

Counterproductive effects in the law against discrimination

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***The law encourages to a division of
the population & contributes to create
a special attitude towards
"the others"***

3 perspectives on laws

- Political – measures to strengthen norms / a certain behaviour
- Juridical – application in relation to basic principles
 - Individual & equal treatment
- **Ethnological – laws influence on peoples daily life (social constructions)**

The law's goal

- Reducing discrimination – unequal treatment of equal cases
- The law is legislated at a macrolevel
- The law is implemented on micro level i.e. at a work site

The law

- **Prohibition against discrimination**
 - Unequal treatment of comparable cases
 - Direct discrimination
 - Indirect discrimination
- **Demand on employers - active measures**
 - Goaloriented work
 - Working conditions
 - Recruitment
- **DO** (diskrimineringsombudsmannen)

Problematic aspects

The Law

- Indirect discrimination
 - Unintended action
- Equal (& individual) treatment
- Basic assumptions - attitudes

Active measures

- Leads to special treatment
- Normative equality
- Policies – create attitudes / A will but not much happens

Three empirical examples

- Managers looking for their prejudices after training in the law against discrimination
- Gender equality policy – at women-dominated work site
- Survey on obstacles in 8 municipalities

Conclusions

- Intended or unintended discrimination
Direct or indirect diskrimination
- Production of knowledge

Overall conclusion

