicants reported a total of six years of work experience, of which three had been performed in the employer's field. A six-year period was long enough to signal to employers that the applicant was indeed capable of being a reliable worker, and it was a realistic amount of work experience for someone of the applicant's age and level of education. Since applicants were not able to work in their sector in the three years following their conviction (at least in the security sector), they described having spent half of those six years in other fields. Both the high level of qualifications and the amount of work experience should have indicated that the candidate was ideal or even overqualified. In theory, this should make discrimination against the applicants more unlikely.

Applicants were presented as 27 years old, meaning they had graduated from school at the age of 18 (or younger), spent three years in vocational training, and then worked for six years. This also helped to create a realistic applicant profile when signaling the crime condition, as drug offenses are among the most common convictions for 25 to 30-year-old offenders (Statistisches Bundesamt, 2022c).

Similar to the study by Van Den Berg et al. (2020), the applicants indicated that they had recently moved with their partner to the employer's city. This should signal to the employer that the applicant is not a socially isolated individual (which could indicate a higher risk for recidivism).

Each email sent out by the fictitious applicants included all of these characteristics and a sentence indicating that the applicant was flexible in terms of working hours and eager to start a new position. To ensure that employers read the full email, the text was kept as short as possible. It was crucial that the email would not be brushed

3 For some jobs in the security sector (though not all), applicants are required to present an additional certificate, the 34a-certificate (Bundesagentur für Arbeit, 2024; IHK Berlin, 2024). This information was therefore included for emails in the security sector.

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off as spam by the employers, so the subject line and the actual email address were important. The email addresses contained the full name of the applicants, reinforcing the signaling of the applicants' ethnicity. The original email text in German is provided in the Appendix along with an English translation.

Data collection

To collect the data, I sent out applications to the entire population of firms in the cleaning and security sector in Germany (N= 2,332), out of which 2,134 had valid email addresses or responses. The data were purchased from a commercial provider. The firms were located across Germany and varied in terms of their town and size. As shown in Table 2, there are substantially more firms in the building cleaning sector (N = 1,643) than in the security sector (N = 491). The number of valid data points per condition (Turkish/German and convicted/not convicted applicant) varies, due to factors such as emails that did not get delivered or responses indicating other formal requirements.

	Sector		Crime		
Ethnicity	**Security**	**Cleaning**	**Convicted**	**Not convicted**	**Total**
German	252	819	531	540	*1071*
Turkish	239	824	532	531	*1063*
Total	*491*	*1643*	*1063*	*1071*	**2134**

	Security		Cleaning		
Ethnicity	**Convicted**	**Not convicted**	**Convicted**	**Not convicted**	**Total**
German	125	127	406	413	*1071*
Turkish	119	120	413	411	*1063*
Total	*244*	*247*	*819*	*824*	**2134**

Table 2: Distribution of emails by sector and experimental condition

For each email, I altered the name of the applicant, the city that the employer was located in, and information about the applicant's education based on the employer's sector. Finally, I randomly assigned the crime or no crime condition to the emails. To eliminate possible variance due to the names themselves, I randomly assigned the four names (two German and two Turkish names) to the crime conditions while making sure that each name had roughly the same number of emails in the convicted/not convicted condition. All applications were sent out via email using the gmailr package (Hester and Bryan, 2021) in 13 batches over 11 days. Employer responses were collected daily using the gmailr package for 14 days after sending out the application.

Unlike other studies investigating ethnicity and crime, applicants in this study did not directly apply for open positions advertised by employers. This has several advantages.

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First, there is a high demand for workers in both targeted sectors (Nexaro GmbH, 2023; Zanker, 2023), and smaller businesses are constantly looking for new employees, even when they have no advertised positions. Speculative applications are therefore quite common in both lines of work, which adds to the external validity of the results. Second, there are methodological advantages to this study design since field experiments on crime often lack statistical power (see Leasure, 2019; Van Den Berg et al., 2020; Peelen et al., 2022). It is hard to achieve a high number of observations when only applying for advertised jobs, as it is both expensive and time-consuming. With speculative applications, researchers are not required to construct fictitious resumes. This makes it easier to achieve a higher sample size, particularly if real applicants in that sector commonly write speculative applications, as they do in the cleaning and security sectors.

Outcome variable

The outcome variable in this study is the type of response received. I distinguished between positive responses and negative responses. Although there were methodological issues to consider when deciding whether to use any type of positive response or actual invitations as the outcome variable (see e.g. Leasure, 2022), there were two specific reasons why I chose any kind of positive response for this study. First, as I had sent out speculative applications and there were no disadvantages for employers who did not respond, any expression of general interest in the applicant could be treated as a positive response. Second, as this study did not involve formal application processes, positive responses took many different forms aside from actual invitations: employers asked to be called, offered a one-day trial, or did not have any positions available but promised to contact the applicant if an opportunity came up.[4]

In addition to explicitly negative responses, I also treated no response from an employer as a negative response. As employers had not advertised any positions, they faced no negative consequences for not responding. Therefore, if employers had not been interested in the applicant, they may simply have not responded. However, coding nonresponses in this way did not allow me to distinguish between actual rejections and employers simply not responding. Moreover, not all non-responses necessarily indicated a lack of employer interest. The employer may have simply missed the email, or other unobserved characteristics influenced the response behavior.

Analytical strategy

To address differences between positive response rates for each of the experimental conditions, I calculated descriptive statistics and used chi-squared tests to test whether

4 As a robustness check, I repeated the analyses using a (not pre-registered) stricter coding of the dependent variable. In this coding, deflective answers, such as "no position is available right now, but we will call if one comes up", or asking for additional material, were also coded as negative. This stricter coding did not change the direction of any of the coefficients (see Table 8 in the Appendix).

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differences between any of these groups were statistically significant. I also estimated a logistic regression, with *receiving a positive response* as the outcome variable; the two experimental condition variables, the sector, and an interaction term of ethnicity and crime were predictors. To validate and test how robust and generalizable the results were, I finally repeated both the descriptive (comparisons between experimental groups using chi-squared tests) and regression analyses with separate subsets of only the cleaning or security sectors.

4 Findings

A total of 41.4 % of all emails received a response, with the vast majority of them being positive (38 % of all emails). In the case of the pooled crime conditions, the no-record condition received 41.7 % positive responses. Applicants who had revealed a prior conviction received 34.2 % favorable responses. These differences were statistically significant ($\chi^2 = 12.71$, $p < 0.001$). For applicants with a German name, the positive response rate was 41.6 %, substantially higher than the positive response rate for the Turkish name condition (34.3 %). This difference between the ethnicity conditions was also statistically significant ($\chi^2 = 12.09$, $p < 0.001$).

Table 3 displays the distribution of responses for all four experimental conditions. There were differences within the German and Turkish ethnicity conditions. For German applicants, differences between the crime (38.2 % positive responses) and no-crime conditions (45 % positive responses) were statistically significant ($\chi^2 = 5.05$, $p < 0.05$). Similarly, Turkish applicants with a criminal record received significantly fewer positive responses (30.3 %) than Turkish applicants without a record (38.4 %, $\chi^2 = 7.84$, $p < 0.01$). German applicants therefore received 6.8 percentage points fewer positive responses if they had been convicted of a crime. This difference was 8.1 percentage points for applicants with a Turkish name. Even though Turkish applicants with a criminal record had the lowest proportion of positive responses of all experimental conditions, the penalty they suffered due to having a criminal record was not much larger than that of German applicants.

The differences in response rates for the different ethnicities also persisted when considering the criminal record conditions. Turkish applicants had lower positive response rates than German applicants, both in the no-conviction and the conviction conditions. In the criminal record condition, Turkish applicants received 7.9 percentage points fewer responses than German applicants ($\chi^2 = 7.49$, $p < 0.01$). In the no-record condition, this difference was 6.6 percentage points ($\chi^2 = 4.77$, $p < 0.05$). The great disadvantage for Turkish applicants was underlined by the fact that Turkish applicants *without* a record received the same number of responses as German applicants *with* a record.

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	Criminal record			
	Yes (N=1063)	No (N=1071)	Total	P value ($\chi 2$)
Ethnicity				
German	203/531	243/540	1071	0.025
	(38.2 %)	(45.0 %)		
Turkish	161/532	204/531	1063	0.005
	(30.3 %)	(38.4 %)		

Table 3: Positive/all responses by experimental condition (pooled sample)

In summary, the descriptive analyses suggest that there is a penalty for having a criminal record (H1), as applicants with a criminal record consistently received fewer responses in both the German and Turkish name conditions as well as in the pooled results. Furthermore, there seems to be an effect of ethnicity (H2); Turkish applicants receive fewer responses than German applicants, pooled and across both crime conditions. These results emphasize the persistent disadvantages that both minority applicants and ex-offenders face when applying for a job. Most notably, however, Turkish applicants with no record experienced a similar level of labor market disadvantage as ex-offenders with a German name. This underlines the magnitude of the negative effect of ethnicity in particular.

Turkish applicants with a criminal record received fewer positive responses than German applicants with a criminal record (H3). However, this does not necessarily indicate an interaction of the two dimensions, as Turkish applicants only suffered marginally larger relative penalties from having a criminal record. The differences between convicted German and Turkish applicants were primarily driven by the effect of ethnicity and not caused by Turkish applicants experiencing a proportionally larger negative effect of having a criminal record. Though the effect of a criminal background was not multiplied for Turkish-name applicants, the cumulative disadvantage of having a criminal record and ethnicity nevertheless put convicted Turkish applicants in the most disadvantaged labor market position of the four experimental groups. Results from logistic regressions confirmed these descriptive results and revealed a negative effect of both having a criminal record and having a Turkish name. The interaction term of these two variables was very small and not statistically significant (see Table 7 in the Appendix).

Robustness checks

To test the robustness of the results, I analyzed the cleaning and security firms separately. Overall, I found negative effects of having a criminal record and of ethnicity in both sectors (see Tables 5 & 6 in the Appendix). Both of these effects were stronger in the security sector than in the cleaning sector. The response rates by experimental conditions indicate that there were only small and nonsignificant differences between the two sectors for German applicants with a criminal record and applicants with Turkish

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or German names without a criminal record (Table 4). The strongest sectoral impact was evident for Turkish ex-offenders, who received only 21 % positive responses in the security sector compared to 32.9 % in the cleaning sector ($\chi^2 = 6.221$, $p < 0.1$). This suggests that, although the effect of having a criminal record was more pronounced in the security sector as a whole, it was especially detrimental for Turkish applicants. Separate logistic regressions for the cleaning and security sectors revealed a large effect size for the interaction of ethnicity and having a criminal record in the security sector —but only a very small effect in the cleaning sector (see Table 7 in the Appendix). None of the interaction terms were significant, possibly due to the low number of observations in the subsamples. A power analysis confirmed insufficient power, especially within the security sector. Additionally, unobserved differences between the two sectors may also have contributed to these results.

Although I sent out email requests to the entire population of employers in the cleaning and security sector in Germany, it is theoretically possible that the purchased population frame may not have included all employers. As part of my sensitivity analyses, I therefore also assessed the statistical power of the study. These post-hoc tests revealed that the overall power of the study was about 0.7 (assuming the effect size found in my study and alpha set to 0.05 for a one-sided test); for the experimental groups, the power ranged between 0.6 and 0.85, meaning that the likelihood of detecting an effect—if there is an effect—was between 60 % and 85 %. As expected, due to the smaller sample sizes, the power for the cleaning and security sector subsets was lower (about 0.4 and 0.6). Finally, the general direction of the coefficients was robust to a stricter coding of the dependent variable (see Table 8 in the Appendix).

		Sector		
		Cleaning	Security	P value ($\chi 2$)
Ethnicity	**Crime**			
German	No	188 (45.5 %)	55 (43.3 %)	0.661
Turkish	No	161 (39.2 %)	43 (35.8 %)	0.508
German	Yes	158 (38.9 %)	45 (36.0 %)	0.557
Turkish	Yes	136 (32.9 %)	25 (21.0 %)	0.013

Table 4: Positive response rates by sector & experimental condition

5 Discussion

In this study, I conducted a field experiment to examine the consequences of having a Turkish-sounding name and having a criminal record in two sectors of the German labor market. My results confirm that having a criminal record has negative effects on employment chances, as both German-name and Turkish-name applicants were penalized for having a criminal record. Overall, applicants with a criminal record received significantly fewer positive responses than applicants with no criminal record (around 8 percentage points less).

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Ethnic minority applicants also face disadvantages in the German labor market, receiving about eight percentage points fewer responses than applicants with German-sounding names. These findings indicate that both criminal history and ethnicity negatively affect job opportunities. When applicants have both a Turkish name and a criminal record, I observed an additive but not a multiplicative effect. German-name and Turkish-name applicants faced similar relative penalties for having a criminal record, but because of the strong effect of ethnicity, convicted Turkish-name applicants had the lowest response rate.

The interaction between ethnicity and a criminal record appears to be highly context-dependent. A substantial interaction between ethnicity and having a criminal record was found only in the security sector, though it was not significant. Given that almost all employers in the security sector require a clean criminal record, it may not be surprising that employers dismiss candidates with a criminal record, even if a conviction is soon to be expunged from the record.

Although the results provide mixed evidence for the interaction between having a criminal record and ethnicity, the combined negative effect of being part of an ethnic minority and having a criminal record means that Turkish-name applicants with a criminal record still have the bleakest labor market prospects of all applicants. One finding makes this particularly apparent: a candidate with a Turkish name and no conviction has similar chances of receiving a positive response to an application as a German-name candidate *with* a prior conviction.

My results not only highlight the challenges faced by ethnic minority Germans in finding employment, but they are also especially striking, given that the cleaning and security sectors are among the largest employers of non-Germans and Germans with a migration background in Germany. These sectors lacked sufficient personnel at the time of this study (Bundesagentur für Arbeit, 2023; Statistisches Bundesamt, 2020; Zanker, 2023). Therefore, the results may be quite conservative and underestimate the effect of ethnicity and its interaction with crime. In sectors with a lower share of foreign or migrant workers, applications from ethnic minorities may stand out even more. Similarly, I detected a strong negative effect of having a criminal history, even though applicants were overqualified for most of the jobs they applied to, had ample work experience, and had only been convicted of a one-time minor offense with no prison time. Accordingly, one could reasonably expect the negative effect of crime to be even more pronounced for ex-offenders with lengthier criminal records or applicants with a lower level of formal qualifications (which are most likely the majority of applicants in the sectors investigated in this study).

This study finds that having a criminal record of any kind has a fundamental effect, emphasizing the challenges that ex-offenders—and in particular ethnic minority ex-offenders—face in the German labor market. These findings are in line with previous research on crime from the US, though they contrast with the findings of recent European studies that have not found a significant negative effect of crime despite testing for more severe convictions (Peelen et al., 2022; Van Den Berg et al., 2020). The effect size of having a criminal record in this study—a difference of 8 percentage points

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in positive responses—falls within the range found in other studies on minor offenses, such as 4 percentage points in Uggen et al. (2019) and 13 percentage points in Leasure (2019).

This study has several limitations. First, this study could not provide a more fine-grained explanation as to *why* German employers discriminate against applicants with a Turkish name background or a criminal record. Although my results are in line with predictions based on discrimination theory, it remains unclear whether this discrimination is the product of statistical, taste-based, or status-based discrimination. Similarly, I cannot draw any conclusions on the specific reasons why employers chose to reject the applicants. Future research could benefit from including additional materials such as productivity signals or conducting interviews with hiring managers to answer these questions.

Second, field experiments such as this one are highly dependent on the national or local context, the state of the labor market, and the sectors they are conducted in. Although I did send out a large number of applications, these were only spread across two sectors of the German labor market. The results are therefore not representative of the German labor market as a whole and should not be generalized to other countries. Furthermore, while my fictitious candidates had high levels of qualifications, most real applicants are likely less qualified for the sectors in question.

Finally, this field experiment used speculative applications rather than applications for advertised positions; future research may find that results differ in more formalized application processes. Although I included as much information in the email as possible, employers usually receive more information about applicants in formal applications, which often require a resume or a letter of motivation. This may reduce uncertainty and, therefore, statistical discrimination. On the other hand, when directly comparing candidates, employers may favor applicants with a clean record. Furthermore, some employers in this study might simply have ignored the applicant because they had no open positions at the time of the application. Employers in these sectors may also rely on networks and personal contacts to hire new personnel.

The findings of this study are highly relevant for future research. First, this is the first study to show that there is a penalty for having a criminal record in Germany using field-experimental data. My results are in line with predictions made by statistical, taste-based, or status-based discrimination theory and suggest that the effect of having a criminal record is strong even when applicants only have a one-time minor conviction and an otherwise promising profile.

Second, this study adds to various field experiments on the interaction of ethnicity and having a criminal record. Although I did not detect an interaction in the cleaning sector, I found a strong (though insignificant) interaction between ethnicity and having a criminal record in the German security sector.

Third, this study confirms and adds to the findings of discrimination against Germans with a Turkish migration background found by previous studies (Kaas and Manger, 2012; Koopmans et al., 2018; Schmaus and Kristen, 2022; Thijssen et al., 2021) and contrasts with another finding that domestic-born minority applicants receive

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almost the same number of responses as non-minority applicants in Germany (Veit and Thijsen, 2021). Even in sectors with a high share of foreign or migrant workers, such as the cleaning or security sectors, employers still prefer workers with German names.

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Appendix

	Criminal record		
	Yes	No	P value($\chi 2$)
Sector			
Security	70 (28.7 %)	98 (39.7 %)	0.01
Cleaning	294 (35.9 %)	349 (42.4 %)	0.007

Table 5: Positive response rates by criminal record and sector

	Ethnicity		
	German	Turkish	P value($\chi 2$)
Sector			
Security	100 (39.7 %)	68 (28.5 %)	0.009
Cleaning	346 (42.2 %)	297 (36 %)	0.01

Table 6: Positive response rates by ethnicity and sector

	Outcome variable: **Positive response**		
	Pooled	Cleaning	Security
Turkish	-0.274** (0.124)	-0.260* (0.141)	-0.313 (0.261)
Criminal	-0.280** (0.124)	-0.271* (0.142)	-0.306 (0.258)
Sector: Security	-0.220** (0.108)		
Turkish x Criminal	-0.084 (0.180)	0.0001 (0.203)	-0.436 (0.392)
Constant	-0.150* (0.090)	-0.180* (0.099)	-0.269 (0.179)
Observations	2,134	1,643	491

*p < 0.1; **p < 0.05; ***p < 0.01

Standard errors in parentheses.

Table 7: Coefficients of logistic regression models, pooled and by sector

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	Outcome variable: **Positive response (strict coding)**		
	Pooled	Cleaning	Security
Turkish	-0.257** (0.128)	-0.190 (0.145)	-0.489* (0.279)
Criminal	-0.314** (0.129)	-0.226 (0.145)	-0.631** (0.281)
Sector: Security	-0.440*** (0.117)		
Turkish x Criminal	-0.080 (0.188)	-0.098 (0.210)	-0.106 (0.437)
Constant	-0.369*** (0.092)	-0.438*** (0.101)	-0.566*** (0.185)
Observations	2,134	1,643	491

*p < 0.1; **p < 0.05; ***p < 0.01

Standard errors in parentheses.

Table 8: Coefficients of logistic regression models (strict coding)

German email

Betreff: Anfrage/Bewerbung

Sehr geehrte Damen und Herren,

hiermit möchte ich mich nach offenen Stellen bei Ihnen erkundigen. Ich bin 27 Jahre alt und bin vor kurzem mit meiner Partnerin zurück in meine Geburtsstadt Bonn gezogen. Ich habe eine Ausbildung zur Fachkraft für Schutz und Sicherheit (zum Gebäudereiniger), den 34a-Schein, sowie über 6 Jahre Arbeitserfahrung, davon 3 in Wach- und Sicherheitsdiensten (in der Gebäudereinigung) vorzuweisen. Ich bin zeitlich stets flexibel (auch am Wochenende) und hochmotiviert.

Der Transparenz halber möchte Ihnen mitteilen, dass ich vor 3 Jahren wegen eines Drogendelikts verurteilt wurde und somit aktuell noch vorbestraft bin. Die Vorstrafe wird aber in den nächsten Tagen gelöscht, ich habe dann also ein Führungszeugnis ohne Eintrag. Sie können sich sicher sein, dass die Sache einmalig war und ich meinen Fehler bereue.

Ich würde mich sehr freuen, von Ihnen zu hören. Können wir einen Termin zum persönlichen Kennenlernen (gerne auch per Telefon) ausmachen?

Mit freundlichen Grüßen,

NAME

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Email (translated)

Subject: Request/Application

Dear Sir or Madam,

I would like to apply for a position with you. I am 27 years old and have recently moved with my partner back to my hometown, Bonn. I have vocational training as a specialist for protection and security (as a building cleaner), a 34a certificate, and over six years of work experience, three of which I obtained in guard and security services (in building cleaning). I am always flexible in terms of availability (also available on weekends) and am highly motivated.

For the sake of transparency, I would also like to inform you that I was convicted of a drug offense three years ago and therefore currently still have a criminal record. However, this conviction will be deleted from my record in the next few days, so I will then have a clean criminal record. I can assure you that this was a one-time thing and that I regret my mistake.

I would be very happy to hear from you. Can we make an appointment to get to know each other (by phone if you like)?

Yours sincerely,

NAME

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Klarissa Lueg

Microaggressions at work: how highly qualified migrants experience individual discrimination at work settings

Abstract: The purpose of this study is to identify micro-level, interpersonal experiences with discrimination in professional work settings as recounted by highly qualified migrants in Denmark. Conceptually, the study takes as its point of departure Sue et al.'s (2007) pioneering work on microaggression, in particular their notions of microinsult and microinvalidation, and from the concept of isolate, cultural discrimination.
Thematic analysis and deductive content analysis of narrative interviews with highly qualified migrants highlight the most common microaggressions.
Microaggressions detrimentally affect psychological and physical health and trigger a cycle of insecurity and alienation from the host country. Although they are discursively framed as 'welcomed migrants' highly qualified migrants report several specific types of microaggression that they experience in work settings. The study shows that highly qualified migrants experience four types of microaggression: in addition to Sue et al.'s initial categories of 1) microinsult and 2) microinvalidation, they report 3) microexclusion, often by infinite boundary construction, and 4) microinvisibilisation, a communicative disregard of the migrant's heritage. Further, they report the microinsult by comparison (being the 'good migrant'), which is a particular form of microinsult.
The study draws attention to veiled forms of individual discrimination in the workplace and implications of such discrimination for the so-called welcomed migrants. Based on organising and speech act theory, the study argues that individual discriminatory speech acts can manifest in institutional discrimination.

Keywords: Discrimination, microaggressions, social exclusion, highly qualified migrants, labour migration

Klarissa Lueg, Mikroaggressionen am Arbeitsplatz: Wie hochqualifizierte Migrant*innen Diskriminierung am Arbeitsplatz erleben

Zusammenfassung: Diese Studie identifiziert Diskriminierungserfahrungen hochqualifizierter Migranten in verschiedenen Arbeitsumgebungen in Dänemark. Theoretisch bezieht sich diese Untersuchung auf Sue et al.'s Pionierarbeit zu microagressions, insbesondere auf die Konzepte microinsult und microinvalidation. Microaggressions sind subtile, meist verbale Ausgrenzungsakte, die sich gegen Minderheiten richten und für psychologische Unsicherheit und ein Gefühl der sozialen Entfremdung sorgen. Obwohl hochqualifizierte Migranten in Dänemark diskursiv als willkommene Migranten konstruiert werden, berichten die in dieser Studie befragten, hochqualifizierten Migranten, Ausgrenzung in Form von

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Mikroaggressionen zu erleben. Diese Studie unterscheidet vier verschiedene Formen von Mikroaggression. Zusätzlich zu den originären Formen 1) microinsult und 2) microinvalidation, die bereits von Sue et al. identifiziert wurden, stellt diese Untersuchung zudem fest, dass hochqualifizierte Migranten auch 3) microexclusion und 4) microinvisibilization erfahren. Microexclusions zeigen sich in Form von alltäglichen Grenzziehungen zu scheinbar nebensächlichen Angelegenheiten, während microinvisibilization durch unmaskiertes Desinteresse an der Identität der Migranten gekennzeichnet ist. Als zusätzliche Kategorie des microinsult (1) wurde microinsult by comparison identifiziert. Hier werden Migranten als positiver Kontrast zu anderen, überwiegend negativ konstruierten Migrantengruppen, konstruiert (die „Ausnahme von der Regel"), welches die so Angesprochenen in eine psychologische Dilemmasituation bringt. Insgesamt illustriert der Datensatz verschleierte Formen individueller Diskriminierung sowie ihren Effekt auf hochqualifizierte Migranten.

Schlagworte: Diskriminierung, Mikroaggressionen, soziale Exklusion, hochqualifizierte Migranten, Arbeitsmigration

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Introduction

The need for social belonging is recognised as a fundamental aspect of being human (Baumeister and Leary, 1995, Miller, 2003) and discrimination or social exclusion can have severe psychological consequences. Feelings of social exclusion have damaging effects on frustration, feelings of self-worth, mental health and self-regulation (Baumeister *et al.*, 2005, Basok and George, 2021, DeWall *et al.*, 2009). Studies suggests that the distress of social exclusion in direct interpersonal face-to-face interactions causes brain reactions similar to those of physical pain (DeWall *et al.*, 2009, Eisenberger *et al.*, 2003). This shows that interpersonal, direct and individual discrimination deserves as much attention as structural and institutional discrimination (Pincus, 1996a). One social group affected by social exclusion in the form of interpersonal discrimination is migrants. Various factors influence social inclusion and exclusion for this broad and internally diverse group, including employability (Simola, 2022), social connectedness, legal status (Vertovec, 2007), physical representation, such as skin colour (Erel, 2010), and formal and informal opportunities for participation (Oriol Romaní, 2012). While large groups of migrants suffer from exclusion from material and legal practices (such as a general exclusion from accessing the labour market), highly qualified migrants take a particular position. Once they have legal access to the labour market, they are sometimes constructed as welcomed or desirable migration by political and media discourse by means of economic parameters. At the same time, they still experience discrimination, in particular individual speech acts of ostracism. One study in a German setting describes the "deskilling" of highly qualified migrant women in STEM

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professions whose lack of language proficiency is used by domestic employees to devalue their opinions or input ("You understood that wrong.") (Grigoleit-Richter, 2017). Other examples include a study of successful migrants in Switzerland who are subjected to incivilities and verbal attacks (Krings *et al.*, 2014), or derogatory snubs against skilled Turkish immigrants in Norway (Yilmaz Sener, 2022). The precise forms of these interpersonal forms of exclusion, and how the notion of being a 'welcomed' migrant feeds into these speech acts, are not extensively researched. Hence, this study centres on *highly qualified migrants* experiencing discrimination in work settings.

A migrant's sense of belonging can be profoundly affected by recurrent encounters with casual verbal discrimination. Highly qualified migrants take a privileged position (Grigoleit-Richter, 2017) compared to migrants with a fragile legal status or without a work permit. Nevertheless, privileged migrants may still be affected by interpersonal, direct and verbal exclusion that is unique to their group and is only seemingly harmless (Grigoleit-Richter, 2017).

Modern organisations flagged overt individual and institutional discrimination against migrants as illegal or socially unacceptable decades ago (Pincus, 1996a). However, scholars argue that bias against marginalised or excluded groups has not vanished (Torino *et al.*, 2018), but has simply taken other forms (Ferber, 2012). Today, negative attitudes toward groups perceived as different and as the lesser "other" (Dervin, 2012), manifest in "microaggressions" (Sue *et al.*, 2009), subtle, often unintentionally harmful slights and comments (Kim and Meister, 2023). Owen (2018) conjectures that such microaggressions occur regularly and can have cumulative and detrimental effects on migrants' health and psychological well-being. The extant literature currently falls short of explaining the fine-grained discrimination form of microaggressions against comparatively favourably discussed migrants. Therefore, my study aims to increase our understanding of how this group actually fares and whether and to what extent they experience direct, interpersonal discrimination in workplace settings. Thus, in sum, in this qualitative study, I ask

RQ: *What forms of microaggressions do highly qualified migrants experience in work settings?*

The study is situated in Denmark, where highly qualified and educated migrants are held in high esteem in the official discourse (Aragones and Salgado, 2016) and often stand in discursive contrast to sharply criticised forms of migration, such as the 'unskilled' or 'non-Western' immigration (Bubola, 2023, Hedetoft, 2006). Against the backdrop of the Danish public discourse which frames useful, highly qualified migrants as "a good business deal" (Klintefelt, 2024), this study aims to explore microaggressions as a persisting and damaging interpersonal discrimination that runs counter to the positively framed discourse. The study employed narrative interviews with 20 highly qualified migrants from various countries, conducted either face-to-face or via video application. I used thematic analysis to evaluate the data (Guest *et al.*, 2012), identifying implicit and explicit experiences of discrimination as described by the interviewees. In doing so, this study makes several theoretical and practical con-

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tributions. First, I add a communicative perspective on organised inequalities and discrimination, which is an understudied field despite recent attempts to highlight the role of communication in exclusion processes (Mumby and Kuhn, 2019). Second, I advance the microaggression literature through an in-depth qualitative study which identifies four types of microaggression (one form having two sub-types) experienced by highly qualified migrants. Two of these types are similar to Sue et al.'s (2007) initial categories of 1) microinsult, which is rude communication demeaning a person's heritage or identity, and 2) microinvalidation, which excludes the lived experience of a person (Sue, 2007). For 1) microinsult, I found two sub-forms: a. the microinsult by direct degradation and b. the microinsult by comparison. Further types that go beyond Sue et al.'s initial classification are 3) microexclusion, often by infinite boundary construction, 4) microinvisibilisation, a complete disregard of the migrant's heritage and the migrant as an individual. My findings demonstrate the importance of organisations' taking seriously what is a consequential issue for migrant clients, migrant employees and migrant stakeholders and their seizing the opportunity to build a fair rapport.

Background: The Danish narrative on the good, qualified migrant

This study is located in Denmark, where sociocultural conditions provide an interesting setting to study the construction of classes involving immigrants. Denmark can be considered a unique, revelatory case (Yin and Campbell, 2018), as its migration-related politics and practices are inclusive towards the migrants that are considered desirable but outstandingly exclusive towards less desired migrant groups. In Denmark, discourse on migration has long centred on welcoming migrants depending on their estimated economic benefits to the country. Media and politics tend to equate the parameter of usefulness with the level of education and qualification and/or with cultural proximity, manifested in citizenship of a country in the European Union or a country that is considered "Western" (Danmarks_Statistik, 2022). Hedetoft (2006) observes that "Danes are far more open and welcoming toward immigrants from the EU and other Western countries" in comparison to migrants from other destinations and asylum seekers. "Highly skilled" (Klintefelt, 2024) migrants are discussed as "good business" by Dansk Industri (Klintefelt, 2024), Denmark's largest employer organisation. This economic parameter for how migration is to be considered has been echoed by many journalists over the years (Perera, 2023, Sloth, 2011). Denmark is considered one of the most successful countries in its capacity to attract the skilled employees that its organisations need (Aragones and Salgado, 2016). Denmark's public discourse is exemplary for the employability paradigm that has long had a grip on political debates and policies on migration (Simola, 2022). The praised "good business" migrants are sharply contrasted with the migrant groups that are commonly considered less useful. It is the latter groups that Denmark's strict anti-immigration policies are supposed to address and deter. Measures in this vein have been called "iconic" (Simonsen, 2016: 213) and "paradigmatic" (Gammeltoft-Hansen, 2017: 100). Denmark's official policy of deterrence is aimed at reducing the number of asylum seekers arriving in

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Denmark (Gammeltoft-Hansen, 2017, Radia, 2013), e.g. by launching anti-refugee ad campaigns in Arabic-language newspapers. In 2016, a bill allowed the police to search refugees and seize their assets. Furthermore, Denmark was widely criticised for introducing "ghettoområder"(ghetto areas) (Boligministeriet, 2019). The national government labelled neighbourhoods as *ghettos* based on their crime rates, unemployment or educational attainment, but prominently on the proportion of residents who are considered to be first- or second-generation immigrants from a non-Western country. Public discourse frames non-Western, Muslim and unskilled migrants (Andreassen, 2013) and especially asylum seekers as "threats to the nation" (Whyte *et al.*, 2019). In sum, there is a clear distinction between two groups of "others" in politics and in media discourse: lowly (or regularly) skilled and/or non-Western migrants and highly educated and economically useful migrants.

Theoretical frame: Discrimination and microaggressions

Discrimination refers to the detrimental treatment of humans based on (assumed) categories of their social belonging (e.g., race, age, gender or disability). It manifests in actions, policies and attitudes that emphasise or create inequalities among individuals and groups. Pincus (1996b: 186) conceptualised individual discrimination as intentional and as a behaviour of individual group members that has differential/harmful effects on the members of another group. Today, discrimination is subtler and more difficult to identify (Yilmaz Sener, 2022) and intentional exclusion of clearly distinguishable groups is regulated and/or frowned upon. More focus is directed towards hidden and subtle forms of discrimination that do not openly classify people based on group belonging (Neto, 2006, Fibbi *et al.*, 2021). As this understanding of discrimination poses problems for measurement (Meertens and Pettigrew, 1997), researchers have resorted to employing the term perceived discrimination which is when research subjects interpret and recount events as discriminatory (Neto, 2006, Quaglia *et al.*, 2022). Another concept that takes into account the societal changes since Pincus' first definition is Dovidio's "cultural discrimination" (Dovidio, 2010) which involves privileging the culture, heritage and values of the dominant group but also imposing this culture on other, less dominant groups. Cultural discrimination means, possibly unconsciously, believing in the superiority of a dominant group's cultural heritage over those of other groups, and the expression of such beliefs in individual actions or institutional policies" (Dovidio, 2010). The particular phenomenon of *microaggressions* is located within discriminatory practices. As they are often performed unintentionally and without the speaker's awareness of their hurtful impact, they are challenging to detect. They are brought forward casually, embedded in positive rhetoric or in passing – as a consequence, they constitute a unique category of discriminatory practice. They can be classified as isolate discrimination (Neto, 2006, Feagin and Eckberg, 1980), that is, individual acts of discriminatory behaviour by one member of a dominant group directed at a member of a subordinate group when that action is not embedded in a larger institutional context (it may nevertheless have an impact on the individual

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level if it occurs frequently). At the same time, microaggressions often target the cultural group to which the receiver belongs. Microaggressions were first described by Pierce (1970), according to whom they are often unintentional, yet pervasive forms of discrimination that Black Americans experience in their daily lives. Microaggressions can be so fleeting that they may go unnoticed by those who enact them, but as they accumulate, they have a detrimental impact on their recipients. Sue et al. (2007: 274) distinguish between *microinsults* and *microinvalidations*: microinsults are "communications that convey rudeness and insensitivity and demean a person's racial heritage or identity." Although they are often unconscious and their derogatory message is "hidden", their impact is felt by the recipient, as the insult is often conveyed by the repeated experience of it and by the context. Microinvalidation means "communications that exclude, negate, or nullify the psychological thoughts, feelings, or experiential reality of a person of color" (Sue, 2007: 274). Although Pierce's and Sue's original work focused primarily on the experiences of Black Americans and People of Color, the concept has since been expanded to understand verbal aggression directed toward people with a distinct group membership (Capodilupo *et al.*, 2019). Contemporary research, including that of Sue and co-authors (Torino *et al.*, 2018), applies the term when describing how various sociocultural groups experience exclusion with regard to for instance gender and sexuality. Other experiences that have been investigated as microaggressions relate to religion, culture, ethnicity, health and practices (Freeman and Stewart, 2024, Kim and Meister, 2023). In sum, microaggressions are acts of direct, face-to-face discrimination that matter both in terms of their detrimental psychological impact on the recipient (Nadal, 2014, Auguste *et al.*, 2021) and, in line with constructivist assumptions about communication, in terms of how they co-construct the organisation and help normalising prejudiced behaviour.

Study Design

Due to the significance of personal narratives in identity construction and feelings of belonging (Loseke, 2007), I employed narrative interviews to gather the data. Participants were recruited via calls for participants which were posted on three social networking sites dedicated to migrants in Denmark and which asked how people feel as a migrant in a country with a strong narrative of equality. As a consequence, all the interviewees were selected based on self-selection and self-designation as a migrant. All the interviewees are born outside of Denmark. They all have high educational qualifications (which was an eligibility criterion): Each participant holds at least one university degree, and many have completed PhDs or occupy specialised professional roles. Two out of the 20 participants are engaged in voluntary work while awaiting visa approvals, and one recently graduated from university. Notably, none of the interviewees rely on social benefits. The interviews were conducted either as online video meetings or as in-person meetings at a university campus, and they lasted between 40 minutes and 1.5 hours. The ages of the interviewees range from 26 to 48 years. They are from: Afghanistan, Cyprus, England, Estonia, France, Germany, Hungary, Iceland,

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India, Iran, Italy, Malta, The Netherlands and Romania. The first prompt for the interviewees' narratives was: "Thanks for talking to me. First, I would like to ask you why you volunteered for this study" which often elicited strong motives (e.g. "Because I have been here for 14 years in total. And I will never ever call myself a Dane. I will always feel like a stranger here"; Helga, Iceland). Stories about experienced microaggressions were often embedded in accounts of a broader feeling of alienation and of being excluded from the core of Danish society. The interviews were conducted in English, and although it was not made explicit in most cases (in some instances, however, the interviewees inquired about this), the researcher's status of not being Danish was probably recognised. This may have contributed to interviewees speaking more freely about issues related to their status in society.

The interviews were transcribed with the help of artificial intelligence. I employed thematic analysis (Guest *et al.*, 2012) to identify what experiences are included, implicitly and explicitly, in an interviewee's account (McAdams, 2012, Nowell Lorelli *et al.*, 2017). Following the method applied by Sue et al. (2007) whose groundbreaking study described the details of microaggressions in the context of clinical practice, this study identifies eight themes of microaggressions that run through the accounts of interviewed migrants. I deductively sorted interview narratives using Sue et al.'s 2007 eight themes "alien in one's own land, ascription of intelligence, color blindness, criminality/assumption of criminal status, denial of individual racism, myth of meritocracy, pathologizing cultural values/communication styles, second-class status" (Sue, 2007: 275). Sue et al.'s ninth theme of "environmental invalidation" was not included in the analysis as this relates to structural macro-discrimination that does not necessarily play out in interpersonal communication. Furthermore, I used Sue et al.'s types microinvalidations and microinsults as deductive categories while inductively developing new types of microaggressions when the migrant experience (themes) differed from those described by Sue et al. 2017.

This study employs examples of interviewees who have experienced individual, interpersonal discrimination in work settings, but not necessarily at their own workplace. Discriminatory experiences can be related to and reflect the labour-market even if the victimised person is not actually employed at the organisation where the discriminatory event occurs (e.g., verbal aggression against a patient by medical/technical staff at a doctor's office, or a clerk being overly sharp with a customer during their shopping).

Results: Themes and Types of Microaggressions

The analysis showed that the most frequently recurring themes in the accounts of highly qualified migrants show some similarities to the ones identified by Sue et al. (2007) but mainly demonstrate the unique experience of highly qualified migrants. "Second class status" constituted an important recurring theme in migrants' accounts, as did "Pathologising cultural values/communication styles", here more broadly coded as "Pathologising cultural practices". Further themes showed similarities but were

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nevertheless distinct. By way of example: Sue et al. (2007) identify the speech act "You speak good English" directed at an American Person of Colour as a racial microinvalidation conveying the message "You are a foreigner" (276). This twisted compliment occurs in my data as well, and as in Sue et al.'s study, it is mostly directed towards visible minorities such as the Indian interviewees. In this case, the encounter takes place in a non-English speaking country between two people (Dane and migrant), of whom the migrant speaks English as a near-mother-tongue, official language. The recurring theme is thus underestimation (probably racialised), a Eurocentric outlook on English as an *inner circle* language that cannot possibly be proficiently exercised by *outer circle* (Kachru, 1982) speakers other than Europeans. As a consequence, the speech act in this setting is not an invalidation but an insult. In total, this study revealed the following themes (see Table 1) *Second class status, Underestimation, Pathologising cultural practices, Jokes about not belonging, Invalidating opinions, Distinguishing from "second class citizens" (Sue, 2007: 276), Infinite boundary construction,* and *Selective ignorance.*

Table 1: Examples and types of microaggressions directed at immigrants in work settings

Theme	Description	Example
Type 1: Microinsults		
a. Microinsult by direct degradation		
Second-class status	Insisting on essentialist / degrading assumptions.	"… my boss, at university, said: ‚How are your kids? Well, you have daughters, no son? Isn't that what you people are supposed to have? And only two?'" (Afshane, AFG)
Underestimation	Being surprised by migrants holding certain competences, positions or assets	"People get very surprised when they hear my English and how well I can speak, which is very odd for me because I feel like I learned English as my first language. I don't speak my own. I can only speak and understand my mother tongue, but I can't read and write it. So, I get really awkward when people tell me: 'Your English is very good.'" (Bodhi, IN)
Pathologising cultural practices	Notion: Domestic practices are ideal. Other practices are a disturbance and can/ should be eliminated.	"In the attempt to be an equal, where am I going keeping this bindi right in between my eyebrows? It's a part of my culture. I cannot let this go. And I remember he [a supervisor, the author] said, I want you to be in Denmark, and I think a lot of you can contribute. But if you do not mind, can you remove this? […] He did suggest that, you know, I'm not forcing you, but just take it off.'" (Pavati, IN)

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Theme	Description	Example
b. Microinsult by comparison		
Distinguishing from second class citizens	Treating migrants as "a lesser person or group" (Sue et al., 278), while emphasising positive otherness in the conversation partner	"… this story of the principal, he said that: 'You know, we don't have a lot […] kids that speak more than two languages […]?' And I was like: 'Well, that's too bad because my daughter, she speaks two languages.' […]. He just said: 'No, no, but that's not what I meant.' He meant that we are not Muslims. And that was like just, you know, very, very blunt. It's not something that you put on the table and never in a conversation because put like that is it's racism. Racism 100 percent, 100 percent." (Francesco, ITA)
Type 2: Microinvalidation		
Jokes about not belonging	Making insensitive remarks about a migrant's status or belonging, claiming to be joking	"If you, for example, criticise Denmark, you are a foreigner. I mean, you are part of (…) the group to colleagues. But as soon as you criticise Denmark (…), still, people would say jokingly: 'If you don't like it, you can just go back home, right?' And it's a joke, but every joke has a core of truth. And so (…) I felt at least that, ok, you have to watch out a little bit, you can't really criticise …" (Lucas, NL)
Invalidating opinions	Invalidating or not accepting the opinion of a migrant due to their migrant status	
Type 3: Microexclusion		
Infinite boundary drawing	Unnecessarily constructing or emphasising small/ mundane differences	"… it's basically the highest praise, but still showing that you have lower status in the way of saying: 'Oh, I almost forgot you were foreign.' Or: 'I completely forgot you were foreign.' […] So they mean that as a compliment, but implicitly in it is an insult, right? You are a little bit lower status unless, you know, you are Danish?" (Lucas, NL)
Type 4: Microinvisibilisation		
Selective ignorance	Not wanting to be/not being informed about migrant experiences	"Having said that, they are not interested in other parts of me being Hungarian either, so in general, they don't really ask questions, how are things different or how do I find Denmark or they are not really interested in my different experience." (Sandra, HU)

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As shown in Table 1, the eight themes are grouped into four types of microaggression. One of these forms is *microinvalidations*, as described by Sue et al. (2007). Sue et al.'s type microinsult is an umbrella term for two specific types distinguished in this study: The *microinsult by direct degradation* is very similar to Sue et al.'s *microinsult*. However, this study identifies one further form of microinsult that may represent the unique experience of some highly qualified migrants as *the favourite other,* that is, *the microinsult by comparison*. Two further forms of microaggressions seem to be particularly significant for the experience of highly qualified migrants: the *microexclusion* type and the *microinvisiblisation* type (for definitions see Table 2). In the following, I will describe the themes and their belonging to each of the forms:

Microinsults by direct degradation

First, *microinsults* are often performed utilising the themes *Second-class status*, *Underestimation*, and *Pathologising of cultural practices*. According to the definition by Sue et al., a microinsult is a "comment(s) that convey rudeness, insensitivity and demean a person's racial heritage or identity" (2007: 278) and all three themes fit this description. The theme *Second-class status* is derived from Sue et al.'s classification, and it means that people are treated as "a lesser group", a definition to which I add that this gaze is often inspired by (culturally) essentialist ideas, here (Table 1) the idea that people with Afghan heritage are "supposed to have" several male offspring. The theme *Underestimation* relates to when the display of competences and skills triggers a surprised reaction. Here, essentialist and degrading assumptions are also at play, but they are expressed vis-à-vis a migrant's achievements and competences. *Pathologising cultural practices* describes the notion that any culture- and heritage-related practice by migrants is a deviation and a disturbance that can and should be subordinated to standard domestic practice, if not erased. In this case, Pavati from India is asked to take her bindi off (in the context of well-meaning advice not to cause offense). Other documented examples are to "take off that veil" (Andreassen, 2013), directed at Muslim women. Such examples lead to the assumption that the underlying essentialism is not only characterised by culturally degrading notions; it is also highly gendered and thus creates unique, intersectional experiences (Crenshaw, 1991) for the discriminated people.

Microinsults by comparison

I deviate from Sue et al. with regard to the type *microinsult by comparison*. Microinsult by comparison shares its main features with microinsult by direct degradation; it may even be more upfront and confrontational. However, it is not confrontational towards the receiver's identity; instead, it degrades a third, absent party. It gains its subtlety by conveying the insult indirectly, by (often favourable) comparison. The theme in this case is that the migrant is being distinguished from second-class citizens, that is, other migrants. These communication acts demean migrants but grant the direct

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communication partner the status of being an exception. Francesco's (Italy) small story about the principal who praised the absence of 'bilingual' kids at his private school but nonetheless granted Francesco's (Christian) children access to the school serves as an example. This 'exception' speech delivers a severe message: Francesco learns that, in principle, his family belongs to a broad, rather unwanted community (migrants). However, the precise character of his status (European, Christian, being a highly qualified, well-off executive) allows members of the domestic society to grant him access. In sum, Francesco's position is confirmed as being socially contingent on and subordinated to domestic parameters of social worth: he is assessed as having second class status, even if this can be lifted off of him on occasion. Francesco, by the end of the interview, sums up "I'm still an immigrant and what they call a 'good immigrant'". Whereas the explicit "good migrant" is a compliment, the implicit insinuation of a 'bad' migrant minority is an insult by affiliation. Other stories and quotes serve as further examples: Gabriella, also from Italy, retells a joke: "…sometimes they've said, 'Yeah, good, you're not from like Arabic countries.' I know it's a joke. But still." Gabriella obviously struggles ("But still") with such jokes that emphasise her relative cultural proximity as a European. At the same time, her "otherness" is equally emphasised, as such a remark only makes sense when it is directed to a foreigner. Maie from Estonia says: "Oh, the good and the bad foreigner. I had one person actually tell me that I was a good foreigner, because I was working." Again, the compliment (to be working, which indicates employability as societal worth) is, in fact, an insult to the overall group of migrants to which Maie, after all, feels that she belongs. This specific type of microaggression seems to be most representative of the experience of highly qualified migrants (from European countries), as they are, via their qualification and often also their occupation, more likely to be in a position to receive praise for their well-adjusted otherness in comparison with less favoured migrant groups.

Microinvalidations

Like microinsults, *microinvalidations* may be produced unintentionally, and they "exclude, negate, or nullify the psychological thoughts, feelings, or experiential reality of a person of color." (Sue, 2007: 278) Two themes dominate: *Jokes about not belonging*, and *Invalidating opinions and experiences*. Both themes are best represented by the quote displayed in Table 1. When criticism by a professional with migration experience is met with a suggestion to leave the country "if you don't like it [here]", the migrant, in this case Lucas from the Netherlands, is being stripped of their knowledge and competence due to their migration status and otherness. Microinvalidations may have severe consequences: "That's not how we do things in Denmark" is reported by Maie, Estonia, as summing up her experiences with medical doctors when she sought treatment of for her chronical illness. Although she provided translated paperwork from Estonian MDs, her diagnosis was dismissed as foreign and thus invalid. She "was told, I think, three or four times, that it was in my head despite actually having papers

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about having had surgery". This spiralled her into years of untreated suffering before she managed to get standard surgery.

Microexclusions

I suggest that the speech act of *microexclusion* should be considered a type of microaggression that is best represented by the theme *Infinite boundary construction*. This is when interlocutors, often unexpectedly and seemingly inopportunely, construct differences or otherness connected to the migrant status of the interviewees. Often, this happens to migrants who can physically pass as Danish, have strong social ties in Danish communities, and/or have advanced linguistic proficiency. This type of microaggression conveys the impression to the receivers that the boundaries to belonging are infinite, no matter their efforts. Lucas, from the Netherlands, considers himself passing as a Dane due to having citizenship, language proficiency and social connectedness, but he discovers that even his almost-Danishness may give occasion to boundary-drawing. When coworkers abruptly tell him they "almost forgot you were foreign", it prompts the question of why they find it noteworthy, unless, in fact, this status is never forgotten. In this case, the message is a compliment for being near-Danish, but at the same time, this mundane speech act performs social exclusion. These speech acts are so casual and unexpected that interviewees often laugh when telling their stories. This is the case with Gianna who remembers asking her (Danish) secretary to order a first-class train ticket for an upcoming travel occasion: "So, I refer to a first-class ticket. And I was right away corrected by them, letting me learn there was no such thing as a first-class ticket. There is no first class in anything in Denmark." Giana goes on to explain that there is indeed a literal first-class ticket in Denmark ('DSB 1 – travel first class'), thus, to her, the message was political rather than factual, emphasising her constructed otherness in an egalitarian Scandinavian setting. A mundane, factually irrelevant, boundary was constructed, merely for purposes of rhetorical exclusion, and not for knowledge exchange. Ruxandra from Romania says: "'Here in Denmark' – if I hear that one more time…", which means that even in situations in which no national context is required, mundane explanations are foreboded by the introduction "Here in Denmark…", a national marker that serves no other purpose than distinction and exclusion.

Microinvisibilizations

Finally, I have added *microinvisibilisation* as a type of microaggression. For this type, the main theme in the interviewees' accounts is selective ignorance. This happens when interlocutors do not display any wish to be informed about migrants' experiences. Invisibilisation goes beyond invalidation, as invalidations often occur in situations in which individuals have an eye-level exchange previous to the aggression. Invisibilisation prevents such on-par encounters; one interviewee expresses: "I feel like I don't exist". This category of speech acts or deferred speech acts is inspired by "social

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invisibilisation and silencing" as described by Herzog (2018) who describes "the socially created capacity 'to look through' the other even when physically present." Invisibilisation means changing the subject (described as "Well, anyway…") when a migrant mentions anything heritage-related, thereby failing to offer the curtesy of questions, and not offering cues expressing interest when it would be common to do so with other social groups. Sandra from Hungary describes this absence of interest and/or interest cues in dialogues (s. Table 1), while Maie, Estonia, feels overlooked by the open disregard of the need for knowledge about her heritage: "You can feel it like they look down on you […] I mean, I'm from Estonia, the capital city is Tallinn [.]. They ask: 'Oh, how are things in Transylvania or how is Riga?' And I'm: 'ok, well, these little remarks actually show that […] you actually don't know where I'm from.'" Interviewees who suffer from invisibilisation also suffer from invalidations and microexclusions as well as microinsults by comparison.

Table 2: Four types of microaggressions directed at highly qualified migrants in work settings

Type (Micro-)	1.Insult (Sue, 2007)		2. Invalidation (Sue, 2007)	3. Exclusion	4. Invisibilisation
	Microinsult by direct degradation	Insult by comparison			
Description	"communications that convey rudeness and insensitivity and demean a person's racial heritage or identity" (278)	communication acts that demean migrants but grant the direct communication partner an exception status	"communications that exclude, negate, or nullify the psychological thoughts, feelings, or experiential reality" (278) of a migrant	Communication act that constructs or emphasises differences	Communication act, including the absence of speech or direct acknowledgement, that ignores a migrant's identity as a person

Who receives which type of microaggression?

Due to the limited sample size, no generalised statements can be made about intra-sample differentiation. It can be said, however, that the aggression extended to the interviewees seems to escalate when the receivers are visible minorities *and* are known by their dialogue partner to be from Non-Western countries. This group of highly qualified migrants are predominantly at the receiving end of *microinsults* that are degrading and pathologising towards assumed cultural practices or characteristics. In contrast, *microinvalidations* and *microexclusions* are geared toward highly qualified migrants with high cultural proximity – here, the main degradation lies in drawing boundaries based on them being "not quite" Danish, whereas such boundary drawing

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may not be necessary for members of the majority group vis-à-vis Non-Western, visible minorities. Highly skilled women from Eastern Europe take a particular position, as they are the sole receivers of *microinvisibilisation*. At the same time, they do not receive microinsults, or in general other reactions than disinterest and selective ignorance. Overall, the analysis of this restricted sample indicates that gender, ethnicity and migration experience seem to constitute pathways to unique, intersectional, discriminatory experiences with microaggressions (see discussion). One particular intersection is exhibited in the example of the supervisor asking Pavati to take off her bindi (see Table 1). Since only women, more specifically South Asian women, wear this coloured dot, this qualifies as a gendered speech act and Pavati is placed in an inferior position not only as a migrant from a particular cultural setting, but also as a female coworker. In general, coworkers' overstepping towards private advice and conversation seems to be a feminine experience (see Afshane's experience of being asked how many sons she has in a work setting, Table 1) and the experience of so-called non-Western migrants, whereas English language competences are – in this restricted sample – noted with awe when exercised by male People of Colour. It seems that for highly qualified migrants, xenophobia and sexism combine with their status in particular ways.

Lastly, and again not systematically observable due to sample restrictions, non-Western migrants and Eastern European female migrants seem to experience microaggressions differently from migrants from (other) EU countries. Whereas members of the former group report physical sickness ("I was puking every morning", Pavati on how she was impacted by microaggressions at work) and poor mental health (Maie reports that her depression has worsened after she was made invisible by medical practitioners; Afshane explains that she cannot cope with returning to the places where she feels she has been insulted due to her ethnic looks), members of the latter group have a comparatively more relaxed view on discriminatory experiences and put their experiences into perspective by pointing to the status they are ascribed via their professional position or even by "privilege" (Janne, France). Notably, assaults and micro assaults are not mentioned in this study, but this does not mean that they are absent: open, sometimes physical attacks are reported by the interviewees; however, they have not experienced such attacks in work settings but in aggressive to violent encounters with complete strangers or neighbours. Numerous interviewees, including interviewees from India, Germany and Iceland, have experienced such attacks in their private lives, in which they were explicitly targeted due to their ethnicity.

Discussion and Conclusion: The specific experiences of highly qualified migrants

This study set out to investigate the micro-level, interpersonal experiences of discrimination faced by highly qualified migrants in Denmark, drawing on microaggression and discrimination theory. Through thematic narrative analysis of interview data, the study identified unique themes, which resulted in three new (sub-)forms of microaggressions. By applying Sue et al.'s typology to a Danish setting in which highly qualified migrants experience discrimination, the study has expanded the typology by

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including *microinsults by comparison (as a type of microinsult)*, *microexclusions* and *microinvisibilisation*. The themes introduced in this paper are those that are commonly narrated by highly qualified migrants: *Second class status, Underestimation, Pathologising cultural practices, Jokes about not belonging, Invalidating opinions, Distinguishing from "second class citizens" (Sue, 2007: 276), Infinite boundary construction,* and *Selective ignorance.* The findings illuminate the nuanced, covert nature of the discriminatory practices that condense as microaggressions. In most cases, the microaggressions experienced seem to be the result of members of the majority group believing in the superiority of their own cultural heritage. They may thus fall into the realm of "cultural discrimination" (Dovidio, 2010: 12); however, it has to be noted that this study analyses "perceived discrimination" (Neto, 2006: 90), that is, the "perception of being discriminated against because of one's geographical or ethnic origins" (Quaglia *et al.*, 2022: 108), but does not measure observable events of discrimination in a positivistic sense. Although cultural discrimination seems to fit the migrants' overall experiences best, only non-Western migrants experience instances in which domestic cultural values are explicitly imposed on them (e.g. being asked to take the bindi off). Microaggressions seem to escalate the more culturally "other" the receiver is perceived to be. Non-Western migrants and women from Eastern Europe are more prone to being culturally discriminated or being ignored entirely than other migrants from Europe. Overall, all interviewees seem to feel confronted with the notion of being culturally inferior to Danes or Danishness. The *insult by comparison*, however, is reserved for European migrants, who are favourably compared to several types of "other" migrants, particularly Non-Western migration groups, and are sometimes even made accomplices in degrading others. By way of illustration: when the school principal advertised to Francesco (a "good migrant", see Table 1) that the future school of Francesco's daughters would be a place where most kids do not "speak more than two languages" [English and Danish, the author], Francesco decoded this as an anti-Muslim/anti-migrant message and refused to be an ally to the principal. Although assaults and micro assaults are not part of the analysis in this study, they do exist. Open, sometimes physical attacks are reported by the interviewees; however, they happen in their private lives, e.g. when walking a precinct. The absence of such attacks in professional work settings underscores the specific role of work in the life of highly qualified migrants: professional surroundings, maybe also their status as successful and repeatedly being titled "good" migrants, shields them from experiencing worse acts than microaggressions – at least in professional settings. However, because of the detrimental effects that these aggressions can have on the victims' physical and psychological health, it has been argued that microaggressions as a covert form of racism, xenophobia and social exclusion have a more "problematic, damaging, and injurious" effect than overt racism, as the latter is officially shunned and can be dealt with in terms of repercussions for the perpetrators (Sue *et al.*, 2009: 90). In contrast, microaggressions are challenging to mediate for the victims. They are often not believed when trying share their experience (Sue *et al.*, 2009), as Pavati explains: "So it looks like I am the only idiot on earth. And every single point that I had made

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was counter-argued by: 'You could have misunderstood.'" Arguably, the suffering resulting from microaggressions is amplified, as work and being employable is of high importance in the identity-work of the interviewees – they are well aware that their social status is dependent on their pronounced position on the labour market. This is illustrated by Maria from Malta:

> "For a foreigner I am doing good. I have a good job, that lifts me up. But I am a foreigner, which brings me down again. […] I show status by my education, and by my job […]".

This awareness places victims of microaggressions at work in a dilemma: the subtler an insult, an invalidation or an invisibilisation is, the harder it is to speak up, in particular when they do not dare to risk the fragile status of a "good migrant" (see interviewee accounts, Table 1) that is entirely contingent on the host society's grace. Highly qualified migrants are in a constant stage of "double-bind" (Greenidge, 2017) as they are perfectly able to decode the aggressions extended to them but cannot risk their at-will status by engaging in a conflict.

Further, with regard to theory, the study contributes with the insight that highly qualified migrants suffer discrimination although their status is discursively constructed as useful for the job market, employable and "good business" (see earlier). Framing one group of migrants as more favoured in comparison to other groups glosses over two issues: first, highly qualified migrants are by no means as accepted as the business and economy-centred discourse in Denmark makes them out to be, particularly not those who fit the category of Non-Western. The migrants who are considered socially and economically desirable are also discriminated against, and their experiences with microaggressions do not seem to lessen with the incline of their cultural proximity – in fact, as Lucas' case shows, the pointing to differences does not decrease, it simply becomes more mundane. This shows that an overall anti-migration sentiment may outweigh even the carefully constructed argument of economic usefulness vis-à-vis a selected group of migrants. Second, highly qualified migrants refuse to be a canvas against which migration-related sentiments can be discussed, and they refuse to be instruments for rhetorically building a migrant hierarchy ranging from desirable to not desirable. Even when they receive comparative compliments (being a "good" migrant), they feel the insult and exclusion, and they neither embrace nor intrinsically accept the compliment. This insight may contribute to our understanding of how migrants construct their identity and belonging in relation to other migrant groups and to the host society. Lastly, in relation to theory, this study also points to possibilities for exploring how microaggressions and subtle discrimination is an intersectional experience: Crenshaw's (1991) work on the intersection of race and gender illustrated how unique forms of discrimination are not merely additive but interwoven (s. also Nadal, 2013). In this study, migrants pose a special group of migrants, that is, highly qualified migrants, who are positioned in a unique form of otherness by microaggressions. They are praised for not being the other migrants, who are considered to be of lesser status. They are praised for mundane practices (working) but scolded for perceivably

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deviant practices (from wearing a bindi to asking critical questions at work). The intersectionality framework can contribute to understanding how multiple identity factors shape experiences of microaggressive discrimination, as this study reveals the intersection of migration experience, race, and gender. Some highly skilled migrants are subjected to interrelated forms of xenophobia and sexism. Due to the limited sample size, this study cannot present more conclusive insights; it nevertheless highlights the need for intersectional analysis in addressing the full scope of microaggressions for future studies.

The practical implications of this study are significant for organisational policies and practices. The study emphasises the need for comprehensive communication training and education on microaggressions and rhetorical, direct face-to-face discrimination within organisations. Microaggressions must not be framed as singular, individual incidents, that the victims may have misunderstood. With organising theory (Dobusch and Schoeneborn, 2015) and speech act theory (Cooren, 2000, Austin, 1962) it can be argued that microaggressions are among the practices that create, stabilise, change and represent companies and organisations (Cooren et al., 2011). This specifically includes informal and casual workplace conversations between coworkers and managers that leave way for micro-forms of discrimination ("Here in Denmark", see section: microexclusions). Microaggressions have a performative character, that is, the spoken word constructs the image of the organisation (Austin, 1962, Taylor *et al.*, 1996). Hence, microaggressive behaviour by one school principal or by one medical doctor in a clinic should not be constructed as single cases, but, due to their performative character, as co-constituting the organisation itself, which may result in institutional discrimination – actions of people in power within institutions that maintain differences (Lewicki, 2022). Communication training as anti-discrimination initiatives can foster a workplace environment that is aware of potential negative subtexts and of the detrimental impacts of subtle discriminatory practices as well as of the positive effects of bystander intervention (Bond and Haynes-Baratz, 2022). Equally important is the implementation of functioning control and correct measures, such as internal whistleblowing systems for reporting misconduct (Yeung, 2020). Organisations, in particular those that employ a diverse workforce, must recognise that discriminatory acts at the micro-level contribute to the overall organisational climate and culture. By recognising microaggressions as acts of work-related discrimination, organisations can take a first step towards an equitable professional environment.

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Clara Holzinger and Anna-Katharina Draxl

"I don't attribute that to the fact that I'm a foreigner" – Female CEE migrants in Austria and their perspectives on deskilling experiences

Abstract: While workers may generally experience a non-correspondence between their qualifications and job requirements, the phenomenon of deskilling is particularly widespread among migrants. Gender, as one of the key forms of differentiation within societies, is also highly relevant to migration-related deskilling. This paper applies a qualitative approach and focuses on female migrants from CEE countries with a tertiary degree living in Austria to reveal the interaction of gender and migration-related categorisations regarding deskilling from an individual perspective. Structured around the case study of one woman, which characterises key findings for our sample, we demonstrate how the relevance of the respective categories is not fixed or stable, but instead depends both on time and context.

Keywords: labour market discrimination; East-West EU migration; deskilling; gender

Clara Holzinger und Anna-Katharina Draxl, „das rechne ich nicht dem zu, dass ich Ausländerin bin" – Migrantinnen aus CEE-Staaten in Österreich und ihre Perspektiven auf Dequalifizierungserfahrungen

Zusammenfassung: Das Phänomen der Dequalifizierung, verstanden als das Ausüben einer beruflichen Tätigkeit, deren formales Anforderungsniveau unter dem höchsten erworbenen Bildungsabschluss liegt, ist unter Migrant:innen besonders weit verbreitet. Gender als eine der zentralen Formen gesellschaftlichter Differenzierung ist auch für migrationsbedingte Dequalifizierungserfahrungen von großer Bedeutung. Unser Beitrag wendet einen qualitativen Forschungsansatz an und konzentriert sich auf in Österreich lebende Migrantinnen aus CEE-Ländern mit tertiärem Abschluss. Ziel ist, das Zusammenspiel von Gender und migrationsbezogenen Kategorisierungen in Bezug auf Dequalifizierung aus einer individuellen Perspektive aufzuzeigen. Anhand einer Fallstudie, die zentrale Erkenntnisse für unser Sample illustriert, zeigen wir, dass die Relevanz der jeweiligen Kategorien nicht starr und unveränderlich ist, sondern sowohl von Zeit als auch Kontext abhängt.

Schlagwörter: Diskriminierung am Arbeitsmarkt; Ost-West-EU-Migration; Dequalifizierung; Gender

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While workers may generally experience a non-correspondence between their qualifications and job requirements, the phenomenon of deskilling is particularly widespread among migrants. Gender, as one of the key forms of differentiation within societies, is also highly relevant to migration-related deskilling. This paper applies a qualitative approach and focuses on female migrants from CEE countries with a tertiary degree living in Austria, to reveal the interaction of gender and migration-related categorisations regarding deskilling from an individual perspective. Structured around the case study of one woman, which characterises key findings for our sample, we demonstrate how the relevance of the respective categories is not fixed or stable, but instead depends both on time and context.

1. Migration and deskilling

Deskilling[1] may be part of an adaption process in the early stages of a working career, which affects both younger workers and migrants entering the destination country's labour market (Kirilova and Biffl, 2016; Visintin et al., 2015). However, longstanding deskilling among migrants is significantly higher than among native workers (Mollard and Umar, 2013; Sirkeci et al., 2018; Visintin et al., 2015), indicating the presence of migration-specific causes and mechanisms. Studies have identified the non-recognition of education, diplomas, and credentials from other countries as the primary reason migrants accept lesser-qualified positions (Cardu, 2013; Lopez-Ekra, 2013; Mollard and Umar, 2013). Besides the problematic normative and procedural aspects of recognition, hidden discriminative elements are also at work, leading many migrants to experience a depreciation of their educational and professional credentials. Discrimination based on the place of education and reluctance to recognise seemingly "suspicious" foreign experiences may furthermore intersect with ethnic and religious prejudice towards certain groups (Cardu, 2013; Mollard and Umar, 2013; Sirkeci et al., 2018; Visintin et al., 2015). Difficulties mastering the destination-country language are further obstacles that may lead to migrants' downward professional mobility (e.g. Cardu, 2013; Christou and Kofman, 2022; Visintin et al., 2015). However, language issues transcend communication problems as linguistic discrimination may limit migrants' access to certain jobs even if their proficiency or accent does not impair understanding or good performance in the actual job environment (Holzinger and Draxl, 2024; Lopez-Ekra, 2013). Also, the absence of social and professional networks in the destination country is often detrimental to migrants' attempts to validate their qualifications (Cardu, 2013; Landolt and Thieme, 2018; Ryan et al., 2008). On the one hand, a further decisive element is the need for unskilled work in certain sectors and the lack of demand for specific skills on the other (Lodigiani and Sarli, 2017; Mollard and Umar, 2013). Moreover, racial discrimination on the part of recruiters and co-workers may cause

1 For the purpose of our research, we define deskilling as the fact of exercising a job that requires a lesser qualification than the level of the highest degree obtained by the individual (cf. Cardu, 2013).

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members of some migrant groups to accept positions they are overqualified for, or result in poorer opportunities for career progression than those of co-workers (cf. Christou and Kofman, 2022: 46).

1.1 Deskilling among highly educated migrants from CEE countries in Austria

This paper focuses on migrants in Austria from CEE member states who hold a tertiary diploma from abroad,[2] as research has indicated that mobile citizens from these countries are comparatively high-qualified while experiencing an above-average level of deskilling (Leschke and Weiss, 2020; Sirkeci et al., 2018; Visintin et al., 2015). Embedded in a context of substantive wage differentials, extensive migration movements have taken place from the East to the West of the EU since 2004 (cf. Leschke and Weiss, 2020: 770). Even after controlling for different skill levels, migration motives, and job-finding methods, labour market hierarchies in wages and occupational status between mobile EU West and EU East workers are observable in Western Europe, indirectly indicating discrimination (cf. Leschke and Weiss, 2023: 4092). As recent publications show, Eastern European migrants in EU West countries face racialisation and racist discrimination (Kalmar, 2023; Krivonos, 2023; Lewicki, 2023; Panagiotidis and Petersen, 2024). In regard to labour market discrimination, they may be racialised and stereotyped as being most suitable for performing certain kinds of low-skilled work (cf. Christou and Kofman, 2022: 46).

1.2 Gender differences in regard to deskilling

Although deskilling affects both men and women, it must be emphasised that their experiences differ (Aure, 2013; Christou and Kofman, 2022; Jašina-Schäfer, 2023; Kofman, 2013; Purkayastha and Bircan, 2023; Weinar and Klekowski von Koppenfels, 2020). Apart from the significantly higher number of female migrants affected by overqualification (Weinar and Klekowski von Koppenfels, 2020; Christou and Kofman, 2022), women also face potentially worse consequences, given the prevailing tendency to overlook "private" constraints (Mollard and Umar, 2013). For female migrants, a combination of reduced occupational activity and the loss of traditional support structures may lead to increased household and childcare responsibilities, including tasks like facilitating their spouse and children's settlement as well as establishing new social networks. Furthermore, women are especially affected by the unmet demand for low-skilled workers that characterises the predominantly female care sector in many host countries (Weinar and Klekowski von Koppenfels, 2020). Christou and Kofman (2022: 46) argue that their concentration in relational work (support, service, caring labour, and health care) means women are additionally disadvantaged by a preference for local accents in relation to language skills in the host countries. Finally, family

2 For the problematisation and ideological construction of the term "skills," see Zulauf (2001), Kofman (2000, 2007), and Liu-Farrer et al. (2021).

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obligations often disadvantage women in terms of being unable to invest in lengthy and costly reskilling.

1.3 Moving towards an understanding of the micro-processes of "deskilling"

Although there is a growing body of literature on deskilling, qualitative studies that address deskilling from an individual perspective are scarce. Nevertheless, there is a great need to investigate the causes of persisting disadvantages and potential discrimination, which are difficult to infer from statistics (Sirkeci et al., 2018). Qualitative approaches are necessary to capture individual motives leading highly skilled migrants to accept low-qualified jobs as well as migrant agency in coping with (the risks of) deskilling (this has been done inter alia by Aure, 2013; Cardu, 2013; Kirilova, 2016; Landolt and Thieme, 2018). For many, securing their livelihood is the primary motive for (temporarily) accepting deskilling, as is improving their proficiency in the host country's language. Studies that look at migrants' coping strategies when confronted with over-qualification have described how, aside from professional reorientation, they make attempts to reskill, i.e. seek to regain credentials or to gain new skills.

2. Research question

Our research adds a further observational angle to general indicators and explores the concrete processes leading to structural discrimination that can only be retraced from an individual perspective. In line with a qualitative–interpretative approach, our research thus focuses on meaning-making processes and agency to grasp social realities through the "actors' conception of reality" (Hoffmann-Riem, 1980: 343, own translation). We pursue an intersectional approach to place particular attention on how various discrimination mechanisms interact and to show how gendered and migration-related categorisations[3] result in the social stratification of employment opportunities and the ensuing unequal distribution of life chances. Considering the strong gendered differences regarding deskilling, this theoretical–methodological stance is essential. Thus, while focusing on structural discrimination and societal constraints, we also emphasise the importance of individual agency embedded in its social context. We consider deskilling a socially constructed phenomenon (Liu-Farrer et al., 2021), which is (re)produced through the interaction of stucture and agency.

Therefore, our paper focuses on how deskilling is experienced by affected female migrants. While less targeted by overt discrimination based on skin colour, religion, or legal background than other migrants, our interviewees from CEE countries nevertheless faced subtle processes of discrimination based on their country of origin, migration biography, and language. These discriminatory experiences were often ambiguous

3 While we assume that other social divisions such as age, class, disability, and sexual orientation are also highly important in this regard, we chose the interaction of gender and migration-related categorisations for our scope.

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and hard to grasp (and admit) for both the research participants and us as researchers (Scheibelhofer at al., 2023). Thus, our paper focuses on analysing how our interviewees emphasised the significance of the "gender" and "migrant" categories in the labour market. We will show that the relevance of the respective categories is not fixed or stable, but instead depends both on time and context. The paper is primarily structured around the case study of one woman (Michaela[4]), which characterises key findings for our sample.

3. Research context and methodological approach

Our analyses are based on findings from the ongoing research project, DeMiCo[5] (2021–2025), which investigates the social construction of "deskilling" among highly educated migrants from CEE countries in the Austrian capital of Vienna. We apply a qualitative, actor- and process-oriented research approach that follows the methodological principles of Constructivist Grounded Theory (Charmaz, 2014). To factor in the temporal dimension of deskilling, we conducted a qualitative panel study that accompanied migrants across three interview waves to uncover how deskilling processes are lived and understood by the concerned individuals and how they change or persist over time.

We followed a multilingual research design (Littig and Pöchhacker, 2014) for our interviews, which included the systematic involvement of qualified interpreters and translators throughout the entire research process. The interviews were conducted in German, English, or with the support of interpreters in Czech, Hungarian, or Romanian.

The interview data was triangulated by expert interviews with representatives from various institutions who frequently deal with deskilling. At the time of this article's completion, we had conducted 30 interpretative interviews (Scheibelhofer, 2023) with migrants during the first research cycle and 18 follow-up interviews (to date, we have re-interviewed 11 participants in the second and 7 in the third interview wave). At the time of the interviews, participants exercised a variety of jobs (ranging from working as a hotel receptionist to holding a university professorship) and some were also unemployed. Their reasons for coming to Austria varied significantly: While some had followed their spouses and partners, others sought better professional and economic conditions or international experiences. This paper focuses on the experiences and perspectives of 19 female interviewees, eight of whom were mothers (and one was pregnant at the time of the interview).

4 All interviewee names in this text are pseudonymised.

5 The research project, DeMiCo (Investigating the social construction of deskilling among 'new' EU migrants in Vienna), was funded by the Austrian Science Fund (FWF): P 33633-G. For more information, see: https://demico.univie.ac.at.

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4. The case study: Michaela

Our case study provides key findings for our sample by following one case, which is sometimes cross-referenced with other cases as an example of deskilling. Michaela's case was chosen because it illustrates how gender and migration-related categories intersected and interacted during her experiences on the labour market. Her example also illustrates how deskilling is an often lengthy and non-linear process. Expectations, aspirations, and strategies change over time and critical phases are visible. Additionally, discriminatory experiences related to migration and gender arise significantly differently depending on the specific time and context, as described below.

Before presenting our analysis, we will briefly sketch Michaela's story that she shared over two interview sessions (in 2021 and 2023): Michaela is a 30-something woman who grew up in a CEE country where she studied chemistry, and spent a semester abroad where she met her future husband from Austria. When we first met Michaela, she lived in Vienna, was married, had two small children, and was unemployed after having worked for several years as a kindergarten assistant. She had moved to Vienna after completing her studies to be with her future husband and planned to find a job in her field at an English-speaking company. She worked in a lab for a couple of months, but it was only a short-term (student) job that did not pay Michaela enough to support herself and she was unable to find another job in her field. She explained that this situation arose from her lack of working experience and social contacts as well as her then-insufficient German language skills. Furthermore, she reasoned in retrospect that she lacked self-confidence and did not show enough initiative.

For approximately one year, Michaela worked in low-paid, formal and informal service jobs while she continued to unsuccessfully submit job applications in her field of study. When the company she worked for went bankrupt, she seized the opportunity funded by the Austrian Public Employment Service (AMS) to retrain as a kindergarten assistant. After this three-month training period, she immediately found work in a kindergarten.

During Michaela's first parental leave, she completed additional training in order to be able to work as a "Tagesmutter" (in-home day care operator). Working from her own apartment allowed her to combine work and care responsibilities for her own child. However, after the birth of her second child, she could no longer work as a Tagesmutter because her husband started working from home during the COVID-19 pandemic and their apartment was too small for both of them to work there. Hence, Michaela faced the challenge of finding a job with hours that were compatible with her childcare responsibilities. She was primarily looking to work in a kindergarten, but also applied for positions in her field of study. Her new long-term plan was to move to the countryside with her family and study pedagogy—a plan that she had partially realised when we met her again for the follow-up interview two years later.

By the time of the follow-up interview, Michaela and her family had moved to the countryside, close to where her husband's parents and other family members

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still lived. Before moving, her husband had already found an interesting and more influential position than the one he held in Vienna. Michaela's oldest daughter started going to school, while the younger daughter attended the village's kindergarten and Michaela found a job at a nearby kindergarten. For further qualification, Michaela was trying to apply for a part-time course to become a trained educator.

Michaela's case shows a shift in aspirations and a reorientation process: Her ambitions changed from working as a scientist to working with children. In other words, she reoriented from a more male-connoted, scientific domain to the more female-connoted and less prestigious care sector where she held a position that did not require tertiary education. Statistically speaking, Michaela's case could be a clear example of deskilling; however, our qualitative analysis shows the complexities, the interaction between gender and migration-related categories, and how they both change over time and according to context.

4.1 Applying a temporal lens

Looking at Michaela's case through a temporal lens shows overlapping and entangled processes of deskilling, reorientation, and reskilling—and it is difficult to say when exactly they start and when they end. Moreover, Michaela's case effectively illustrates the presence of *critical phases* in deskilling processes. When asked about difficulties on the labour market,[6] Michaela introduced different categorisations that she experienced and considered relevant for her professional reorientation: Apart from being a "migrant," she mainly highlighted the relevance of being a "woman" and a "mother"—and we could retrace how the relevance of these two categories changed over time.

4.1.1 Early career migration

Michaela described that she migrated right after finishing her studies without having obtained work experience or German language skills as problematic: "And I was a graduate without practice. In a foreign country without knowledge [of the language] and without special recommendations."[7] Michaela thus highlights how her migrant status played a critical role in the difficulties she faced on the labour market during this phase. She had no working experience upon completing her studies, no German language skills, and no local professional networks that could help her find an adequate position for her educational background.

While early-career migration can be problematic for both men and women, Michaela's case also illustrates typical gender-specific difficulties on the labour market,

6 We typically ask interviewees if they think that they face more difficulties than others on the labour market without specifying who "others" are in order to let themselves introduce the categories that they deem relevant.

7 All quotes from the interviews with Michaela were translated into English for this publication. Our analyses are based on passages that were either translated to German from her first language (first interview) or were said in German (second interview).

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and especially in science. Although she did not mention gender as relevant during this arrival phase, our analysis indicates that it is nevertheless a crucial dimension: Michaela mentioned her "personal problem" of not being self-confident and proactive enough when applying for jobs. In retrospect, by tracing doubts about her career choice back to her time at university, Michaela narratively constructed her reorientation process as beginning even before migration. She reported that she felt insecure about her scientific ambitions from an early stage:

> Even during my studies, I had the feeling that it was very stressful for me. [...] I saw that I was the weakest link, the most inexperienced link in the lab and everywhere, and that's how I felt throughout my whole career, and it was the same in Vienna. And then I asked myself whether this is right at all.

As mentioned above, Michaela described her professional reorientation using stereotypically female personality traits like insecurity, self-doubt, and a lack of self-confidence. In this vein, rather than emphasising structural discrimination factors, Michaela psychologises her reorientation and describes it as a protracted process that originated early in her studies and was ultimately triggered by migration-related difficulties in the labour market. Another female interviewee, Virag, expressed similar doubts of herself and her skills although she—also a natural scientist—now holds a professorship.[8] She explained that she required a lot of support through women's mentoring programs, assertiveness training, coaching, and encouragement from others to acknowledge her own competences and to recognise that many of her peers had the same doubts and problems.

Michaela's narration revealed that she first decided to give up her scientific ambitions when she retrained as a kindergarten assistant and started to work in that field:

> Then I thought to myself, I'm more successful there than in the lab, it's stress-free, it's a safe job and that I won't continue with [science], that I'll give that up. [...] Even at university, I was very bothered by the fact that there are no fixed working hours, never, in research. [...] When you're twenty, you're not so concerned with it, you don't necessarily imagine how you'll work, how many hours you'll work. But over time it becomes a big issue. And today, with two children, I can't imagine working in the lab at all.

Apart from being stressful and strenuous, Michaela described science as not being particularly attractive to her because it presumes a flexible and "care-free" employee. She again presented her reorientation as a process that started during her studies, when she was unsatisfied with the irregular and long working hours, and depicted her initial

8 Unlike Michaela, Virag had come to Austria with working experience in the natural sciences in Romania and never had children, which allowed her to invest considerably more time in reskilling and further education (e.g. she completed her PhD in Austria). Unlike Michaela, she had worked for several years in deskilled positions in her occupational field in Vienna, gradually working on getting her diploma recognised and re- and further upskilling in her profession.

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willingness to accept these jobs as only temporal and age-specific—and not compatible with care responsibilities.

4.1.2 Incompatibility of childcare and labour

Michaela's case highlights critical gender-specific phases in deskilling processes, namely the births of her two children and the ensuing care responsibilities. When explaining the period of unemployment after her second child was born, Michaela emphasised that she had to do care work:

> Yes, and now it's a bit more difficult to find work, I don't attribute that to the fact that I'm a foreigner [...] but to the fact that I have two children and that I can't start somewhere at seven and work until five, I'm no longer flexible.

Here, she explicitly denies the relevance of her status as "foreigner" when looking for work in the kindergarten sector. However, this sector is notably very low-paid for Austrian standards and is structurally characterised by both a gendered division of labour and a gendered *migrant* division of labour—as Michaela herself adds: "when you go to kindergarten, so... um... so normally everyone has... two out of three I would say... a [migration] background [laughter]. So... I don't feel disadvantaged."

However, Michaela's depiction of not feeling disadvantaged as a migrant in Vienna was not shared by all interviewees—especially those in higher-paid sectors. Although discriminatory experiences were not usually addressed explicitly or were naturalised (in detail, see Scheibelhofer et al., 2023), some interviewees addressed instances of discrimination that were often subtle and mainly related to language competence. Having an accent was prominently experienced as a barrier by some interviewees (particularly having an "Eastern European accent"), e.g. when Corina, a single mother from Romania who works in data control at an Austrian company, applied for a position. She described how her accent and German proficiency were bluntly pointed out and commented on as "not good enough for the office"—a view not shared by a different employer who ultimately hired Corina after this incident (we elaborate more on language-related forms of discrimination in Holzinger and Draxl, 2024).

Michaela emphasised that for periods after her critical arrival phase, only gender and motherhood seemed relevant to her labour market challenges, and she seemingly assumed traditional gender roles without questioning her primary responsibility for providing childcare. Generally, our sample showed how a traditional division of care responsibilities often interacts with migration-related barriers, especially in critical phases of early-career migration. This was particularly relevant for migrants (mainly women) who followed their spouses or partners, either as co-migrants or joining them in their country of origin (concerning six interviewees). They often (had to) put previous careers on hold (or even gave them up entirely), focused on acquiring the local language while reorienting on the (new) labour market, and sometimes had to undergo a lengthy formal professional recognition process. During this period, female migrants often had the advantage of being supported by their partners, but they seemed espe-

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cially prone to taking on traditional gender roles due to their dependence on their partner's income. The limited availability of affordable childcare infrastructure also played a strong role in this occupational shift. Additionally, traditional care responsibilities led to long, demanding, and stressful adaptation and reskilling phases. Florina, a nurse from Romania, vividly depicted how she took care of her son during the day and spent her nights studying to get her diploma recognised and also improving her German language skills.

While actual childcare responsibilities did not affect all interviewed women from our sample—only the mothers—even the mere anticipation of future motherhood could be experienced as a disadvantage. For example, Eugenia, a woman from Romania in her late twenties, reported asking a prospective employer for a financial advance to proceed with her diploma recognition process that involved high costs for specialised trainings and exam fees. He refused by explaining that she was still young and might get pregnant, which would result in her not taking up the position—thus constituting too high of a risk for such a hiring investment.

The COVID-19 pandemic was another critical phase from Michaela's story because of how the pandemic magnified traditional gender roles regarding the division of childcare and housework (as vast, recent literature has shown; for Austria, see Berghammer, 2022). The pandemic strongly impacted Michaela as well as many other interviewees, because she could no longer work at home as a Tagesmutter (which allowed her to combine care and labour responsibilities) due to her husband's simultaneous need to use her traditional working space for his telework. This exemplifies gendered hierarchies in terms of how important the two partners' occupations were considered.

4.1.3 Interpreting deskilling

A qualitative approach provides a closer look at the complexity of the deskilling process and how it defies an unambiguous interpretation. Rather than constituting a process of downward professional mobility, deskilling emerges as an equivocal process that was given different meanings by interviewees. Michaela primarily depicted it—positively—as a reorientation process, which she largely explained using personality traits as well as the inability to reconcile care work and labour. Nevertheless, the analysis revealed significant ambivalences, which are helpful to view through a temporal lens: At the time of both interviews, Michaela presented her deskilling process as practically completed. She had not actively sought work in her field of study since just after the birth of her second child when, upon encouragement from her husband, she sent out application to labs and research facilities:

> I sent out ten more applications, which is very little [...], but of course I didn't get an answer. And I didn't expect one either, I just wanted to try it out. You would have had to be very proactive and I can't imagine that anyone would have taken me after ten years... I think that's just no longer possible.

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Michaela depicted this final application process in the field—almost ten years after her last time in a lab—as half-hearted and hopeless due to a lack of ambition and the prolonged work interruption. It seemed like Michaela needed a symbolic final attempt to find peace with her professional reorientation. During our second conversation two years later, Michaela remained ambiguous in this regard: On the one hand, she had "already given up" on her scientific career; on the other hand, she also remained open to a potential return by adjusting her statement shortly thereafter, adding that "it was still not completely ruled out" if she would again work in this field. These ambiguities reveal strong ambivalences regarding Michaela's self-perception of her deskilling process. Likewise, the analysis reveals how she perceived others as ambivalent to her professional development, which began when she first moved to Austria and—despite a university degree—worked in gastronomy. She described this as "unpleasant" and "terrible" for her parents and that her friends were "nervous" about her situation. In our first interview, Michaela expressed that she still had the impression that her parents regretted her over-qualification, but also portrayed this regret as being counterbalanced by their view "that everything is better in the West"—professional status loss thus being compensated by migration to a Western country. Similarly idealised imaginations of the "West" were mentioned by several interviewees, ascribing them either to their relatives or friends or presenting them as their own (either before or after moving to Austria). Hence, against the background of our qualitative analysis, Michaela's deskilling story appears neither a fully positive, self-determined reorientation process nor a complete personal failure, but a complex and ambivalent process.

As we have shown, applying a temporal lens to deskilling is essential when examining processes, evolving aspirations, changing strategies, and critical phases. Using such an approach for Michaela's case reveals two entangled de- and reskilling processes as well as a shift in aspirations and a reorientation process. It is difficult to precisely, retrospectively place this shift, but early-career migration and—more gender specifically, periods of parental leave as well as the COVID-19 pandemic—constitute critical phases in deskilling processes and represent risks in the career path.

Interestingly, besides illustrating the advantage of applying a temporal lens to an intersectional analysis, Michaela's case also shows the importance of context, as depicted below.

4.2 The contextuality of being a "foreigner" and a "woman"

Michaela's case demonstrates how the relevance of categories changes over time as well as by context. Unlike in the lab, she felt that being a woman and a migrant was not a disadvantage in the kindergarten sector. Focusing on context was also relevant when comparing Michaela's experiences in the city with those in the countryside. It was apparent that she emphasised and amplified both being categorised as a woman (including expected care responsibilities as a mother) and a foreigner in this new context. Michaela reported feeling like a "stranger" in this new context, which had several overlapping dimensions: She was a foreigner, an outsider, a city dweller, and did

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not conform to expected gender roles. Unlike the first interview, she now questioned to some extent her ascribed role and duties as a woman and as a mother and openly spoke about her experience of being perceived as "the other"—as a stranger in the rural context (in contrast to the urban context). Although this was not a pleasant feeling, it also gave her the freedom and courage to ask for changes.

4.2.1 "I'm really the only foreigner they have to deal with"

Michaela vividly outlined how the experience of being a transnational migrant in the urban context of Vienna differed from the rural context of a small Austrian village. Although she had noticed an increase in transnational immigration to the countryside over the last ten years, she still described her status as a foreigner as something exceptional and diametrically opposite to her experiences in Vienna:

> It's also completely different from the city, because in the city it's normal that every other person comes from somewhere else and when you hear the accent, you immediately ask: Ah and where are you from? How long have you been here? I immediately have a conversation about it, but here—I saw it last year in the kindergarten where I work, er, I saw how cautious some of my colleagues were—you could really feel how they—how should they talk to me now and so on—just because I have a bit of an accent, but I think to myself, I really understand 99 per cent of everything that is said […] I noticed with some of them that I am really the only foreigner they have to deal with [...] After a few months, they realised anyway that I do everything with the children in the same way [laughs] as they do, it's like— I'm a completely normal person, but yes, I really felt the distance sometimes."

Her status as a foreigner with a slight accent seemed to cause insecurities and distance in colleagues. Only after a longer period of time did Michaela feel accepted as a "normal person"—wording that hints at experienced othering and social exclusion. While both her name and her appearance as a white woman who took on her husband's Austrian-sounding surname did not visibly mark her as a "foreigner," Michaela's slight accent constituted a crucial marker of difference in the rural context that led to experiences of exclusion. Michaela emphasised that her language competence did not hinder her understanding, with this quote typifying how language discrimination transcends communication issues (we have elaborated upon this in detail in Holzinger and Draxl, 2024).

Compared to the urban context, Michaela's categorisation as a "migrant" and "foreigner" is somewhat altered and amplified in the rural context. Additionally, it interacts with two other categories that she introduced in the second interview, namely being an "outsider" in the village (vis-à-vis the "established") and a "city dweller" in the countryside.

Michaela richly described how she felt like an outsider in the village, where life is organised according to long-established structures and unwritten rules. She lacked

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access to the shared, unspoken knowledge of the villagers and her status as an outsider was reinforced by the behaviour of the others who did not feel the "need" to voice this knowledge. Referring to a parents' evening at school, she stated:

> So then you're a bit outside of what's going on and it's not because of the language or anything, it's simply because it's obvious to the others how things work and it's a- often it's no longer expressed openly or presented somewhere because everyone knows it anyway, because it's been that way for ten years, exactly, and then sometimes there are things where I don't know anything at all. [laughs]

By maintaining that her comprehension problems could not be explained by insufficient language competence, she emphasised that it was not her status as a foreigner that was crucial here, but more generally her "outsider" status. Additionally, her categorisation as a "city-dweller" intermingled with both categorisations, which she explicitly addressed struggling to disentangle:

> [Maybe] that I already expect that they look at me differently than in the city, that is probably also the case. Yes, but here there's a lot more stuff like baking cakes and gardening and that's not my thing either, I don't have a garden. I don't want to have a garden. […] I can't say how much it matters that I'm from the big city and how much it matters that I'm a foreigner, I don't know.

In this quote, Michaela discussed difficulties in distinguishing between her own and other people's perceptions as well as between othering experiences in relation to her being a transnational or a regional migrant (from an urban to a rural area). Although she modified the importance of being categorised as a "foreigner," she also illustrated how its relevance was amplified by being merged with "outsider" and "city dweller" statuses. At the same time, the two previous quotes clearly show how Michaela felt like she was made into an "outsider," while simultaneously placing herself outside the existing structures by demonstrating a reluctance to "integrate" into the new context.[9]

4.2.2 The altered relevance of gender

The data visibly shows that being a woman has different connotations in the new context that Michaela now inhabits: She attributed her female co-workers in the above quote as being interested in typically female-connoted activities such as baking or gardening and distanced herself from these by refuting their expectations to share these interests. Expected gender roles, however, go beyond ascribed (leisure time) activities. In the second interview, Michaela repeatedly addressed differences between the

9 Michaela also expressed this reluctance in regard to religion. While religion plays a minor role in public life in both her birth country and Vienna, it is—in Michaela's words—"naturally a big issue" in the Austrian countryside: Roughly twice as many people (around 60 %) declared their affiliation to the Roman Catholic Church compared to in Vienna (Statistik Austria, 2022) and religious rituals, e.g. first communion lessons, take place for all children at school, relying on their parents' cooperation.

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countryside and the city in regard to gendered care responsibilities and their explicit articulation—the expectations placed on her as a mother by her daughter's school especially irritated her:

> Here regularly—in letters from school comes 'dear mums' and so on, without 'parents,' without 'dads,' or that maybe someone is growing up with grandma, can also be, it just says 'mum' and 'show mum your homework' and yeah, and the- it's little things like that, but it regularly throws me off my game [laughs]

The passage illustrates Michaela's indignation toward being addressed as the sole person responsible for raising children and care work by the village school. She emphasised the "strangeness" of these gendered role expectations and stated not getting used to them.

The perceived gendered expectations and care responsibilities accompany a material lack of public care infrastructure: Unlike Vienna, where childcare facilities are generally available on weekdays from morning to the late afternoon, the village kindergarten only opens three afternoons per week (after Michaela and another woman who had moved from the city to the countryside intervened, the opening hours were extended until 4 pm instead of 3 pm). Also, commodified care and household work (Michaela mentions babysitters and home help) were not easily available in the countryside and significantly more expensive than in Vienna, thus increasing the dependence on informal—and again, gendered—family support. Michaela reported being unable to find an affordable cleaning professional and thus preferred to clean the family home herself while relying on informal gendered childcare: "I have my mum-in-law, I can take the children to her, then do things myself, right." While Michaela highlighted the advantage of the available support from her in-laws (in contrast to her situation in Vienna, where neither she as a transnational nor her husband as a regional migrant could rely upon family), she also described it as a mixed blessing that limited her desired individual independence.

4.2.3 New ambivalences

When analysing both of Michaela's interviews, we were puzzled by apparent contradictions and ambivalences, especially in regard to gender. While she was critical about others' unquestioned assumptions of gendered care and household work, she nevertheless did not openly question them in her own case: During both interviews, she portrayed childcare and household responsibilities as her task, but never as her husband's. Instead, she expressed that she was "lucky" that he "supports" her in parenting (and in regard to her reskilling plans). Michaela's choice of words indicates that she did not consider her husband's involvement as obvious and normal. In regard to support from her in-laws, a clearly gendered distribution of roles also became visible when Michaela mostly addressed her "mum-in-law." However, in regard to other villagers, she criticised the sole responsibility that (working) women had for childcare and household chores:

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> It's also in our village um, yes, of course [kindergarten opening times are] orientated towards the need and uh people are just not used to expressing the need often, I think especially young women, young mums, who, yes, who are somehow used to doing the whole household and children and everything themselves, nowadays they also want to work and the child too, and if it's difficult to juggle.

Michaela's quote addresses urban–rural differences in care infrastructure and also criticises the maintenance of traditional gender roles that conflict with the reconciliation of work and family responsibilities. She positions herself in opposition to the "young women, young mums" as older and more experienced—and conversely prepared to articulate her needs. Indeed, along with another woman who had moved to the countryside, Michaela successfully urged the kindergarten to extend their opening times three days per week until 4 pm.

As shown earlier, Michaela expressed her similar reluctance to uncritically subject herself to generally accepted, unquestioned traditional structures and expected social duties like assisting with organising events at school and kindergarten—especially because she did not feel she had enough time for herself. She described how collaboration, but not codetermination, was expected in these contexts. Nevertheless, she perceived a considerable agency: Although objections were subject to social sanctions und thus required courage, Michaela experienced that she did not always have to conform with expectations or unwritten rules, but could (successfully) ask for changes:

> Then you are often looked at a bit sceptically, then often everything is taken into account anyway, you just have to dare to say that you want something else, or don't want to participate or want to participate differently.

Michaela's self-professed courage and willingness to defy established rules and traditional gender roles is—compared to her first interview with us—new. Throughout the second interview, she demonstrated a considerably higher level of self-confidence and awareness of her own agency, which can be explained by several reasons: Time had passed and the interview situation was different.[10] Additionally, Michaela reported perceiving a greater bargaining power at work due to the general shortage of (skilled) labour in the countryside. However, our analysis also indicates that *because* she specifically felt like an outsider in several regards and estranged by the traditional gender roles in this new context, she consciously used this "outsider position" to counter gendered expectations and initiate changes (for herself and others):

> When you feel so different from the others, that it's just not – not always fitting in but just showing the other way, sometimes it takes a bit of courage and (not just easy) to say things out loud, that you often help the others who don't dare to do that and that—I often think about that now [laughs] when I say something like that

10 In the second interview, both the interview situation as well as the interviewer are already acquainted and, in contrast to the first interview, the absence of a third person (the interpreter) could have fostered a more trustful atmosphere.

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> out loud in kindergarten […] maybe there'll be another mum who dares to do that next time.

Clearly, Michaela requires a lot of effort to ask for changes, but she also sees these small gestures of rebellion as her task as an outsider and simultaneously a role model—a fact that also seems to give her strength and motivation to do so.[11]

To summarise, the second part of our analyses demonstrated how focusing on the contextuality of the categorisations as a "woman" and "migrant" provides valuable insights into gendered and migration-related discrimination in the labour market: What becomes apparent is that both gender and migration-related categorisations are altered and amplified in the countryside compared to the urban context. Furthermore, there are interesting interaction effects: In the city, the labour market-related disadvantages of being both a migrant and a woman seem to reinforce each other, leading to the experience of deskilling. By contrast, in the countryside, we see tensions arise and also identify a newly demonstrated awareness of Michaela's own agency that we partly attribute to the specific context and the altered relevance of gender and migration-related categorisations therein.

5. Conclusion

Applying a qualitative approach, our analysis showed the interaction of gender and migration-related categorisations regarding deskilling. Additionally, we also hinted at how other aspects (whose more detailed analysis is beyond the scope of this article) such as i.a. language-related discrimination, racialisation processes, financial constraints, or the specific circumstances of the pandemic might affect migrants' experiences on the labour market.[12] Michaela's case thus vividly shows the value of analysing deskilling and structural discrimination in the labour market from an intersectional perspective. We aimed to present the own perspective and interpretations

11 "Just showing the other way," which "takes a bit of courage" (as Michaela words it) was also a recurrent motive in another interviewee's narration: Daria, an educational scientist from Romania, came to Vienna to join her future husband from Austria. As she put it, it was expected within his high-income circle of friends for her as a "foreigner" who married "a man who earns more money" to "stay at home, make herself beautiful, and maybe go to events with the husband, but take care of the child, household and everything around and a large estate, they usually have a large estate, and definitely not work." She consciously defied this ascribed role to her as a woman, a wife, and a foreigner by being willing to "fight" for her career. Even if it meant "discussion and so on until divorce" (which did not ultimately happen), she stated retrospectively that she was "proud" of her husband for "learning" to accept her career ambitions, accompanying her to certain professional events, remaining there in the second row, as well as participating more in childcare. Unlike Michaela, Daria had come to Austria with considerable (and prestigious) working experience at an international NGO in Romania, had already earned a reputation in her field, and showed a strong level of identification with her work that she "simply loved."

12 Further aspects relevant to intersectional analyses such as class, parental financial and educational background, (mental and physical) health issues, and age were present in our data, yet did not emerge as particularly relevant in the interviews with Michaela.

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of an affected woman conveying her experiences—which Michaela herself did not necessarily experience as discriminatory or unidimensional—as a "deskilling process." Following an interpretative, actor-centred approach, we face the potentially difficult task of disentangling different levels and aspects of (individual, institutional, and structural) discrimination. As we have illustrated through quotes, Michaela distinguishes between different categorisations (e.g. being an early-career migrant, a mother, an outsider) and their varying, respective relevance over time as well as in different biographical contexts. On the one hand, her case exemplarily condenses patterns of discrimination that we could broadly identify in the full sample; on the other hand, it also illustrates the structural disadvantages that seemingly privileged migrants (e.g. from an EU country, white, highly educated, from a middle-class background) might face (e.g. due to gender and ensuing expected roles regarding care, Eastern European origin, accent)—again exemplarily for the sample.

Michaela migrated right after completing her studies and was thus affected by overeducation both as a young professional and as a migrant. However, the persistence of her deskilling over time illustrates migration-specific causes and mechanisms: While Michaela does not experience problems regarding the recognition of her diploma,[13] the absence of social and professional networks (Cardu, 2013; Landolt and Thieme, 2018; Ryan et al., 2008) and difficulties mastering the destination-country language (e.g. Cardu, 2013; Christou and Kofman, 2022; Visintin et al., 2015) proved detrimental, especially in the arrival phase. While unlike other interviewees (see Holzinger and Draxl, 2024) and recent literature on Eastern European migrants in EU West countries (Kalmar, 2023; Lewicki, 2023), Michaela does not explicitly refer to experiences of racial discrimination, her narrations illustrate how language issues may transcend communication problems (Lopez-Ekra, 2013), and e.g. having an accent can lead to experiences of othering (Holzinger and Draxl, 2024).

Moreover, our case study highlights how gender, as "one of the key forms of differentiation within societies which interacts with other social divisions such as age, class, ethnicity, nationality, race, disability and sexual orientation" (Christou and Kofman, 2022: 1) is also highly relevant to migration-related deskilling (Aure, 2013; Christou and Kofman, 2022; Kofman, 2013; Purkayastha and Bircan, 2023; Weinar and Klekowski von Koppenfels, 2020). In particular, Michaela's case vividly illustrated the impact of a gendered division of care work and labour (thus being representative for our sample) where the woman assumes the role of the primary care giver in the family. When living in the city, the (migration-related) absence of informal support structures traditionally provided by family networks limited Michaela's employment opportunities. In the countryside, however, the inadequate public and commodified

13 Due to EU regulations, our sample was less affected by the non-recognition of diplomas than third-country migrants (Cardu, 2013; Lopez-Ekra, 2013; Mollard and Umar, 2013). Nevertheless, several interviewees, especially those in health-related professions, faced important difficulties and bureaucratic barriers when aiming to get their credentials legally recognised in Austria.

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childcare and household assistance led to her strong dependence on traditional family support structures.

Furthermore, Michaela's case exemplifies the high demand for migrant workers that characterises the low-paid and predominantly female care sector in many countries (Weinar and Klekowski von Koppenfels, 2020)–contributing not only to the phenomenon of deskilling among women who face both gender and migration-related disadvantages on the labour market, but also more broadly to a hierarchised labour market where structural inequalities are legitimised by gendered ascriptions as well as racialising processes (in the sense of racial capitalism, see i.a. Bhattacharyya, 2018; with a focus on Eastern Europe see i.a. Kalmar, 2023).

To summarise, Michaela reflects a classic example of the (quantifiable) definition of a person who becomes deskilled. However, our qualitative analysis reveals the phenomenon's complexities and ambivalences: Several dimensions shape a deskilling process, and Michaela's interpretation and evaluation is not unambiguous, as she tends to frame this process as both a deskilling experience, but also—or rather, even—as a reorientation. We thus show where quantitative analyses of deskilling fall short: Qualitative approaches are necessary to capture individual motives that lead highly educated migrants to accept low-qualified jobs, gender-specific difficulties, and migrant agency in coping with (the risks of) deskilling. Our applied analytical separation of a temporal and a contextual approach has highlighted how the respective relevance of being a "migrant" and a "woman"—but also agency—depend on the point in time and the context.

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Melanie Fleisch and Lukas Kerschbaumer

Categorization and differentiation as 'useful others': An intersectional perspective on the European labor market

Abstract: This article examines the ways in which social class, gender, age, and origin interact in European labor markets, with a focus on young mobile individuals (YMI) and their role in maintaining social stability. The study employs qualitative research methods and an intersectional perspective, to examine both the structural categorizations and segregations of these individuals, as well as their representation. The findings elucidate the dual construction of YMI as both culturally foreign and economically valuable, and how social discourses and institutional practices position and evaluate them within capitalist structures. The article underscores the necessity for comprehensive policy and institutional reforms to advance equity in education, labor markets, and social benefits. Furthermore, it recommends that broader comparative and quantitative research be conducted to more closely examine the intersectional challenges and to evaluate the impact of specific policies in this context in a more systematic manner.

Keywords: EU Labor Markets; Neoliberal Capitalism; Migration Policies; Skills shortage; Intersectionality; Precarious Working Conditions; Heteropatriarchal-Colonial Structures

Melanie Fleisch and Lukas Kerschbaumer, Kategorisierung und Differenzierung als „nützliche Andere": Eine intersektionale Perspektive auf den europäischen Arbeitsmarkt

Zusammenfassung: Dieser Artikel untersucht die Art und Weise, wie soziale Klasse, Geschlecht, Alter und Herkunft auf den europäischen Arbeitsmärkten interagieren, wobei der Schwerpunkt auf jungen mobilen Individuen (YMI) und ihrer Rolle bei der Aufrechterhaltung der sozialen Stabilität liegt. Die Studie wendet qualitative Forschungsmethoden und eine intersektionale Perspektive an, um sowohl die strukturellen Kategorisierungen und Segregationen dieser Personen als auch ihre Repräsentation zu untersuchen. Die Ergebnisse verdeutlichen die doppelte Konstruktion von YMI als sowohl kulturell fremd als auch wirtschaftlich wertvoll, und wie gesellschaftliche Diskurse und institutionelle Praktiken sie innerhalb kapitalistischer Strukturen positionieren und bewerten. Der Artikel unterstreicht die Notwendigkeit umfassender politischer und institutioneller Reformen, um die Chancengleichheit in den Bereichen Bildung, Arbeitsmarkt und Sozialleistungen zu verbessern. Darüber hinaus wird empfohlen, eine breitere vergleichende und quantitative Forschung durchzuführen, um die intersektionalen Herausforderungen genauer zu untersuchen und die Auswirkungen spezifischer politischer Maßnahmen in diesem Kontext systematischer zu bewerten.

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Schlüsselwörter: EU-Arbeitsmärkte; Neoliberaler Kapitalismus; Migrationspolitiken; Fachkräftemangel; Intersektionalität; Prekäre Arbeitsverhältnisse; Heteropatriarchal-koloniale Strukturen

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Introduction

"We called for labor and human beings came." (Max Frisch, 1965)

The European Council's strategies, including the Lisbon Strategy, Europe 2020 and Europe 2030, are designed to enhance the competitiveness of the EU and stimulate economic growth, employment, social inclusion and poverty reduction (see European Parliament, 2000; European Commission, 2021, 2011). These strategies place particular emphasis on facilitating rapid integration into the labor market, enhancing individual employability, mobilizing young, qualified workers and liberalizing the internal market (see Klatzer and Schlager, 2012; Treaty on European Union, 1992; Van Berkel et al., 2017).

Notwithstanding the aforementioned initiatives, cross-border mobility within the European Union remains relatively constrained. However, migration plays a significant role in sectors such as healthcare and food production (see Eurostat, 2020; Paul, 2020; Liversage, 2023). The long-term viability of care systems, which are facing challenges due to demographic shifts, is contingent upon the contributions of migrant workers. These workers play a significant role in supporting economic growth and social advancement within the European Union (cf. Fenwick, 2019; Hussein, 2022).

The social consequences for young mobile individuals (YMI) are frequently disregarded. These workers tend to face inferior working conditions, job insecurity and diminished pension benefits relative to native workers (cf. Bridgen et al., 2022; Heindlmaier and Kobler, 2022; Höhne et al., 2014; Paul, 2020;). Migration is a crucial means of addressing the dearth of labor and skilled labor in the EU, as well as of achieving the objectives set forth in the Europe 2020 and 2030 strategies (see Council of the European Union, 2024; Peichl et al., 2022).

At the same time, migration remains a contentious topic. Right-wing extremist tendencies that dehumanize migrants and reject cultural diversity are becoming increasingly prevalent in the discourse (see Decker, 2016; Wodak, 2021). Welfare chauvinism, which demands social benefits only for native citizens, represents a central element

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of these discourses (see Decker, 2016). Migrants are frequently depicted as danger to public health and safety, which serves to reinforce xenophobic attitudes (cf. Léonard and Kaunert, 2020; Kessler and Janiszewski, 2023). These narratives promote economic exploitation and precarization by individualizing social inequalities (cf. Kollender and Kourabas, 2020; Lehner, 2019).

EU Labor Migration and the Construction of the "Useful Other"

The acceptance of YMI in Europe is contingent upon their economic utility. While they are welcomed as workers, they are simultaneously exposed to racist discourses and anti-immigrant rhetoric that fosters rejection and discrimination at various levels of society (see Kourabas, 2021). This construction of the "useful other" can be traced back historically to the naturalization of nations and state orders, which provides a legitimizing foundation for hierarchical orders of humanity. Nation-states categorize people according to race, gender, sexuality and religion, and these differentiations are legitimized through processes of naturalization (see Bischof, 2013; Mantz, 2019).

Although YMI in Europe receive support under integration policies, they also face high expectations, reflecting a dual strategy of promoting individual initiative while often receiving inadequate support. The historical guest worker model exemplifies this ambivalence, as migrants were valued for their economic contributions but expected to return home after a set period. This "ambivalent simultaneity" (Kourabas, 2021: 15) demonstrates the persistent and intricate intertwining of integration and exclusion in contemporary political and social discourses (see Kollender and Kourabas, 2020).

The contemporary right-wing discourse has given new life to the concept of the "useful other", which originated in the guest worker model. This discourse demands that migrants return to their countries of origin after completing their work (see Schiretz, 2023). This perspective exploits the labor of foreign nationals while simultaneously devaluing them in racially discriminatory ways and underscoring their own nationalistic identities (cf. Ha, 2018). At the European level, YMI are differentiated according to the country of origin. There are disparate rights afforded to EU citizens and those from the European Economic Area in comparison to non-EU citizens. From a social and cultural perspective, foreigners are frequently perceived as a potential threat to the perceived homogeneity of a given society and are often marginalized (see Ha, 2018; Steuten, 2019).

In a capitalist-neoliberal society, the concept of the "binary construction of the other" (Jain, 2018: 266) becomes more complex. Those entering the system do so within a hierarchical structure that is driven by colonial and heteropatriarchal logics, which exploit differences as economic resources (cf. Grosfoguel, 2011; Mantz, 2019). As cultural differences gain significance in the modern economy, new distinctions be continually created to sustain capitalism's economic foundation (see Mantz, 2019 after Lash & Urry 1996).

As Jain (2018) posits, the construction of the "useful other" serves as a political mechanism for differentiation and exploitation in neoliberal societies. In this frame-

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work, the distinction between "bad others" and "good us" becomes less significant, with factors such as origin, gender, class, and age regulating and differentiating YMI. Labor migration policies exploit these categories to regulate the distribution of workers. Those with high-level skills face fewer obstacles to obtaining work permits, whereas those with low-level skills face more significant barriers. The gendered division of labor is often shaped by gender roles, with YMI occupying demanding or low-wage jobs. Furthermore, age and origin criteria impact job allocation through the implementation of specific programs and quotas (cf. Bartig, 2022; Degele and Winker, 2008; Jain, 2018; Rinne et al., 2011).

Hierarchical classifications perpetuate national and global inequalities by naturalizing supposedly inherent characteristics (see Castro Varela, 2007; Mantz, 2019; Recci, 2014). In the context of the global market, differences are frequently regarded as beneficial for a flexible and cost-effective workforce (see Grosfoguel, 2011; Ha, 2018; Jain, 2018). Nevertheless, the socio-cultural and political participation of these communities may be constrained if they are perceived as incompatible (cf. Steuten, 2019). The construction of groups as "others" is contingent upon processes of differentiation and the prevailing power of interpretation, which are shaped by global power relations (cf. Erel, 2018; Castro Varela, 2007; Ha 2018; Jain, 2018; Mantz, 2019).

This paper examines the categorization and segregation of YMI as 'useful others' in the European labor market. The objective of this study is to enhance our understanding of labor migration in an aging society. To this end, the analysis will take into account both structural and symbolic factors at the macro and meso levels. The study considers the intersections of various social categories, including gender, origin, age, and class, within the context of a neoliberal capitalist society. The research is concerned with the obstacles encountered by YMI in accessing the labor market. These include regulations pertaining to residence, work permits, social benefits, the recognition of qualifications and age restrictions. Moreover, the study investigates the availability of employment opportunities, with a particular focus on reproductive work such as care work. The primary focus of the analysis is on the Austrian labor market at the meso level, with Germany, Switzerland, and Poland serving as comparison countries at the macro level.

Hierarchical Differentiation in the Labor Market: Neoliberal Capitalist, Colonial, and Heteropatriarchal Influences

In the context of the global labor market and European migration policy, nationality, citizenship and residence status are pivotal elements in the governance of labor migration and the concomitant rights and obligations (cf. Jain, 2018). The variability of these regulations within the EU has a significant impact on access to the labor market, working conditions and social integration for EU citizens, third-country nationals, persons with subsidiary protection, refugees and asylum seekers (cf. Mantz, 2019; Soiland, 2008).

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The neoliberal capitalist model, which has been the dominant economic and social paradigm since the 1970s, has a profound impact on the economic and social order of the EU. The neoliberal approach to economic policy places emphasis on the role of free markets, privatization, and deregulation as means of reducing state intervention in order to promote competition and efficiency. This form of capitalism is closely associated with historical imperial and colonial legacies (see Mantz, 2019; Ndlovu-Gatsheni, 2015). In the context of labor market policies, this colonial logic is exemplified by a nuanced form of expansion that exploits labor from lower-income regions without the necessity of direct territorial control or physical occupation outside of Europe (see Ha, 2018).

Furthermore, the global dissemination of neoliberal capitalism is accompanied by heteropatriarchal logics, which manifest themselves in precarious working conditions and a decline in social services within the European Union. In particular, the demand for mobile and low-cost workers is increasing in the care sector, where predominantly female migrants provide essential services (see Erel, 2018; Castro Varela, 2007; Gündüz 2013). This phenomenon, which Yeates (2011) refers to as the "transnationalization of care", is further reinforced by demographic shifts and the integration of privileged women into the labor market. Both productive and reproductive labor are inextricably linked to colonial-national and heteropatriarchal logics and a neoliberal order (cf. Bischof, 2013; Ha, 2018; Mantz, 2021).

The text elucidates the manner in which inequalities are shaped by patriarchal traditions, colonial-national structures, and neoliberal economic forms. It underscores the significance of grasping the mechanisms of hierarchization and the production and reproduction of Western capitalist societies through the lenses of class, gender, age, and origin (cf. Soiland, 2008). The concept of intersectionality is employed to elucidate the intricate intertwining of segregation and organizational mechanisms, particularly in the context of YMI. This group encompasses migrants from the European Union and third countries, in addition to asylum seekers, refugees, and individuals who have been displaced. Due to their age and mobility, YMI occupy a distinctive position in an aging society, frequently being subjected to categorization as either "useful" or "useless" others.

In their 2008 article, Degele and Winker posit that intersectionality is a theoretical framework that examines the intricate interconnections between social categories, which operate within social and institutional structures (macro and meso levels), identity formation processes (micro level), and cultural symbols (representational level). They argue that this framework is particularly useful for understanding how social inequalities are reinforced. The authors underscore the pivotal role of age as a social category in neoliberal societies, emphasizing its impact on the valuation of labor and access to resources.

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Methodological approach

The analytical model for examining the "useful other" in the EU is based on the multi-level analysis framework developed by Degele and Winker (2008). This model considers the impact of categories at the micro level, the logic of capitalist accumulation at the macro level, and ideological justifications at the representational level. The primary focus is on the macro and meso levels, which are employed for the purpose of analyzing the mechanisms of segregation within the European labor market. This analysis encompasses an examination of access to employment, reproductive labor, employment opportunities, and disparities in wages and social security. At the symbolic level, the ideologies that justify social inequalities are subjected to close rigorous scrutiny.

In the initial research phase, a comprehensive analysis of legal texts, government documents, statistical reports, international documents and academic studies from Austria, Germany, Poland and Switzerland was conducted at the macro level from 2010 to 2022. The research encompassed an array of legal and socio-economic domains, including immigration and labor laws, visa and residence regulations, integration strategies, and demographic and labor market data. The countries were selected for analysis in order to consider both the established migration and integration policies of the D-A-CH region (Germany, Austria, Switzerland) and Poland's perspective as a "new immigration country".

A combination of qualitative content analysis according to Mayring (2015) and sociological discourse analysis in alignment with Keller (2007) was employed to document the structural and symbolic dimensions of the construction of "useful others". The qualitative content analysis concentrated on the relations between class, gender, origin and age relations and examined documents on topics such as "integration", "usefulness", "rights and duties", "educational opportunities", "access to the labor market" and "social security". Systematic coding was employed to identify discrepancies and patterns in the labor market access conditions and the rights and obligations of disparate groups.

The application of sociological discourse analysis facilitated an investigation into the ways in which individuals are symbolically categorised as 'useful others' at the macro, meso, and micro levels. This entailed an examination of the role of specific discourses in the (re)production and legitimization of social hierarchies. The analysis concentrated on the portrayal of genders, age groups, ethnic groups, and social classes, as well as discourses on migration as either a threat or an economic resource.

In the second phase of the study, the meso-level was examined in order to gain detailed insights into the institutional dimensions of labor migration in Austria. Eighteen expert interviews were conducted in the regions of Tyrol, Vienna, Lower Austria, and Burgenland. The interviewees were representatives of organizations in the fields of economics, integration, labor markets, social services, and education, including chambers of commerce, integration funds, and advisory services. Austria was selected as a representative case study within the European Union for a number of reasons,

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including its central geographical location, significant economic and political influence, historical experience of migration, and institutional structures that are comparable to those of other member states, such as Germany. This focus enabled the targeted management of data and a comprehensive analysis of the expert statements.

A qualitative content analysis method (Mayring, 2015) was employed to examine the structural dimensions of labor migration. A coding system based on Degele and Winker (2008) was utilized to encode the interviews, thereby capturing reflections of social class, gender, ethnicity, and age in institutional regulations. The analysis concentrated on the following area: access requirements and recognition of qualifications (class), gender-specific regulations in the care sector (gender), residency rights and integration measures (origin), and regulations for young and older (age) individuals. A discourse analysis (Keller, 2007) was conducted to examine the symbolic dimension, investigating the discursive representations and legitimizations of social classes, genders, ethnic groups, and age groups in institutional regulations.

The objective of the analysis is to demonstrate how individuals are constituted as "useful others" within the economic and social context of neoliberal capitalism. This is achieved by examining the operation of power relations, including those relating to class, gender, ethnicity, and age, at both the structural and symbolic levels. The analysis also considers the ways in which these distinctions serve to legitimize and maintain economic and social inequalities.

Examining the Construction of the "Useful Other": Macro- and Meso-Level Insights

The following section presents an analysis of the macro and meso levels for each category. At the macro level, the conditions in Austria, Germany, Poland, and Switzerland are examined in order to gain an understanding of the general contexts and regulations related to the construction of the "useful other". The meso level is dedicated to a detailed examination of Austria, with the objective of gaining insights into the institutional and symbolic dimensions of labor migration and its regulation.

Gender

The social, cultural, and structural factors that shape gender relations are numerous and complex. In a neoliberal, capitalist societal framework that is permeated by colonial and heteropatriarchal logics, female YMI experience specific forms of discrimination and disadvantage. In the European Union, women from non-EU countries, in particular, play a pivotal role in addressing the mounting demand for care services, largely due to the aging population. The increasing demand for care workers is inextricably linked to migration policies and the transformation of gender roles. In numerous European countries, particular regulations and challenges pertain to migrant women in the care sector.

In Germany, the Care Strengthening Act of 2023 has facilitated the integration of academic studies and vocational training in nursing, as well as the immigration of

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nursing professionals. However, stringent standards and language proficiency requirements still pose significant barriers for many migrant women (see Sell, 2019). In Austria, the Nursing Reform 2022–2024 has revised the assessment of foreign nursing qualifications to enable a comprehensive evaluation of qualifications and experience. This reform allows trained nursing assistants to work under supervision, facilitating a quicker entry into the profession (see Federal Ministry for Social Affairs, Health, Care, and Consumer Protection, 2024). In Switzerland, the aging population, coupled with racism and discrimination against migrant healthcare professionals, presents additional challenges (see Merçay et al., 2021; Zünd, 2023). A significant portion of home care is provided by female family members, raising issues regarding the recognition and compensation of their work, particularly in relation to pension entitlements (see Fluder et al., 2016). Similarly, in Poland, as in other countries, the care of elderly and dependent individuals is primarily provided by family members. However, this tradition is being challenged by the increasing mobility of families. The mobility of younger generations may reduce the availability of familial support (cf. Sowa-Kofta et al., 2021).

These measures and regulations in different countries demonstrate the intertwined nature of migration and gender policies and the structural and symbolic barriers that female YMI, particularly in the care sector, must overcome.

Meso-level

In Austria, the male breadwinner model is the prevailing social structure, with men occupying the primary role as earners and women assuming a supportive position. This traditional gender order, which is supported by patriarchal norms, views women's employment as a secondary priority. This perspective has a detrimental impact on women's professional prospects, particularly those who are subjected to additional racial prejudice. Discourses that portray women as the natural caregivers for children and households serve to reinforce these patriarchal structures. The assumption that women should assume these roles is frequently justified on the grounds of biology and naturalism, thereby further restricting their professional participation.

> "Women have the household, children, and education. They have several topics that automatically connect. (…) But with men and women, it becomes difficult." (EXPERT 15)[1]

A significant structural impediment to women's professional advancement is the dearth of accessible childcare facilities. In a heteropatriarchal society, women are typically tasked with the responsibility of childcare, which subsequently diminishes their economic independence and career prospects. This disadvantage is further compounded by societal norms that tend to position women in the role of primary caregivers. In a neoliberal framework, the responsibility is shifted from the collective to the individual, with the state failing to provide collective solutions.

1 Representative of a Refugee Support Organization for Women.

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> "There are far too few full-day childcare facilities. Women often come to us for advice too late to even arrange childcare. (…) It's women, mothers, who have to take care, and it makes it more difficult to engage with women." (EXPERT 10)[2]

The emphasis on workplace flexibility to reconcile work and family life serves to reinforce traditional gender roles by framing part-time work as a women's issue and maintaining men as the primary earners.

> "It is socially accepted to work part-time if I have dependent relatives or need childcare. But if I now want to work only 32 hours because of my dog (…), that is seen as provocation." (EXPERT 02)[3]

The structure and culture of work are significantly influenced by heteropatriarchal, colonial, and neoliberal ideologies. The prevailing patriarchal norms situate women primarily within the maternal and caregiving roles, frequently confining them to part-time positions within the labor market. This effectively limits their professional recognition and career advancement opportunities. Furthermore, colonial logics serve to exacerbate this discrimination by amplifying differences in origin and social class. Consequently, women from lower social strata are more frequently compelled to take on part-time or precarious jobs that accommodate familial obligations. In neoliberal capitalism, part-time work is accepted only when it serves the purpose of profit maximization, particularly in fulfilling family caregiving responsibilities. Other reasons, such as individual interests or professional development, are viewed as less legitimate.

The objective of women's empowerment programs is to facilitate greater access to the labor market and social inclusion. However, these initiatives often perpetuate deeply entrenched hetero-patriarchal and colonial structures that create additional hurdles for women from specific countries of origin. These programs are frequently situated within a neoliberal context that prioritizes individual adaptation and personal responsibility over the promotion of structural and collective change.

> "Women from Afghanistan have a very low level of education (...) women from Syria, Iran and Iraq have very good qualifications. (...) In Afghanistan, you can see that the oppression of women is progressing. (...) They are so insecure and so shy, so dependent and so unindependent." (EXPERT 07)[4]

> "It's a gender issue that women find it easier to accept help than men. (…) women are often single parents, (..) do not receive child support payments and do not sue for them because it is too tedious (…). At the same time, however, they can no longer work because they have childcare responsibilities." (EXPERT 05)[5]

The fact that women seek counseling reflects both their precarious situation and the discursive construction of migrant women as needy, which fails to acknowledge their

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3 Coordinator of a Mentoring Program within an Economic Interest Group.
4 Representative of a Regional Social Services Organization.
5 Managing Director of a Social Innovation and Integration Company.

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abilities and potential. A significant number of the initiatives implemented have been demonstrated to be ineffective and transient, which has the effect of undermining the long-term support of the women in question. YMI faces significant challenges in the labor market due to structural discrimination and racial prejudice. The neoliberal capitalist system frequently forces women into low-paid, insecure employment, particularly in the health and care sector, where gendered divisions of labor are reinforced by stereotypical and paternalistic attitudes. The reduction in funding for women's empowerment programs in recent years (see Bonavida, 2023; Glösel, 2018; Vienna.at, 2023) illustrates the precarious nature of support within patriarchal structures and demonstrates that the advancement of women is often overlooked in times of uncertainty.

Age

The age structure of the European labor market is becoming increasingly defined by the role of YMI. In a neoliberal capitalist society, the value of YMI is increasingly recognized as a means of addressing demographic shifts and skill shortages. This re-evaluation demonstrates the intimate connection between age structures, social integration, and economic optimization concerns.

The German government's "Chancenkarte" initiative is designed to attract qualified workers, with a particular emphasis on younger mobile individuals, who are accorded higher scores in the selection process (see German Bundestag, 2023). In Austria, the Red-White-Red Card has also contributed to the preference for YMI. The card permits qualified workers from third countries to work and reside in Austria. In order to enhance economic productivity, younger applicants receive a higher number of points in the points system (see Migration.gv.at).

In Poland and Switzerland, foreign workers are not evaluated according to a points system. However, other examples from these countries illustrate how age ratios intersect with gender and class relations.

As previously stated, in Poland, the care of older relatives is typically the responsibility of female family members. However, the mobility of the younger generation is challenging this tradition. The departure of young family members often results in a dearth of care workers for older relatives, thereby exacerbating the burden on remaining family members and the need for formal care workers (cf. Sowa-Kofta et al., 2021). The aging migrant population in Switzerland presents a number of specific challenges, including those related to access to healthcare and the potential for discrimination. As the population continues to age, there is an increasing demand on the healthcare system and social support structures, which are ill-equipped to meet this challenge. Concurrently, initiatives are being implemented with the objective of reducing the reliance on foreign labor from younger, mobile individuals (cf. Schilliger and Schilling, 2017; Zünd, 2023).

These measures and regulations demonstrate the interconnection between migration and age-related issues, as well as the structural barriers that both younger and older

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mobile individuals must surmount. It is noteworthy that age constitutes a specific form of discrimination within the framework of EU law. In accordance with Article 6(1) of the Employment Equality Directive, Member States may justify age discrimination if it is objectively and reasonably justified by legitimate national objectives. Age-related distinctions may be pursued for social and economic goals, such as considering experience or financial stability (see Benecke, 2010; O'Cinneide, 2005). In neoliberal discourse, age is primarily characterized by aspects such as youth, fitness, and health. This leads to an individualized responsibility for health and performance, which in turn influences access to the labor market and social status (cf. Degele and Sobiech, 2008; Degele and Winker, 2008).

Meso-level

Both older and younger mobile individuals encounter distinctive challenges in the labor market. Older workers frequently encounter difficulties in identifying positions that align with their extensive experience. Conversely, younger individuals, particularly those under the age of 25, often face challenges in accessing sufficient guidance and support. Access to education and the labor market represents a significant challenge for this age group. Notwithstanding the existence of programs such as youth coaching, a dearth of sustained assistance persists following the transition into the workforce.

> "Youth coaching is excellent, but as soon as individuals start something new, such as a course or an apprenticeship, the coaching ends." (EXPERT 04)[6]

The neoliberal logic of short-term profit maximization and efficiency ignores the necessity of long-term integration and support for YMI. As a result, they are frequently compelled to assume roles that are perceived as "shortage occupations", which constrains their potential for professional advancement.

> "There are many young people who are very motivated, but they lack the formal competencies. They end up doing tasks such as kitchen help or dishwashing (…) where there is no opportunity for further qualification (…) it's just about cheap labor." (EXPERT 06)[7]

A further issue is that of the recognition of qualifications. It can be observed that YMI from countries of origin that exhibit economic and cultural similarities to the destination country typically experience a more straightforward integration process. Nevertheless, they continue to confront bureaucratic impediments and an arduous recognition process. One expert explains:

> "Most of our clients are under 30, however our aging society offers potential synergies. Their different social conditions or attitudes towards older generations

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7 Representative of a Regional Social Services Organization.

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> facilitate better relations with older employees, which makes it much easier for older employees to relate to them. (…) They are always seen as the boss or addressed as 'mom,' 'dad,' or 'uncle.' Younger employees are viewed as equals, but when someone is clearly older, they simply comply." (EXPERT 06)

It becomes evident that the cultural values of YMI are aligned with the established norms of the older, native generation with the objective of fostering potential synergies and mutual benefits. The "us/them" structures that depict older native generations as norm carriers and YMI as "others" reflect not only cultural adaptation requirements but also the legacy of colonial hierarchies. In this context, the older native generation is regarded as the custodian of the established dominant culture, whereas YMI are required to adapt to these norms in order to achieve social and economic advancement. This illustrates the persistence of colonial power relations in contemporary labor market and integration discourses, whereby YMI are classified as subordinate and their integration is portrayed as a process of adaptation to the dominant culture.

In the context of the care sector, this issue is particularly evident in the stereotypical assignment of migrant women, which is predicated on biologistic discourses that ascribe ostensibly "natural" care competencies to them on the basis of their country of origin and gender.

> "No one leaves Syria or Somalia with the goal of becoming a care worker here. However, among these groups, there is an immense potential to enter these professions because they have a very different attitude towards interpersonal relationships and, especially, towards older people. In many of these societies, caregiving is still handled within the family." (EXPERT 06)[8]

The practice of stereotyping in the labor market has the effect of marginalizing individuals by limiting them to certain occupational fields and failing to take into account their individual abilities. The biologistic discourse, which places emphasis on characteristics that are perceived to be innate, impedes the professional development of these individuals and serves to reinforce colonial power relations and discrimination within the context of neoliberal capitalism. In this context, YMI are regarded as valuable workers who are willing to accept precarious working conditions and work overtime.

> "If they don't have the formal qualification, I don't have to pay them as a specialist. But (…) companies are happy to have people who actually support them in their work and thus also bring economic success with them." (EXPERT 12)[9]

In contrast, young people from the host country are seen as unwilling to work,

> "Generation management is the biggest issue (…), the young are lazy and the old can't really do anything anymore, but the older employee is doing overtime." (EXPERT 02)[10]

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9 Coordinator of a Mentoring and Youth Support Organization.
10 Coordinator of a Mentoring Program within an Economic Interest Group.

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Conversely, they are regarded as a potential source of optimism, with the expectation that they will contribute novel insights and a more receptive approach to migration at the managerial level. This reflects a colonial mindset that views native young people as a valuable and superior resource.

> "Older people have a different approach to the issue of migration than younger generations, (…) you can already see that there are many people at management level who have no problem with whether this woman is called Öztürk or Maier." (EXPERT 08)[11]

In neoliberal capitalism, YMI are regarded as valuable workers due to their willingness to perform tasks in challenging circumstances. Such willingness serves to legitimize their integration into precarious positions that native workers tend to eschew.

> "In many areas, it is difficult to find an Austrian worker. They say, I'm not interested, I don't work ten hours a day under those conditions for that salary." (EXPERT 08)

Origin

The labor market integration of YMI is inextricably linked to their origin and colonial logics, which serve to reinforce stereotypical ideas about identity at the symbolic level and create additional obstacles, including limited access to employment and educational opportunities and limited support at the structural level.

In the context of migration research, the category of origin is of central importance and must be considered when analyzing other social categories and their intertwining. The concept of origin, frequently associated with factors such as nationality, sovereignty, and political alliances, exerts a considerable influence on the relationships and interactions between these categories. National affiliation plays a pivotal role, influencing not only individual life trajectories but also the structural conditions of migration and integration. The concept of origin has a profound impact on the formation of national and international relations, informing migration policy decisions and, consequently, the interpretation and evaluation of other social categories. The status of citizenship plays a pivotal role in the formulation of migration policies and exerts a considerable influence on the living conditions and rights of YMI in destination countries (cf. Ha, 2018; Steuten, 2019). This can be exemplified by the case of Ukrainian citizens.

In Germany, Ukrainian citizens are entitled to receive more comprehensive social benefits, such as the "citizenship money", which offers higher support without the restrictions of the Asylum Seekers Benefits Act, which only allows for basic care during the asylum procedure (see Information Network on Asylum and Migration). Asylum seekers are permitted to engage in certain facilities during the asylum procedure, however, the maximum hourly wage is set at 80 cents, which represents a significantly con-

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strained opportunity for gainful employment (see German Bundestag, 2015). Similarly, the 2017 Integration Act in Austria employs a "promote and demand" approach, necessitating participation in German language and orientation courses to qualify for social benefits (see Österreich.gv.at, 2020; ÖIF). Third-country nationals are only entitled to minimum benefits after five-years period of residence, whereas recognized refugees are entitled to them from the moment they are granted refugee status. Asylum seekers are not eligible for these benefits and are only entitled to basic social services (see BGBl. I Nr. 80/2004). Nevertheless, individuals from Ukraine have been granted temporary protection status under the EU Directive on Temporary Protection (2001/55/EC). This entitles them to immediate access to social benefits, including basic care and subsequently to minimum security benefits. Furthermore, they are permitted to engage in employment from the initial day of their registration (ÖIF).

Since 2008, Switzerland has pursued an integration policy that is also based on the "promote and demand" principle, which, as in Germany and Austria, entails a pronounced sense of nationalistic and cultural exclusion. Additionally, specific regulations pertain to individuals from Ukraine. The so-called S-status is conferred without the necessity of a formal asylum procedure, thereby entitling individuals to accommodation, medical care and social assistance. Furthermore, Ukrainian citizens are permitted to enter the labor market without first undergoing a formal asylum procedure (cf. Dahinden, 2022; Manser-Egli 2023; Piñeiro et al., 2009; Wicker 2009).

In Poland, analogous structures can be observed, yet the demarcations are drawn with even greater explicitness. While undocumented migrants crossing the Polish-Belarusian border are rigorously turned back, a special law (Specustawa) has been enacted for Ukrainian war refugees, granting them extensive rights and support, including social benefits that were previously reserved for Polish citizens (cf. Andrejuk, 2023; Bodnar and Grzelak, 2023; HFHR, 2022; Zdanowicz, 2023). This disparate treatment of asylum seekers is indicative of a politically motivated divergence in integration policy, particularly in comparison to the strict migration policy towards other asylum seekers.

These examples illustrate how migration policy is influenced by political and social factors, and how these factors shape the experiences of YMI across various countries. At the meso level, these examples demonstrate how differences in treatment and specific institutional conditions have an additional impact on integration.

Meso-level

The preferential treatment of Ukrainian refugees in Austria compared to other asylum seekers exemplifies a discriminatory migration policy that reflects historical and cultural prejudices. The EU Temporary Protection Directive, which has only been applied on a single occasion thus far, confers upon Ukrainians a series of specific privileges that facilitate enhanced opportunities in the labor market and with respect to social benefits. Conversely asylum seekers from other regions frequently encounter

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skepticism and are compelled to accept positions that offer minimal social recognition and economic stability.

> "The EU's Temporary Protection Directive has been applied to Ukrainian refugees for the first time, they have freedom of movement throughout the EU. (…), free access to the labor market and don't have to go through the asylum process." (EXPERT 01)[12]

This differentiated perception reflects deeply rooted power structures and cultural prejudices that serve to reinforce inequality and have a negative impact on employment opportunities, housing and social integration.

> "It is difficult to find a job and to keep it. It is certainly a challenge to adapt to the conditions that we have here and to understand how things work. (…) but the way the system is set up, it doesn't work." (EXPERT 05)[13]

YMI from disparate countries of origin experience different treatment. Ukrainian refugees receive preferential support, whereas asylum seekers from the Global South are disadvantaged. This unequal treatment is indicative of the persistence of colonial ideologies and serves to perpetuate existing power structures and discriminatory practices.

> "The wave of solidarity with the persons from Ukraine was very strong (…). They are more similar to us in appearance, they almost have the right religion, (…) the further away from Austria, the more difficult it is for the sides to get along with each other." (EXPERT 06)[14]

The concept of a dominant culture has a profound effect on the integration of YMI, with language occupying a pivotal position. A lack of proficiency in the German language can impede social and economic participation, thereby reinforcing colonial and neoliberal power structures. The assumption that certain migrant groups are more valuable is supported by colonial logics, while neoliberal logics place the responsibility for integration, including language acquisition, on the YMI themselves without providing adequate resources. These dynamics serve to reinforce existing power structures and inequalities, given the absence or inadequacy of the necessary structural support.

> "We have a lack of German courses and German teachers, (...). There are German courses, but people are usually on the waiting list. And if there is no budget, there are none at all." (EXPERT 09)[15]

12 Representative of an Asylum Advocacy Group.
13 Representative of a Social Innovation and Integration Company.
14 Representative of a Regional Social Services Organization.
15 Representative of a Migrant Integration and Employment Support Organization.

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Class

The relationship between class and access to the labor market and the availability of educational resources is shaped by the disparities in education and qualifications that are reflective of class relations. These discrepancies influence the prospective career pathways and social integration prospects of YMI, and are particularly salient in the context of the current dearth of skilled laborers.

In Germany, the law on the recognition of foreign professional qualifications (BQFG) regulates recognition, whereby the 2023 Skilled Workers Immigration Act prioritizes non-regulated professions regardless of training and recognizes professional experience without formal qualifications through a point system (see BMAS, 2022; Recognition in Germany, 2021).

In Austria, the Foreign Employment Act, which was introduced in 2022, is designed to facilitate access to the labor market for skilled workers from third countries and address the labor shortage in various sectors. The Red-White-Red Card initiative is designed to attract highly qualified individuals to Austria. Reforms to the points system have facilitated access to the labor market by re-evaluating the importance of age and professional experience, and by introducing English language proficiency as a new point criterion, in addition to German language proficiency (cf. Fassmann, 2013; Heilemann, 2020).

In Switzerland, a demand-oriented system regulates the admission of third-country nationals, with only those who are absolutely necessary being admitted as qualified workers. Since 2019, provisionally admitted persons and recognized refugees have been allowed to work anywhere within Switzerland. Asylum seekers, like in other countries, are subject to a general employment ban for the first three months after submitting their application, although there are significant differences between the cantons (cf. Aerne and Bonoli 2021; Asil.ch 2022; Leyvraz et al., 2020; Malka, 2024; SEM, 2023). In contrast, Poland has undergone a significant demographic shift, evolving from an emigration to an immigration country over the past decade (see Okólski, 2021). However, there is a dearth of a unified strategic document on migration policy. The regulation of various aspects of migrants' lives is the responsibility of different ministries, which gives rise to coordination problems. The primary point of contention is the tension between economic necessity and the imperative of national security. A migration strategy proposal from 2021 met with significant public resistance and did not proceed to a vote in parliament (see Łodzinski and Szonert, 2023).

The national integration strategies for YMI strongly emphasize qualifications and work experience to combat the shortage of skilled workers, reflecting the neoliberal focus on efficiency. The disparate political and regulatory approaches have a considerable impact on the career prospects of YMI.

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Meso-level

Access to education, particularly language courses, is of paramount importance for the integration of YMI, and is significantly shaped by class affiliation. It has been observed by experts in the field that the number of German language courses available within the basic care system is limited. Furthermore, it has been noted that refugees originating from countries with a high probability of recognition, such as Syria, are often granted preferential access to these courses, while others are frequently excluded. Regional disparities, such as the allocation of a dedicated budget (EXPERT 06) for German language instruction in Tyrol, exemplify the influence of social inequities on access to integration resources and the labor market.

> "As long as people are in the asylum process, they are not entitled to a German course, only those from exceptional nations with a high probability of being recognized or allowed to stay." (EXPERT 12)[16]

YMI with academic qualifications benefit in the labor market, whereas YMI from countries with less developed educational systems encounter considerable integration challenges. In a neoliberal economic system, educational deficits are frequently perceived as individual shortcomings, thereby obscuring structural inequalities and rationalizing precarious working conditions rather than addressing unequal starting points and inadequate social support.

> "Especially Syria women are often disappointed (…). We always explain that even we had to work hard to become qualified. Then they realize, even those born here had to work and prove themselves to achieve their goals." (EXPERT 07)[17]

The relationship between social and economic class and access to housing and employment opportunities is a significant factor in contemporary society. YMI frequently encounter difficulties in locating suitable and affordable housing, as high demand and limited supply in desirable locations force them into precarious living situations.

> "Most clients find work before securing housing." (EXPERT 08)[18]

> "Housing is a constant issue in Tyrol, with many, especially those with positive status, being hidden homeless." (EXPERT 09)[19]

The insecure housing situation of YMI is indicative of a more profound symbolic marginalization, which in turn affects their social and cultural capital. Inadequate housing reinforces prejudices and discrimination, which in turn lead to perceptions of lower integration and capability. Housing access issues are frequently misattributed to personal failure, thereby exacerbating social inequalities and segregation. The absence

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17 Representative of a Refugee Support Organization for Women.
18 Advisor at an Occupational Health and Employment Support Program.
19 Representative of a Migrant Integration and Employment Support Organization.

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of political and social support results in individuals residing in substandard housing being forced into suboptimal living conditions, thereby exacerbating the challenges associated with securing adequate housing.

> "The challenge is that if individuals on basic security start working, they lose their basic security benefits, which include housing." (EXPERT 02)[20]

A discrepancy between the qualifications required for a position and the qualifications possessed by the available candidates frequently results in suboptimal employment conditions.

The non-recognition of foreign qualifications forces highly skilled individuals into low-paid positions, which reflects the neoliberal labor market's emphasis on flexibility. This dynamic results in a disproportionate concentration of young, mobile individuals in the low-wage sector, where roles are typically characterized by low qualification requirements and high turnover rates. This offers limited opportunities for professional development or social integration (cf. Carstensen et al., 2018). Consequently, the targeted recruitment of foreign workers for these positions addresses short-term economic demands but also serves to perpetuates structural inequalities. For instance, second-generation migrants from low-income families may attain higher levels of education than their parents, yet this does not necessarily result in more favorable economic outcomes compared to their native peers (see Zuccotti and Platt, 2023).

Furthermore, second-generation immigrant women frequently encounter obstacles to upward social mobility, as they must negotiate traditional gender roles that may conflict with their career aspirations. In contrast, men more often benefit from conventional arrangements that prioritize their careers (see Nadim and Midtbøen, 2023). This situation reinforces existing social inequalities and perpetuate heteropatriarchal and colonial biases that systematically disadvantage certain groups. Moreover, the deterioration of the welfare state and reduction of social expenditure intensify the sense of insecurity pertaining to pension and social security systems, thereby further constraining opportunities for integration.

Discussion

This paper examines the construction of YMI in the European labor market as "useful others" under neoliberal capitalism. This construction reflects both structural and symbolic dimensions shaped by political and institutional frameworks. It is influenced by a number of factors, including gender, origin, age, and class relations, and takes place within a heteropatriarchal-colonial context.

From a macro perspective, state-level regulations, including those pertaining to residence and educational qualifications, exert a considerable influence on the accessibility of employment opportunities and the receipt of social benefits. At the meso level, the recognition of qualifications and the availability of suitable employment opportunities

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are of paramount importance. The analysis demonstrates that YMI in Austria, Germany, Switzerland, and Poland frequently occupy insecure employment, particularly in the health and social sectors, thereby reinforcing existing segregation.

A neoliberal capitalist system gives rise to a multifaceted classification of "foreigners", wherein YMI are regarded as beneficial if they provide economic advantages but are expected to align with cultural norms. Despite employment and social changes, hierarchization persists, with new distinctions being justified by colonial, heteropatriarchal, and neoliberal structures. This reflects Kourabas' concept of "ambivalent simultaneity", which demonstrates the simultaneous inclusion and exclusion of YMI, akin to a "reserve army of migrants" (Robinson and Santos, 2014) in which individuals are marginalized at varying levels of the hierarchy.

The analysis reveals that young female mobile individuals are subjected to a distinct form of segregation that is closely associated with their engagement in reproductive labor. The employment of women from the Global South and Eastern Europe in the care sector has been increasing, a field that is distinguished by significant gender-specific and geographical inequalities. These workers are frequently subjected to insecure working conditions, which serve to further marginalize their social and economic positions.

The concept of the "useful other" emerges from the intricate interweaving of age, class, origin, gender, and neoliberal discourses, which assess certain labor forces as economically beneficial and culturally aligned. In this context, YMI from specific regions are preferred when they both maximize economic benefits and exhibit cultural proximity to the target society. This dynamic results in a spectrum of usefulness, with the value of these workers varying depending on the context and specific requirements.

The study underscores the necessity for an intersectional analysis of the macro- and meso-structural relations between the categories of gender, origin, age and class in a neoliberal context. The study recommends policy and institutional reforms to enhance accessibility to education, employment and social services, as well as a shift in public perceptions of YMI to facilitate equal opportunities. However, the focus on the Austrian labor market and the use of qualitative data restrict the extent to which the findings can be generalized. It is recommended that future studies include more comprehensive comparative and quantitative analyses in order to validate the findings and to provide a more detailed assessment of the impact of policies.

Conclusion

This study examines the construction of YMI in the European labor market as "useful others" within the context of neoliberal capitalist social order.

The intersectional perspective illuminates the manner in which structural and symbolic inequalities in labor market integration are (re)produced through the interplay of social conditions, including gender, origin, age, and class within the prevailing heteropatriarchal-colonial logic.

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Nevertheless, it is erroneous to view YMI as lacking agency or as mere victims of policy. Notwithstanding the prevailing structural conditions and dominant discourses, they possess agency, which enables them to proactively advocate for their interests, establish networks, and engage politically. This agency endows YMI with the capacity to exert political influence and develop collective strategies that enhance their rights and promote their social participation. Consequently, they are not merely passive recipients of political decisions; rather, they are active agents in political and social discourse.

The findings underscore the necessity for comprehensive policy and institutional reforms to guarantee greater equity in education, the labor market, and social services. However, the study's focus on the Austrian labor market and its qualitative methodology restrict the extent to which the findings can be generalized. It would be beneficial for future research to integrate broader comparative analyses and quantitative methods in order to more effectively address intersectional challenges and assess the impact of specific policy measures.

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