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 discrimination

• Production of knowledge
Overall conclusion

Makro – Directives/laws
Micro – Effects in practice

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