Constructing an inclusive institutional culture

Intercultural competences in social services
Constructing an inclusive institutional culture

Methodological guide
Intercultural competences in social services

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Psychological and socio-cultural obstacles can make some rights and freedoms inaccessible. Fear of institutions, unfamiliarity with procedures and poor language proficiency will reduce the possibility of access to rights for some groups of people. Social workers and service providers should be trained to take account of these specific difficulties.

With this Methodological guide for constructing an inclusive institutional culture, the Council of Europe wishes to contribute tangibly to the necessary evolution of institutions, particularly those that interact with the public in our increasingly diverse societies.

The guide was written by social and health workers, civil servants in the departments catering for migrants and minorities, researchers, mediators and others, and is a joint endeavour of the Council of Europe’s Directorate General of Social Cohesion and the European Commission’s Directorate General for Employment, Social Affairs and Inclusion.

The guide invites reflection on the models of intercultural skills training, on the issues of mediation, translation and monitoring, on understanding needs and demands, and on conflict-resolution processes.

The guide is an important part of the Council of Europe’s action aimed at facilitating cohesion in our societies, based on the rights but also the responsibilities of every individual and every institution of our societies.

I encourage you to read this guide and to use it!

Thorbjorn Jagland
Secretary General of the Council of Europe

The task of constructing an inclusive institutional culture and intercultural competences in social services currently raises a highly topical question: what will be the future of social cohesion in a Europe which is becoming increasingly pluralist under the influence of migration?

To answer this question we must take account of the changing institutional structures and competences, particularly in the public services, geared to addressing diversity through social justice, which alone can guarantee social cohesion. This guide is designed to illustrate and fuel the debate on the possible ways forward in the social service sector.

The guide does not go into the growing talk of “excessive diversity”, which, according to some, is turning social cohesion into an essentially paradoxical project. It concentrates on the means of assessing and envisaging the treatment of diversity within institutions, while avoiding stigmatisation and tensions. The guide strives to use accessible, pedagogical terminology.

Nevertheless, we would like to address the paradoxes which are raising doubts about the future of social cohesion:

- Are the “differences” between migrants and nationals (these differences being regarded as a problem for social cohesion) linked to cultural reasons, lifestyles and religious traditions, or are they rather a socio-economic (equality/inequality; availability for accepting/refusing a job, etc.) and political feature ([non-] participation in dialogue; absence or presence of stigmatisation)?
- Do the conceptual and political frameworks explaining the governance of migration and analysing exclusion take account of the combined effects of migration, social, labour and nationality policies, or do they rather attribute exclusion and non-integration to deficits in “archaic”, “slow” or “violent” cultures?
- Is the solution to institutional and political conflicts prompted by diversity to be sought in active citizenship, enabling everyone to share responsibilities, rather than in promoting fear and suspicion of what is “different”, thus preventing intercultural dialogue from becoming the linchpin of renewal of the foundations of institutional relations with migrants?

These questions show that “essentialising” the political debate on cultural diversity can end up obscuring the need for discussions and decisions on inequalities in living conditions and opportunities between migrants and nationals and on the roles of the legal and institutional structures and frameworks. A pro-cohesion debate is only possible if we take account of the interactions between elements for or against integration from the angle of social justice, as the guide points out from the outset. For instance, despite the wide range of legislation available in Europe, discriminatory treatment still exists in many major fields such as employment and services (in the health, social, educational and housing sectors). Such discrimination can only grow with the increasing conditionality of rights, including legislation imposing deadlines for access.

According to the guide, any approach to developing an inclusive institutional culture that fosters social cohesion must have several aspects:

- progress based on a drive for continuous improvement and gradual adjustments at all organisational levels;
a participation and consultation process involving the various players so as to implement action at the different levels, co-ordinate adaptation work and ensure the effectiveness, consistency, complementarity and continuity of the different kinds of action;

a comprehensive and integrated solution to improve accessibility and quality of services through a common understanding of diversity, an evaluation of the organisational system, a mutual effort to improve adaptation practices, introduction of innovative measures and promotion of the new institutional culture;

an appropriate and fair approach to ensure equal access to services.

It is within this framework that the gradual adaptation of social services can promote social cohesion, instead of merely leaving it to the goodwill and empathy of staff to foster integration.

Developing intercultural competences in order to overcome resistances, obstacles and mutual tensions requires using different models for intercultural intervention. The guide sets out seven different models highlighting both the potential and the limitations of their contributions towards an inclusive culture, while spotlighting the need to work on their complementarity. For instance, the intercultural communication and co-ordination model requires inputs from the intercultural management model: owing to their complementarity, the services can simultaneously attach importance to external communication strategies for specific groups and to the staff’s internal recruitment, supervision and management practices in line with the social diversity of the region or country concerned.

This makes intercultural competences a practical asset for assessing and interpreting needs, understanding how those needs can be met in the light of existing arrangements and provision of services, how to orient the effort to meet needs by seeking the relevant support, and how to adjust supply and make room for possible accommodations to deal with exceptional situations. Intercultural competences are an asset for intercultural mediation, interpretation and relations in the services, and they help facilitate mutual understanding, the formulation of an issue and acknowledge the qualities and capacities of the Other. Intercultural competences are vital for proper listening, and for developing openness, empathy and respect for individual choices and modes of expression. Intercultural competences help us to secure a consensus diagnosis of a given problem, to realise when there is an issue of stigmatisation or labelling, etc. Intercultural competences in health service professionals, researchers, co-ordinators and members of networks promoting intercultural dialogue and integration, that is to say individuals engaged in learning, all of them imbued with the spirit of service.

The work began in 2008 with preliminary discussions on the institutional and civic accommodations required for living together in a pluralist society. These discussions led to the publication of Issue no. 21 in the Trends in Social Cohesion series (Intercultural Accommodation and the Citizen: Legal and Political Interaction in a Pluralist Society), which was launched at a conference organised in co-operation with the European Commission in Strasbourg at the end of 2009. This first stage highlighted the advantages and disadvantages of co-operating with researchers from Quebec Province (Canada), thanks to their knowledge of the concept and practices of reasonable accommodation.

After this initial stage, the structure of the guide was designed by Myriam Jézéquel, President of the Jean Monnet Cultural Circle, Jean Monnet Chair of European Integration, Montreal University (Canada), who, thanks to her comprehensive knowledge of the formation of cultural competences in Quebec, oriented and finalised the text. The European contribution to the work was provided by:

- Victoria Antonova, Professor, Department of Social Anthropology and Social Work, Saratov State University (Russia);
- Frédérique Ast, lawyer, Haute Autorité de Lutte contre les Discriminations et pour l’Égalité (HALDE; High Authority responsible for combating discrimination and promoting equality), Paris (France);
- Kuldeep Bajwa, Consultation and Involvement Officer, Adult Social Care, Leeds City Council (United Kingdom);
- Anja Certeza, Department of Political Science and Sociology, University of Florence, Italy;
- Eva Bergström, Administrative officer, National Board of Health and Welfare, Stockholm (Sweden);
- Wolfgang Bossow, Research Director of the European Research Group of the CLIP Network, Director and co-founder of the European Forum for Migration Studies (EMM), Institute Otto-Friedrich University of Bamberg (Germany);
- Didier Desnosay, Doctor of Psychology, Training Officer, City of Liege, Research and Intervention Centre for Occupational Psychology (Belgium);
- Margit Splett Thomsen, Consultant Training Officer, City of Copenhagen, Director of mitchontsul (Denmark);
- Elena R. Iarskaia-Smirnova, Professor, Department of Social Anthropology and Social Work, Saratov State University, Department of General Sociology; High School of Economics (Russia);
- Alexandre Kosak, Leader of the Equality Task Force (France);
- Ayse Ozbabancan, Integration Policy Department, Stuttgart City Council (Germany);
- George Palattiyil, Senior Lecturer in Social Work, School of Social and Political Science, Edinburgh University (United Kingdom);
- Liliana Saban, Director of Migrations Santé Assist, Strasbourg (France);
- Hussein Sadayo, Professional Mediator, Malmö City Council (Sweden);
- Gesine Sturm, Clinical Psychologist, PhD, University of Paris 13 – Department of Child and Family Psychopathology, Paris (France).

Colem Auxémery, a member of the Council of Europe staff in 2010, collected and organised data on the action of European towns and cities in the field of intercultural services and activities, and she also provided research for “further study”.

The results of their research are presented on the CD-Rom accompanying this guide. The presentation from the following two networks was particularly useful: the Intercultural Cities Network www.coe.int/tdg/culture/interculturalcities/default_en.asp (accessed 1 June 2011) and the CLIP Network www.eurofound.europa.eu/areas/policies/healthandsocial/cooperation/clip.htm (accessed 1 June 2011).

The animated debates, testimonies and developing ideas within this group of experts highlighted the complexity of the process which Europe is currently undergoing in adapting to a new, richer and broader reality, a reality which is also more demanding in terms of different knowledge, understanding and understanding of a renewed understanding of the concepts of justice, equality and non-discrimination. We extend our sincerest thanks to all these highly committed experts.

The graphic design of the cover was created by Les Explorateurs, a communication agency based in Strasbourg (France). The illustrations were created by Nicolas Wild, whom we would like to thank and congratulate on his ability to clarify for all a number of complex realities which are very difficult to grasp.

Some other individuals worked “in the wings”: Alan McDonald and his colleagues in the Council of Europe translation department, whose advice is always useful and to the point; Irène Malki-Botte, assistant within the Social Cohesion Research and Development Division, enthusiastically dealt with the day-to-day follow-up; finally, Sabine Emery and her colleagues at the Council of Europe Documents and Publications Department implemented the whole editing process in a highly professional manner, from the proofreading of texts up to final publication.

None of this work would have been possible without the financial support of the European Commission’s DG Employment, Social Affairs and Inclusion.

This guide is therefore the result of a team effort. We hope that it will be a useful instrument for all those who must, day in, day out, come to (new) arrangements with a changing, demanding and distressing reality, but one which is ultimately a source of renewal, deepening and humanisation.

We hope that this work will inspire other non-governmental organisations in Europe to advance towards a more integrated pluralist society.

Gilda Farrell
Head of the Research and Development Division
DG Social Cohesion
Council of Europe
What is the objective of this guide?

The main objective of this guide is to help public institutions gradually build up their capacity to incorporate and accommodate diversity – where it is a source of social divides – in a context of demographic change and with a view to transforming institutional culture. For the purposes of this guide, diversity is considered in its cultural, religious and linguistic dimensions. It therefore covers the complexities of identity and belonging. These reflections on diversity apply as much to institutions’ service provision as to management of staff working in those institutions.

Today’s public institutions face the major challenges of introducing key concepts of diversity among their workforce, becoming more familiar with and making the most of the skills of their diversified staff, encouraging involvement of all in defining common issues, training staff to work with diversity and complexity, adapting their services (provision and delivery) to the needs of their users, managing conflicts of norms and values, defusing intercultural tensions, responding to requests for adaptation, showing flexibility and creativity in their work and problem-solving, clearing up misunderstandings, punishing or preventing any risk of discrimination, promoting co-operation, dialogue and interaction between everyone involved, and so on.

To make room for diversity and meet all these challenges, many institutions believe they have to develop new skills, particularly intercultural skills, individually, at group level, organisationally and institutionally, in order to generate innovative practices. In some institutions, these skills simply need to be bolstered or clarified before becoming tacit knowledge, communicable to other stakeholders. Indeed, many professionals in the field working with a diversified public are already displaying intercultural expertise without always being aware of their skills and without being able to make their knowledge available to others.

That is why this guide is set out as a reference tool aiming to clarify such intercultural skills. It is also intended to prompt or further encourage the development of new (customised) knowledge, new (adapted) practices and new (broader) skills. In particular, acknowledgement of ethno-cultural diversity (as defined in Part A) requires the espousal of new values of inclusion and respect for the individual, new approaches to analysis of needs and problems, and fresh strategies for managing, negotiating and accommodating diversity.

With this guide, users will be able to reflect on their own strategies and explore new ones in line with their institutional remit and in keeping with their own institutional culture.

The guide has benefited from input from a number of contributors who have been ready to share their thoughts and their wealth of empirical experience, and pass on their knowledge.

Beyond the knowledge passed on, we should stress that the success of any project with multiple and complex challenges will depend to a great extent on action by everybody concerned in the everyday course of their work. Construction of a genuinely inclusive culture reflecting the pluralist reality of society is possible only if the public, staff, managers and partners are held jointly responsible, in a mutual endevour entailing participatory dialogue, for promoting diversity at all levels of the organisation.

Who are the intended users of this guide?

This guide is intended for all staff working in institutions through the whole chain of command: from the director to human resources officers, managers, professionals, frontline staff and field workers. It may also be useful to outside contractors, voluntary-sector partners – such as migrant or migrant-welfare organisations – and independent consultants.

What is the purpose of the guide?

The guide has a methodological purpose inasmuch as it is presented as:

• an educational tool to raise awareness of the various aspects of diversity and the importance of developing intercultural skills and changing institutional culture;
• a support tool to guide efforts to take into account diversity when using and building on the skills developed.

The guide contains seven stages in a process of change at various levels of the institution, providing a unifying and continuous integrated model. This process is also designed for a better understanding of how to incorporate the knowledge acquired in the institution’s overall strategy.

The “Typologies” document of the CD-Rom accompanying this guide has been developed using a variety of information provided by staff from a number of local authorities in Europe. It is hoped that this document will provide food for thought for local stakeholders working to develop more inclusive institutional cultures through policies and activities that recognise the diversity of the population. With a study of cities in four countries (France, Germany, Sweden and the United Kingdom), it illustrates very concisely and specifically what local authorities are doing at the local level along these lines.

The Typologies document is in the form of a table for quick and easy reference, showing the overall goals set by local authorities (for example: promoting diversity as an asset; preventing...
all forms of discrimination in social services, health, housing, public and private employment, and education; adapting services to pluricultural realities; receiving, settling and integrating migrants; or consulting and representing people from different communities. This section illustrates how, on the basis of these overall goals and in which frameworks, local authorities proceed step by step to implement their diversity policies through a range of methods.

This tool is also useful in that it highlights the variety of local-authority approaches, presenting the factors behind their policies (domestic legal framework, local authority’s willingness to take action, etc.).

Accordingly, this document supplements the guide: it offers local-authority staff very specific examples of initiatives aimed at developing intercultural skills in social services. It therefore also has its limitations insofar as these initiatives, if they are to be genuinely effective, require a suitable institutional framework and appropriate conditions; it is the objective of this guide to help bring these about.

What are the challenges addressed by the guide?

**General challenges:**

**Political and social**
- Meeting the need for institutional reference points for managing diversity;
- Gauging the nature and extent of the need to accommodate diversity in public services;
- Determining players’ room for manoeuvre in deciding whether or not to introduce adaptation in accordance with the law and the country’s constitutional values.

**Legal**
- Promoting accessibility of services and equal access to services;
- Implementing the right to equality through appropriate measures;
- Preventing exclusion and the discriminatory impact of institutional norms and practices.

**Operational**
- Helping professionals change their intervention practices;
- Improving decision-making in intercultural contexts;
- Providing tools for assessing and negotiating requests for adaptation within the staff member’s remit.

**Specific goals for the main players:**

**Politicians**

Politicians are responsible for laying down the guidelines needed by public services to take diversity into account.

**Organisations**

Organisations must be proactive and provide for adaptation offering an inclusive environment in which rights are respected.

**Professionals**

Professionals are increasingly being called on to use exemplary practices.

- Providing tools to deal with possible conflicts between a user’s requests and the obligations and room for manoeuvre of the person handling them;
- Supporting staff in their obligation to personalise care and adapt norms to accommodate a group or set of users;
- Authorising staff to notify and negotiate adaptations and distinguish between the limits to their own authority and the limits to the institution’s services whilst being careful not to make users feel guilty or believe that their requests are unacceptable on account of values or beliefs.

What are the intercultural skills covered by this guide?

The guide is intended to provide the reader with tools in three fields of intercultural skills: knowledge (theory), know-how (practice) and life skills (attitudes).

How to use this guide: usefulness and limitations of the guide

This guide can be read in its entirety or simply consulted for reference, depending on the user’s needs. It is not intended to be a book of ready-made intercultural “recipes”. The possible solutions suggested in the guide are part of an analytical process and are not automatic and final solutions. By providing guidance for case analysis, it does not exempt its users from the need to analyse an actual case in context for themselves. Depending on the situation and its context and development, solutions differ from one case to another.
The case studies in the guide often combine several sets of real-life issues which are then exaggerated for analytical and educational purposes. The examples should not therefore be seen as reinforcing stereotypes about cultures or “essentialising” identities. Furthermore, the development of the intercultural skills required for intercultural communication, relations, action, mediation and negotiation and for the management of migrants or refugees cannot be reduced to a set of techniques or practical knowledge. While this knowledge is needed, simply learning content and methods is not enough.

The guide also paves the way for a more inclusive institutional culture by providing examples of situations and good practices. It does not claim to be exhaustive, however. Readers who wish to examine further the themes discussed in the guide will find suggestions for further reading in the Appendix “For further study …”.

There are considerable variations in different European countries as regards procedures for assessing intercultural skills and performance. In some countries, complex systems and regulations are implemented from national level right down to the local level services (as in the case of the United Kingdom), while in others the definition and use of indicators for evaluating intercultural skills are left to the regional or even local level of the institution concerned (in Italy, for example). This guide cannot discuss all the national, regional and local variations or the differences between the occupational categories concerned. It concentrates on methodological aspects that apply to various public service contexts in Europe.

Myriam Jézéquel (Ph.D)
Consultant

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Over the past few decades, growing cultural diversity in Europe has been tending to create increasingly pluralist societies. According to the United Nations, the number of migrants living in Europe in 2010 is close to 70 million, or approximately 10% of the total population. By comparison, migrants numbered 57.6 million in 2000 (about 8% of the population) and some 50 million in 1990 (roughly 7% of the population).

In 2010, 2.3% of the migrants living in Europe were refugees. In 2008, 56% of non-nationals living within the territory of the 27 EU member states had European citizenship; 37% were nationals of another EU member state, and 19% were nationals of a non-EU country. Some 40% of foreigners living in the EU-27 countries come from outside Europe. There would appear to be a greater concentration of immigrants in certain European countries and cities. For example, 75% of Europe’s immigrants live in Germany, Spain, the United Kingdom, France and Italy. In Luxembourg the proportion of foreigners is 42.5% of the population. At the other extreme, the countries with the lowest share of non-nationals (less than 1%) are Romania, Poland, Bulgaria and Slovakia. Immigration has increased in virtually all the EU member states. It has also increased in some of the new member states, which, from being countries of emigration, have now become countries of immigration.

Given this situation, the challenges of diversity are an indicator of European societies’ capacity for openness, respect for human dignity and readiness to learn. The growth in the migrant populations of cities has obliged the latter to find ways of interacting with these migrants. For a number of municipal authorities and public institutions, managing the interaction with diversity and adapting their services is a major concern.

1 For a definition of the Europe region, see esa.un.org/migration/index.asp?panel=3, accessed 1 June 2011.
Some municipal authorities confronted with this situation have adopted institutional strategies. In principle, these local initiatives have many of the same basic objectives, which relate to the following: reception, settlement and integration of immigrants (introducing new arrivals to the municipal authority and helping them navigate the necessary formalities); adaptation of services (improving service quality and access for immigrants, and supporting staff in their interactions with immigrants); harmonious coexistence (promoting activities to build bridges between cultures, highlighting diversity as an asset); prevention of all forms of discrimination; participation by and representation of members of different communities, etc.

In practice, these initiatives vary in scale and scope. Initiatives on the ground sometimes lack consistency. Some authorities have appointed a department to implement their policy or have set up special services for immigrants; other initiatives have a more institutional dimension insofar as diversity management is not relegated to an office or committee but is considered the responsibility of the whole machinery of administration. Some cities even adopt global strategies or action plans for intercultural integration.4

With such a range of European initiatives for taking diversity into account, it is helpful to have a common frame of reference for developing an inclusive institutional culture.

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### Why bother with taking diversity into account?

The growing cultural diversity in European countries sometimes sparks political passions, tensions and debates on national cultural identity, integration of minorities and the contribution made by immigration.

In a context of economic instability, social change and questioning of national values, immigration sometimes becomes a focus for political rivalry and a hardening of ideological positions. Some political parties in Europe unhesitatingly use a focus for political rivalry and a hardening of ideological positions. Immigration sometimes becomes a matter of more harmonious coexistence. Where social justice and social cohesion are lacking, there is a risk of exacerbating the marginalisation of immigrants, their insecurity, national security, the clash of civilisations, cultural incompatibilities and national values.

Where integration policies fail, there is a risk that this will exacerbate intolerant attitudes and discriminatory practices resulting in an order of preference according to nationality, country of birth, ethnic origin, etc.

The increasingly radical positions of some political parties heighten the need for government and public institutions to play a greater role in acknowledging diversity. Such radicalisation also calls for fresh integration policies that can find new ways of taking diversity into account.

To combat identity-based tensions, there is a growing need to develop a dialogue based on mutual trust between the different components of the host society and first- and second-generation migrants.

### Social concerns

Social, political and economic participation by migrants is a key concern of the Council of Europe and the European Union. Taking diversity into account is a response to considerations of social justice and social cohesion. Social justice relates to the principles of social solidarity and equality of opportunity among members of society. Immigrants are generally more faced with problems of integration: underemployment and greater job insecurity, under-representation in some types of social measures, unawareness of assistance available, exclusion or social isolation, etc. Moreover, they do not seem to qualify for the benefits of the host society on an equal footing with the rest of society.

According to the Council of Europe’s definition, social cohesion is “the capacity of a society to ensure the welfare of all its members, minimising disparities and avoiding polarisation. A cohesive society is a mutually supportive community of free individuals pursuing these common goals by democratic means.”

The pursuit of social cohesion makes it necessary to transcend a majority-versus-minority perception of society. “A key question in this connection relates to clarifying and promoting the advantage for the majority of the institutional accommodations introduced to incorporate diversity.”

From this standpoint, promoting immigrants’ well-being is not an objective distinct from that of promoting the well-being of all members of society. Integration is not a “separate” problem for society but a matter of more harmonious coexistence.

Where social justice and social cohesion are lacking, there is a risk of exacerbating the marginalisation of immigrants, their under-representation in public bodies, their low participation in public affairs, exclusionary practices and a climate of mutual distrust and tension.

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7 On these issues, see Migrants and their documents: Guide to policies for the well-being of all in pluralist societies, Council of Europe, 2011.
An economic issue

Taking diversity into account is also a responsibility of economic concerns linked to immigrants’ tax contribution to public finances.

Some observers highlight the fact that xenophobic ideologies are fed by the perception that immigrants are an economic burden on the welfare state. Their dependence on social benefits is claimed to be a symptom of their failure to integrate.

Although the majority of immigrants are young and of an age to work, the employment rate in the immigrant population is lower than the average for the general population. Asylum seekers are not entitled to work and can do so only subject to restrictions.

The economic argument in favour of managing diversity is based on the fact that better integration of immigrants would bring about an improvement in public finances. An obvious tax contribution by immigrants to the state budget would help to improve both perceptions of immigrants and intercultural relations.

Failure to recognize the economic benefits of integration gives rise to an image of immigrants “on welfare”.

A legal framework

International and European legal instruments enshrine the right to real and effective equality as a fundamental right. They prohibit direct and indirect discrimination and, in certain conditions, allow positive measures to be taken in order to compensate for de facto inequalities. These instruments include Article 26 of the International Covenant on Civil and Political Rights (entry into force: 23 March 1966), which promotes the right to equality and non-discrimination, and the International Convention on the Elimination of all Forms of Racial Discrimination (entry into force: 4 January 1969). Provision for specific protection is also made in the European and EU frameworks.

In addition to the right to equality and non-discrimination, some instruments promote the rights of minorities, constituting, as it were, “a second level of anti-discrimination standard” granting additional rights to those belonging to minorities. These include Article 27 of the International Covenant on Civil and Political Rights, the European Charter for Regional or Minority Languages, and the Council of Europe’s Framework Convention for the Protection of National Minorities (entry into force: 1 February 1998).

Protection guaranteed by the Council of Europe

Article 14 of the European Convention on Human Rights (ECHR) prohibits all forms of discrimination but only in the area of the rights and freedoms guaranteed by the Convention, which relates mainly to civil and political rights (right to respect for private and family life, right to a fair trial, religious freedom, etc.). However, as a result of a constructive interpretation by the European Court of Human Rights, it also prohibits withholding certain social services from foreigners.

Protocol No. 12 to the ECHR (entry into force: 1 April 2005) strengthens this protection by laying down a general prohibition on discrimination. However, the majority of Council of Europe member states have not yet ratified this Protocol.

The ECHR also enshrines the right to freedom of conscience and religion, which includes the right to manifest one’s religion or beliefs (Article 9). It also provides for the right of everyone to be charged with a criminal offence to an interpreter (Article 6.3c), which implies a positive obligation on states to provide such assistance “in this case free of charge”.

The European Social Charter (adopted in 1961 and revised in 1996) enshrines a large number of social rights (right to work, right to housing, right to social protection, etc.) and prohibits discrimination in this area (Article E).

It should also be noted that the Council of Europe has adopted the European Convention on the Legal Status of Migrant Workers (ETS No. 144), which entered into force in 1983, and the European Convention on the Participation of Foreigners in Public Life at Local Level (ETS No. 144), which entered into force in 1997. However, few states have ratified these conventions to date.

The Framework Convention for the Protection of National Minorities, which has been ratified by the vast majority of member states of the European Union, places an obligation on states to adopt, where necessary, positive measures to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority, and to recognize the Roma in Europe—and those belonging to the majority. States also undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage (Article 5), as well as to create the conditions necessary for their effective participation in cultural, social and economic life and in public affairs (Article 15).

As an intergovernmental organisation, the Council of Europe has a number of mechanisms for monitoring, promoting and raising awareness of human rights. It makes general policy recommendations providing guidelines for development of national policies and strategies for monitoring, promoting and raising awareness of human rights. It makes general policy recommendations providing guidelines for development of national policies and strategies for promoting and raising awareness of human rights.

Protection guaranteed by the European Union

The Charter of Fundamental Rights of the European Union, which has been legally binding since 1 December 2009, prohibits all forms of discrimination within the scope of EU law, in other words, the area in which the European Union has jurisdiction and has actually legislated.

From the beginning, EU law has laid down the principle of equal treatment, particularly in the field of employment, of all EU citizens, whatever their country of residence.

Since the Treaty of Amsterdam conferred special jurisdiction on the European Union for combating discrimination, it has adopted:

- Directive 2000/78/EC which, amongst other things, prohibits discrimination based on religious beliefs in the employment field only.

These two directives prohibit indirect discrimination, which may require the state to make provision for different treatment for certain groups of people in the form of reasonable accommodation. They also enable a state to take specific measures to prevent or reduce indirect disadvantages. The EU has also adopted:

- Directive 2003/109/EC which confers a status of long-term EU resident on third-country nationals who have been legally resident in a member state for five years. Under this directive, long-term residents, in principle, enjoy equal treatment with EU citizens in several areas of socio-economic life, such as employment, education and training, social protection and assistance, and access to goods and services. EU states may, however, restrict such equal treatment within certain limits;
13 See articles by A. and J. on institutional accommodation and the citizen, Council of Europe, 2009, pp 85 and 117.
What characterises diversity?

A multilayered concept

• Diversity in the broad sense

Diversity is sometimes interpreted broadly to mean all the personal, social, economic, cultural, physical and other characteristics that help to shape individual identity. In this sense, it encompasses a whole range of differences, including lifestyles and attitudes.

• Diversity in legal terms

When diversity is viewed in legal terms, it is interpreted as the grounds on which discrimination is prohibited: age, race, religion, ethnic origin, sex, disability, status, sexual orientation, etc. These characteristics attach to individual groups likely to be disadvantaged by a particular form of “vulnerability” or to members of groups that have historically suffered various forms of discrimination.

• Cultural and ethno-cultural diversity

Cultural or ethno-cultural diversity is only one form of diversity among others. “Ethno-cultural” is a concept based on cultural, religious and linguistic differentiation of individuals or groups.

“Cultural” diversity can be defined as a set of cultural values and characteristics such as national origin, language and religion of citizens or groups making up society.

“Ethno-cultural” diversity refers more specifically to identification of minority ethnic groups in relation to the rest of society through language features, religion, culture, history, customs, appearance (such as skin colour), distinguishing features, etc. It assumes shared characteristics and identity among individuals in these groups, whether they are national minorities, first-generation immigrants or descendants of immigrants.

As for migrants, the terminology for describing their diversity is itself wide-ranging and often imprecise. Terms such as “immigrant workers”, “refugees” and “asylum seekers” are used, and a distinction may be drawn between first-, second- and even third-generation immigrants.

This classification of diversity has consequences that range beyond the terminological implications. For instance, unlike “indigenous minorities”, persons or groups of immigrant origin are not entitled to recognition of collective rights. In their case, the right to preserve their ethno-cultural heritage is recognised as a right to protection in an individual capacity against public or private forms of discrimination.

Apart from the definitions, the methods used to produce statistics also vary from one country to another. The decision to describe a group as a “minority” arises out of a social or political construct of difference.

There are some who criticise this stigmatising attribution of identity, whereby members of minorities are continually linked with their “ethnic” background or specific types of behaviour, as in the case of Travellers. Individuals with a migrant background often fail to recognise themselves in such categorisations. They tend to feel rather that they have a multiple identity combining, rather than differentiating between, a number of belongings.

Pluralism in European societies goes beyond ethno-cultural and immigration-related diversity. The existence of new “beliefs” and religious denominations, for example, has made religious diversity more complex and its features more varied. Generally speaking, diversification of life experience tends to create mixed identities.

• An inclusive definition of diversity

This guide will focus on the cultural, religious and linguistic aspects of diversity and an inclusive definition of diversity, which recognises the complexity of multiple identity and belonging. The guide will therefore cover and be applicable to other types of diversity and not just ethno-cultural diversity. Whilst taking note of the latter, this approach aims to concentrate more on strategies working with “convergences” between individuals or groups, extending the idea of integration to all citizens making up a society.

Taking into account diversity often implies an extensive terminology to underpin separate principles and approaches. Thus, the term “inclusion” differs from the concepts of assimilation, integration and acculturation.

Inclusion rather than assimilation

Inclusion runs counter to the assimilation approach, which recognises difference only to neutralise and obliterate it and make individuals conform to the expectations/characteristics of the majority group.

The assimilation approach champions a standardised structure, defined by and for the majority group. The inclusion approach, on the other hand, promotes a culture in which all members feel included and valued with their differences. Acknowledgement of difference and taking it into account are integral parts of inclusive institutional practices.
Inclusion beyond integration

Inclusion has a broader meaning than integration insofar as it is not explicitly confined to the integration of persons or specific groups who are generally marginalised, vulnerable and discriminated against on account of particular characteristics.

The integration approach may be accompanied by differentiated treatment such as specific individual assistance, special measures or a special exception to accommodate an individual. The inclusion approach goes further by being more comprehensive and more systematic in scope. It covers everybody, encompasses all spheres of activity and places a greater emphasis on structural change rather than corrective action.

Inclusion as conducive to mutual acculturation

An inclusive culture can be defined as a “learning culture” as part of a continual dynamic learning process and a process of mutual acculturation. Generally speaking, acculturation is the process of learning and adjusting to a new social culture and way of life. It is affected by the extent of interaction between members and by some multidimensional factors (such as cultural awareness, ethnic loyalty and fluidity of identity). Acculturation encourages an individual to incorporate new elements into his or her value system and behaviour. This two-way interactive learning process fosters harmonious co-existence.

Premises of an inclusive institutional culture

Inclusion presupposes that an institution will adopt certain norms and values:

- The institution will give priority to respect for the individual in its policies and practice.
- The institution will subscribe to the social values of openness to diversity, regarded as an asset and resource.
- The institution will consider everybody to have the same rights and will value everyone equally, without discrimination.
- The institution will uphold a culture that values participation, everybody’s contributions and mutual learning among its members, supported by intercultural dialogue.
- The institution is convinced of the benefits of diversity for individuals’ quality of life, the quality of working conditions and the quality of services provided to users.

Some advantages of taking diversity into account in an institution

Through the variety of viewpoints and ideas it offers, taking diversity into account – if well managed – can be:

- a potential source of creativity and innovation;
- an aid for problem-solving;
- an opportunity for cross-cultural learning;
- a chance for greater flexibility and responsiveness.

What is the European model of integration?

Points to note

EU policy for integrating immigrants is based on a concept of integration that fosters a sense of belonging and promotes cross-cultural learning and “mutual accommodation” through interaction, knowledge-sharing, respect for fundamental values and the right to equality.

It upholds a concept of integration which goes beyond reception into the host society and respect for difference by trying to encourage opportunities for interaction, through “shared forums, intercultural dialogue, education about immigrants and immigrant cultures”. Taken to this stage, integration is akin to a genuine exchange between all members of society, building bridges between cultures.

European consensus on integration

- The 11 common basic principles of EU policy for integrating immigrants (COM(2004) 508)

In 2004, the Council of the European Union adopted the Hague Programme with a view to strengthening freedom, security and justice. The programme emphasised the need for greater co-ordination of national integration policies and EU action. On 19 November 2004, the Justice and Home Affairs Council adopted conclusions setting out the common basic principles for immigrant integration policy in the European Union:

1. Integration is a dynamic two-way process of mutual accommodation by all immigrants and residents of Member States.
2. Integration implies respect for the basic values of the European Union.
3. Employment is a key part of the integration process and is central to the participation of immigrants, to the contributions immigrants make to the host society, and to making such contributions visible.
4. Basic knowledge of the host society’s language, history, and institutions is indispensable to integration; enabling immigrants to acquire this basic knowledge is essential to successful integration.
5. Efforts in education are critical to preparing immigrants, and particularly their descendants, to be more successful and more active participants in society.
6. Access for immigrants to institutions, as well as to public and private goods and services, on a basis equal to national citizens and in a non-discriminatory way is a critical foundation for better integration.
7. Frequent interaction between immigrants and Member State citizens is a fundamental mechanism for integration. Shared forums, intercultural dialogue, education about immigrants and immigrant cultures, and stimulating living conditions in urban environments enhance the interactions between immigrants and Member State citizens.
8. The practice of diverse cultures and religions is guaranteed under the Charter of Fundamental Rights and must be safeguarded, unless practices conflict with other inviolable European rights or with national law.
9. The participation of immigrants in the democratic process and in the formulation of integration policies and measures, especially at local level, supports their integration.
10. Mainstreaming integration policies and measures in all relevant policy portfolios and levels of government and public services is an important consideration in public-policy formation and implementation.
11. Developing clear goals, indicators and evaluation mechanisms is necessary to adjust policy, evaluate progress on integration and to make the exchange of information more effective.
The growing proportion of immigrants in the population makes it necessary to improve migrants’ access to social rights and to gradually adapt services and practices.17

For example, the Council of Europe’s “Intercultural cities” project18 was born of a desire to promote diversity through a full range of bodies and governance processes and through policy adaptation and action in all relevant fields to meet the needs and demands of diversified populations.

The CLIP project “Equality and diversity in jobs and services: city policies for migrants in Europe”19 examined diversity-management policies and practices in 25 cities in 17 countries. A number of cities were clearly seeking to develop a comprehensive integration strategy to adapt their services to the whole population in all its diversity, including Stuttgart (Germany), Wolverhampton (United Kingdom), Malmö (Sweden), Amsterdam (the Netherlands) and Terrassa (Catalonia, Spain). European countries also have a range of different approaches to taking diversity into account, reflecting the variety of national contexts in terms of history, politics, socio-economics, demography, ideology, etc.

Various diversity charters have been developed nationally:

• In 2006, Germany launched its “Charter of Diversity”,20 for companies and organisations. It encourages organisations to respect diversity, especially in the employment field. Over 600 organisations have signed up to this charter so far, including the city authorities of Stuttgart, Frankfurt, Augsburg, Cologne and Munich.

• On 28 March 2006, Belgium adopted its "Diversity Charter for the Federal Administration."21 In order to optimise public service delivery, the Federal Administration is endeavouring to take this diversity into account so as to reflect the pluralist society that it serves.

In France, the “AFNOR Diversity Seal of Approval” is awarded to public bodies committed to preventing discrimination, fostering equality of opportunity and promoting diversity in human resources management.22 Many local initiatives for integrating diversity are listed in the CP-Rom which accompanies the guide.23

Further information is also to be found in Intercultural cities – Towards a model for intercultural integration, Council of Europe Publishing, October 2009. Cities belonging to the intercultural cities network have adopted institutional strategies for:

- prevention of all forms of discrimination;
- adaptation of their services to a pluralistic reality;
- reception, settlement and integration of immigrants;
- participation and representation of people from minority or immigrant backgrounds;
- management of intercultural relations;
- action and activities to build bridges between cultures;
- promotion of diversity as an asset.

The acknowledgement of diversity has seen a number of breakthroughs in Europe over the past few years:

- difference viewed as an asset;
- efforts to diversify staff;
- an institutional culture more geared to respect for the individual;
- emphasis on equal rights and prevention of racial profiling;
- acknowledging that immigrants may have a multiple identity;
- promotion of intercultural dialogue.

These breakthroughs have paved the way for new methods of taking diversity into account:

- performance appraisals encompassing the intercultural aspect;
- diversification of work teams;
- creation of bodies for introducing diversity action plans;
- informal management of ethno-cultural diversity;
- development of partnerships for comprehensive action and add-on services.

These new methods of exploiting diversity have revealed certain limitations and constraints to this approach:

- anxieties relating to social cohesion, national identity and the values of a shared culture;
- a rise in xenophobic attitudes in some countries;
- an increase in identity-based demands;
- a return to forms of religious communitarianism;
- exacerbation of views concerning incompatibility of values;
- persistence of racist attitudes and ethnic discrimination.

To make headway with the process of including diversity, work remains to be done in the following fields:

- identifying the added value specific to each element of diversity;
- integrating diversity at management level;
- justifying consideration of diversity on grounds other than legal or economic;
- making integration of diversity more inclusive;
- finding ways of learning from diversity.

Diversity has a direct impact on the institutional culture that has to accommodate it.

• Diversity broadens the range of needs. Public institutions have to respond to a greater diversity of needs associated with users with a range of characteristics.

• It increases the possibilities of intercultural tensions. In some organisations, professionals encounter on a daily basis situations requiring skills for interacting with complex ethno-cultural differences.

• Institutional rules do not always perform their role of promoting inclusion. Yet it is the remit of public and semi-public institutions to deliver services that are accessible, of high quality and appropriate.

• Institutional capacities to foster inclusion are sometimes challenged. The need to accommodate diversity becomes so acute that institutions can no longer cope with the mass of “one-off” requests.

It is the remit of public institutions to deliver services that are accessible, of high quality and equal for all. Apart from the social implications of integration, adaptation of services is also a matter of fairness and equal rights. Institutions have a social responsibility and legal obligation to adapt their norms, make their rules more flexible and offer differentiated practices.

In practice, responsibility for adapting services is sometimes too dependent on the willingness and activism of the staff concerned. Such responsibility may be delegated to special bodies, committees of diversity experts, or intercultural consultants. In other cases, individual departments implement isolated diversity acknowledgement initiatives without any real organisation-wide co-ordination effort.

Examples of integration initiatives in Europe

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However, a comprehensive approach would mean not leaving the issue of inclusion to just a few departments, dependent on the work of a few members of staff or limited to action taken by third parties or in partnership with associations. It must involve the entire population and all institutions, at every tier and skill level, in a sharing of responsibilities and know-how, and transfer of skills.

Moving towards diversity mainstreaming

Diversity mainstreaming refers to a process aimed at integrating and incorporating innovative ideas and new approaches in employment, training and anti-discrimination policy and practice, in order to assess the relevance of outcomes and update achievements and success factors.

A shared responsibility

One of the principles of the common agenda for integration of third-country nationals in the European Union is: “Mainstreaming integration policies and measures in all relevant policy portfolios and levels of government and public services is an important consideration in public-policy formation and implementation.” (Com (2005) 389 final)

In general, the following dimensions are concerned when taking diversity into account:

• The institutional dimension
  Consideration given to diversity is expressed through diversity acknowledgement policies stating the institution’s commitment, guidelines for raising the profile of diversity, an action plan and integrated programmes aimed at co-ordinating the effort throughout the organisation.

• The top-down or hierarchical dimension
  Diversity is taken into account in relations between managers/supervisors and their staff. The consideration given to diversity is reflected in decision-making processes, management style, the ways in which work is organised, etc.

• The horizontal dimension
  Diversity is taken into account in relations between peers and colleagues with an emphasis on personal and professional interaction.

• The external dimension
  Taking diversity into account is reflected in public service delivery and relates not only to users but also to suppliers, consultants, etc. This dimension highlights the importance of ensuring that all partners are committed to diversity.

• The social dimension
  Taking diversity into account is reflected in the contribution made to people’s well-being, commitment to the community as a whole, and so on. The institution seeks to assess the impact of acknowledging diversity on communities. Acknowledging diversity accordingly brings together the main players in public institutions. Many initiatives seek to foster co-operation, consultation and skills transfer between different departments and at all levels of the institution, including senior executives, managers, officials, frontline workers, customer service staff, etc. In this sense, taking diversity into account includes relations of institutional actors with migrant associations and organisations providing them with services.

Moving beyond integration to a genuinely inclusive culture

Developing an inclusive institutional culture entails:

• progress based on a drive for continuous improvement and gradual adjustments at all organisational levels;
• a participation and consultation process involving the various players so as to implement action at the different levels, co-ordinate adaptation work and ensure the effectiveness, consistency, complementarity and continuity of the different kinds of action;
• a comprehensive and integrated process to improve accessibility and quality of services through a common understanding of diversity, an evaluation of the organisational system, a mutual effort to improve adaptation practices, introduction of innovatory measures and promotion of the new institutional culture;
• an appropriate and fair approach to ensure equal access to services and better representation of diversity among staff.

Conclusion
Europe's integration policy model entails a reciprocal requirement for immigrants and residents of member states to engage in an interactive process to foster mutual adjustment on both sides with due regard for laws, rights and common values. Immigrants must seek to acquire a basic knowledge of the language, history and institutions of the host society with the intention of integrating into it. They must respect that society's fundamental standards and values. The host society, through its agents and institutions, must enable immigrants to acquire this knowledge and facilitate their efforts to become more active members of society.

Given this two-way integration model, institutional adaptation to diversity will mean considering the following two aspects:

1. Adjustment of institutional services to migrants;
2. Adjustment of migrants to institutional services.

To ensure an effective integration policy, it is necessary to understand the barriers to this mutual adjustment from the standpoint of the immigrant and from the standpoint of the institutions' representatives. These barriers include:

1. "Cultural constraints" that discourage immigrants from using public services and lead them to prefer other informal resources or traditional approaches;
2. "Institutional obstacles" which, because of an institution's own organisational culture or the existence of stereotypical ideas, convey values and approaches that are culturally at variance with other frames of reference;
3. "Personal resistance" among staff who see no need or no legitimate reason to adapt services to the diversity of users.
A number of these “inflexibilities” may explain setbacks or problems in introducing a policy of interaction within an institution: indeed, by adopting defensive or “knee-jerk” attitudes, the institution’s representatives encourage staff to remain fixed in their accustomed ways of thinking and acting rather than adopting flexible, proactive and inclusive “change management”. Users’ obduracy has a similarly detrimental effect on any change in attitudes.

Barriers to institutional change are therefore not the responsibility of the organisation or user alone. Efforts to understand are needed on both sides, and it must be borne in mind that relations are often imbued with fear, which does not make effective interaction any easier.

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30 Cultural constraints: different ways of using services
31 Institutional obstacles: discriminatory effects of norms
34 Individual resistance: dissuasive effects of attitudes
35 Conclusion – Moving beyond tolerance to a genuine policy of respect

A number of factors can influence immigrants’ adaptation to a new cultural environment, their relationship with society and their use of public services.

For example, their former relationship with public institutions in their countries of origin can influence the way they make use of services in the host society. If they lacked confidence in their countries’ public officials or other institutional operators, they may transfer this distrust to the host country’s institutions.

Some migrants prefer to rely on the informal support networks of their families and communities rather than using formal institutional services. For instance, to settle a dispute they will prefer to consult a community mediator rather than contacting the police or a lawyer.

The existence of an extended family and a more group-oriented mindset can also affect their recourse to public services. The interdependence of members of a family and solidarity within the community can lead them to prefer the services offered by these internal networks.

Further, their own perception of their needs can influence the way they seek assistance. For instance, they may view health care and physical or mental illness in terms of a more traditional approach to medicine, which may cause them to avoid making use of modern medicine and related services.

Failure to understand societal expectations regarding parental roles, differences in the upbringing of children and differing concepts of family roles can lead immigrants to fear that they will be misunderstood by the public authorities and judged negatively.

The impersonal nature of exchanges with an institution’s staff, and the professionals’ “expert” role, may hinder some users from asking questions or requesting services if they have a poor command of the language or prefer a one-to-one relationship based on trust.

Research into migrants’ perceptions of social services shows that fear, distrust, intercultural misunderstanding and a feeling of powerlessness all act as constraints on the use of social and health-care services.

Resolution 218 (2006) of the Congress of Local and Regional Authorities on effective access to social rights for immigrants: the role of local and regional authorities recommends that the towns, cities and regions of Council of Europe member states “consider assisting immigrants through the employment of mediators from their cultures in the various local and regional government departments and in the hospital system.”

What are the possible obstacles to cultural adaptation?

An institutional culture is an arena for social, human and symbolic relations with its own cultural codes and operating rules. One of the challenges of diversity for institutions is to adapt their structures and cultures without undermining the requisite stability and consistency of the institutional environment.

Adapting services means asking whether the services which are offered match users’ needs. It also raises questions about professional, cultural and social influences on institutional practices and policies.

The issue of institutional obstacles highlights the factors that may explain why some immigrants are underserved and others over-represented as service users. For example, research indicates that mainstream services for older ethnic-minority people are underutilised while immigrants are over-represented in child welfare and mental health services “leading to criticism that social-care services are failing to provide timely support to obviate crisis situations. In the field of child welfare for example, research evidence (from countries such as the United Kingdom, the Netherlands, Norway, Denmark and Sweden) indicates the high rate of referral to social services of some minority ethnic families and children, and subsequent entry into care.”

Because of a lack of resources or uncertainties linked to misunderstandings, there may be differences in treatment and service provision in the social services, as in other institutional services. Experiences of this kind cannot but increase immigrants’ reluctance to utilise these services.

Even where discrimination is not intentional, certain groups may be at a disadvantage or come up against obstacles in their interaction with an institution’s staff. Institutions should take account of the varying impact of norms on different users.

Resolution 218 (2006) of the Congress of Local and Regional Authorities on effective access to social rights for immigrants: the role of local and regional authorities recommends that the towns, cities and regions of Council of Europe member states “develop and boost the capacity of local and regional government staff, municipal police officers and teaching and health staff to work in a context of cultural diversity, taking particular account of the specific cultural features of the various immigrant communities and adopting a gender-based approach.”

26 See wcd.coe.int/wcd/ViewDoc.jsp?id=983707&Site=Congress&BackColorInternet=C3C31111&BackColorAltern=CACACACAC&ColorInformantt=FFFAFC, accessed 3 June 2011.
Example: In the CLIP project (Module II on diversity, 2008), a number of obstacles to implementing effective policies on diversity emerged from its analysis of practices. They fell into the following categories:

A. Background and politics
B. Legal restrictions and interpretation of statutory provisions
C. Identification of challenges and relevant information
D. Leadership issues
E. Recruitment, appointment, and promotion mechanisms
F. Resources
G. Effective implementation of diversity policies on the ground

A. Background and politics

The following are among the main obstacles to diversity policies:

- denial of the immigration situation and the reality of a more diversified population;
- defensive and marginalising attitudes;
- fiction of a homogeneous host society;
- fear of damaging social cohesion and political unity by increased diversity.

These general trends coincide with the conviction that equal access to services, employment and promotion prospects can be guaranteed by an approach in which everybody is treated the same. This argument may also be associated with an implicit demand for assimilation, without which the alternative is exclusion.

At a deeper level, obstacles also arise from a fear of public resentment of and local resistance to measures designed to ensure fair and equitable treatment for immigrants, and which might be interpreted as leading to preferential treatment.

When integration of migrants is at the forefront of local political debate, insufficient acknowledgement may be given to their occupational integration and the advantages of a diversified staff.

B. Legal restrictions and interpretation of statutory provisions

Statutory restrictions on access to civil service jobs by non-nationals are an important issue in Europe. This has been underscored in the annual reports of the Fundamental Rights Agency (FRA) on racism and xenophobia.

Another obstacle to appropriate implementation of diversity policy found by the CLIP project was the interpretation of specific statutory provisions. In Germany, ministries have often interpreted national anti-discrimination law as prohibiting any policy to promote staff diversity (quotas or even preference for applicants from an immigrant background in the event of equal qualifications).

C. Identification of challenges and related information

Both management and staff lack awareness of the diversity of users' needs. There is also insufficient administrative information to identify problems and analyse barriers to the employment of migrants and access to services.

The departments concerned must define the skills staff need in order to meet the various needs of their users, and should promote staff diversification. However, this approach has also been criticised as tending to assign staff members with migration experience solely to service areas with migrants for users instead of increasing the overall staff diversity of regular services.

D. Leadership issues

Sometimes lack of action by managers is an obstacle to implementation of diversity policies. This lack of action may stem from fear of a negative reaction from the public or from staff to adapting their services. In order to avoid such reactions, senior executives may prefer political inertia or put emphasis on policies for a wider clientele (such as the unemployed, although in practice migrants are disproportionately represented in such groups).

Weak leadership is another obstacle, leading to a gap between aspirations and coherent implementation of diversity policies. This gap is often linked to a lack of attention by top management and the political leadership to diversity policies, appropriate training for middle management, improvement of recruitment practices and strict application of anti-discrimination measures.

In particular, a general lack of accountability and transparency in a public institution is a major obstacle to implementation of diversity policies. In many CLIP cities where staff and middle management put up resistance, training and raising awareness were key elements in overcoming this problem.

Another frequent obstacle is lack of consistency in administrative responsibilities within an institution. It is often a struggle to get a positive initiative in one department taken up throughout the organisation. Some departments have enthusiastically welcomed the need to guarantee equal access for migrants and minorities, while others have done little to change their approaches. Positive initiatives are therefore confined to individual departments with no co-ordination or harmonisation with other departments, and often lack sufficient resources.

E. Recruitment, appointment, and promotion mechanisms

A typical barrier to implementation of diversity policies is to be found in recruitment processes. The resulting challenges may be linked to several factors:

- Qualified migrants find better jobs in the private sector and have a poor perception of public employment.
- Lack of resources for the recruitment process (e.g. professional development, translation, data-gathering, etc.).
- Vacancies are announced only through informal contacts.
- Demanding language standards, which are not always justified by the job requirements.
- Lack of qualified candidates as a result of non-recognition of qualifications.

Lack of local-government training measures for young migrants (reform of training institutions, traineeship programmes), of internal training programmes and of promotion prospects for migrants.

Accordingly, many institutions are finding it difficult to move from equal rights to equal treatment.

F. Resources

Another obstacle is budget restrictions. Adapting services and extending data collection, for example, are often costly for cities facing budget problems.

A general shortage of staff usually goes hand in hand with lack of adequate training and piecemeal initiatives that are very often delegated to voluntary-sector and religious organisations.

G. Effective implementation of diversity policies on the ground

Experience in many cities shows that, at least to begin with, strict application of quotas is needed to achieve a significant increase in an organisation’s diversity. Quota rules often generate resistance.

Further obstacles arise from the trauma that staff may suffer when confronted with users’ extreme situations.
Individual resistance: dissuasive effects of attitudes

Professional or personal resistance to adapting to diversity can cause failures and undermine all of an institution’s efforts to adapt. Special attention must therefore be paid to the different types of resistance that may occur among staff or management. This resistance may stem from stereotypes or prejudices relating to diversity, denial of diversity, an ideology of assimilation, a rigid professional identity or a poor understanding of the law and national integration policies. This section discusses these attitudes of resistance by taking a number of anti-diversity arguments and trying, through the responses, to answer the question, Why should professionals take diversity into account in public institutions?

Professional resistance linked to a particular view of professional roles

- Example of an argument against taking diversity into account (Professional identity) “There is nothing in my job description that says I have to take account of diversity among the users. My job is to heal people. I am a doctor not a community worker. Talk to the social worker or cultural mediator if you want, but this is not my concern.”
- Example of a response for countering this type of resistance "If a request concerns the same service, we must verify that these services do not involve any discriminatory bias. The limit on such adaptations is determined by law. A request can be refused only where accommodating it would impose “undue hardship” on us." Professional resistance linked to a particular view of integration

- Example of an argument against taking diversity into account "Immigrants have chosen to come here. If they want to integrate, they have to adopt our ways of doing things. If they don’t want to assimilate, it is not up to our organisation to make things easy for them. It is their responsibility to ask questions and seek information. We’d be only too happy to answer them.”
- Example of a response for countering this type of resistance “We are confusing integration and assimilation. Our integration policy does not seek to assimilate immigrants by obliging them to renounce their values and principles if they are consistent with our national law and individual rights.” Immigrants are entitled to the same services on the same footing, no matter who users are. So what is the point of adapting our services? There is no racism or exclusion here. The principle of full equality without any form of discrimination and without granting special treatment. We treat everyone on the same footing, no matter who users are. We offer the same services on the same footing, no matter who users are. We offer the same services on the same footing, no matter who users are.

I dea l ideological resistance linked to a particular view of integration

- Example of an argument against taking diversity into account “Our organisation does not provide tailor-made services. If we had to develop different services for different clients, things would be a shambles, the outcome would be unmanageable and the organisational structure would crumble away. That kind of attitude would encourage a community-based approach to service delivery with the risk of fostering cultural ghettoisation.”
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Legal resistance linked to a particular interpretation of the law

- Example of an argument against taking diversity into account “Our services are open to and accessible to everyone. We offer the same services on a basis of full equality without any form of discrimination and without granting special treatment. We treat everyone on the same footing, no matter who users are. So what is the point of adapting our services? There is no racism or exclusion here. The principle of full equality without any form of discrimination and without granting special treatment. We treat everyone on the same footing, no matter who users are. We offer the same services on the same footing, no matter who users are." A request can be refused only where accommodating it would impose “undue hardship” on us."

Political resistance linked to a particular interpretation of secularism

- Example of an argument against taking diversity into account “Our institution defends the principle of secularism. We don’t want to be aware of religious differences. Manifestations of religion have no place in a secular society or institution. And so there is no reason why I should meet requests to accommodate religion.”
- Example of a response for countering this type of resistance “Secularism means not advantaging or disadvantaging a particular religion and must ensure freedom of religion for all citizens. It constitutes a principle of neutrality. European societies are in agreement in upholding freedom of religion as one of the foundations of democracy and the right to equality. Defence of secularism is therefore compatible with expression of belief (freedom to exercise religion): within certain limits. It is in the extent of the restrictions to be placed on this freedom that European countries differ. The degree to which secularism is open to cultural diversity depends on the individual state.”

Conclusion

Moving beyond tolerance to a genuine policy of respect

Sometimes resistance is associated with rejection of immigration, rejection of differences and racist views. As these arguments have shown, however, professional resistance is usually based on a position of “tolerance” of diversity among clients or colleagues unless it takes the form of a claim to entitlements in the public sphere, disrupts professional practice or interferes with the way the institution functions. In other words, diversity is accepted so long as it does not offend, presents no obvious problems in personal relations, is not “openly” displayed in the public sphere and does not lead to discrimination. To combat this type of resistance, saying everyone is equally entitled to use the stairs does not take account of an individual’s physical condition. Treating everyone on exactly the same footing is a formal concept of equality. However, in law the defence of equality has evolved towards greater respect for differences. Equal treatment sometimes means differential treatment. This is not preferential treatment!”

27 An obligation to assimilate would result either in pressure to conform or in forced homogenisation.
Knowledge, life skills, know-how and transfer of skills

Generally speaking, practitioners and other people working in an intercultural context face situations that require a great many skills: they must be able to receive users, identify needs, assess situations, provide users with information, adapt their methods of working, respond to emergencies, make use of the resources available, provide psychosocial assistance, sometimes act as mediators, draft action plans, work collaboratively, assess impacts, ensure follow-up, anticipate problems, and so on.

To meet these professional needs and influence the quality of work, various models of practice have been developed to improve the intercultural skills of these workers.

The objective of Part C is to provide an overview of these various models and indicate their advantages and limitations.

This overview will present the various components of intercultural action and enable a training programme to be drawn up on the basis of staff needs or shortcomings in the institutional culture. Institutions will benefit from using these models to develop both staff and institutional skills and to design a training programme or integrated model of practical action.

The models set out below offer various approaches to promoting intercultural skills in public institutions. They can be used in several ways.

Firstly, they are tools for assessing the level of intercultural skills in the organisation as a whole, from mission statement, procedures and human resources management to practices. In order to develop an effective overall strategy for organisational change, it is important not to restrict this analytical process to one or two models but to apply all of them. Although they may be considered separately, these models are interdependent, complement each other and can be used together.

At the same time, these models provide guidance for staff at every level of the organisation. They can help them to better understand and manage a given situation of intercultural interaction with users and colleagues, a team meeting, a recruitment process or performance rating of human resources. Since intercultural interactions are complex, it is useful to consider the situation from different points of view before choosing an action strategy. Knowledge and practical experience of several models will enable staff members to successfully address critical points in intercultural interaction.

The following practical example illustrates the combined application of different models. A Muslim nurse complains to her supervisor that she is a victim of discrimination because she is not allowed a day off for a religious holiday. The various aspects of this potential conflict can be resolved in the following ways:

- by ascertaining whether it is a case of discrimination (Model 1) or by highlighting differences in religious practice and the cultural filters coming into play (Model 2) and the consequences in terms of self-perception and perception by colleagues of being a practising Muslim in a society with a Christian majority and a secular structure (Model 4 and Model 5), as well as mutual expectations and the needs of the nurse and her colleagues in terms of institutional support (Model 7).

- The model focusing on conflict management and resolution (Model 6) will help all parties concerned to settle conflicts in a respectful way without giving up their own interests and needs. Practice of
intercultural dialogue by all members of staff (Model 3) avoids the tension (perception of a privilege having been granted) degenerating into a genuine case of discrimination and psychological harassment leading to a deterioration in work relations, individual suffering and a decline in staff performance.

Each model has its merits and its limitations. These are in no sense “ready-made recipes” but rather ways of clarifying what an individual or institution can know, learn or improve. Exaggerated cases are sometimes taken as examples for educational purposes.

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What are intercultural skills?

Taking account of cultural diversity is based on several intercultural skills (or intercultural competences) for improving intercultural action and interaction in public institutions.

The concept of “intercultural competence” was coined in the United States by Pedersen,28 following research into intercultural communication and intercultural management. Hall used the term “intercultural communication” for the first time in 1954.29

Intercultural competence is a complex concept. It is generally accepted that intercultural skills encompass, under different names, three components: knowledge (cognitive skills), life skills (emotional or soft skills) and know-how (behavioural skills).

• Knowledge refers to the field of knowledge, the ability to analyse and understand a set of issues and the ability to think through the differences, ethical principles and values involved in a decision.

• Life skills refers to the field of cultural awareness, attitudes of empathy, openness and flexibility, the ability to feel, and the capacity to interact while focusing on the individual.

• Know-how refers to the field of action, to practical approaches and techniques and to the ability to experiment, apply one’s knowledge and take appropriate action.

Learning intercultural skills therefore includes acquiring information (knowledge), adjusting behaviour (life skills) and developing abilities (know-how).

These skills are considered to be a dynamic process rather than unchanging natural predispositions. They are the result of continuous adjustment to a range of situations, problems, staff teams and members of the public.

For some people, these skills are acquired in an intercultural context through practice as a result of exchanges with and experience gained from people from other cultures. For others, intercultural skills are more a matter of “expertise” independent of experience, a stock of specific knowledge.

Intercultural skills are sometimes defined as individual, group or institutional knowledge. They may be associated with interdisciplinary skills or specific skills in the organisation’s local, regional or national context or with individual activities/fields. Some people consider that intercultural skills also include the (self-critical) ability to analyse and question one’s own practice.

Although, or because, the concept of “intercultural skills” is in widespread use, it does not mean the same thing to everyone. Definitions change. Some people assert that new dimensions should be added to such skills. Others take a critical view of their real importance or their effectiveness.

Nonetheless, these intercultural skills, comprising the three components described, are in general used for assessing people and training them to take diversity into account in an informed manner.

Self-assessment exercise:

In your opinion, what skills should staff have in order to be able to manage situations of diversity?

In terms of knowledge?

In terms of practice?

In terms of abilities?

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A number of models for intercultural action are designed for a variety of professions and cover a broad range of practices in order to tackle the complexity of situations requiring action by professionals.

Faced with this complexity, some of these workers may start to doubt the relevance of their knowledge and the validity of their approach. Action in multicultural situations often leads to confusion, a loss of points of reference, a feeling of powerlessness and problems in using existing methods for a diversified public. This challenging of knowledge also extends to individuals calling into question their role and even their professional identity, social commitment, personal values, legitimacy and the relevance of their work.

These models for intercultural action help to support adaptation by staff who are unsettled by having to come to terms with users with diverse needs and distinct vulnerabilities, or by having to interact with colleagues from different backgrounds. They provide various interpretations of the components of intercultural skills. In this respect, they are models for learning these skills.

The objective of Part C is to help determine workers’ intercultural skills and devise a staff training programme. Ideally, an organisation should take into account all these models, or a combination of selected models, in order to develop a comprehensive intercultural action strategy.

Staff should have a clear view of the contribution training can make, remembering that how these skills are acquired is reflected in and has repercussions on action taken at work, their daily tasks and their service provision. Training that is too abstract or general may lead to misunderstandings, frustration at not having the adequate tools, or may even lead to a defensive attitude (avoidance of problems and confrontation).

We should stress that responsibility for adaptation does not lie with the professionals alone. Adaptation of the institution is first and foremost a matter for management. At the same time as improving professional skills, these models for action must influence institutional skills through a management approach.

### A.2. Model focusing on fighting racism and discrimination

#### Description of the model

This model covers the acquisition of knowledge on individual rights and non-discrimination, the analysis of norms and practices which are unsettled by cultural categorisations, and consideration of preventive or corrective measures.

In law, society grants everyone equal status and equal dignity. Nevertheless, it sometimes happens that some people are treated unfairly, suffer disadvantage or are denied an advantage because of a difference connected with a certain characteristic such as origin, skin colour, language, religion, etc. There is discrimination when a person is the subject of different treatment because of one or more personal characteristics resulting in denial of a right.

Institutionalised racism can be defined as follows: “The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage people from ethnic minorities. It persists because of the failure of the organisation to openly and adequately recognise and address its existence and causes by policy, example and leadership. Without recognition and action to eliminate such racism, it can prevail as part of the ethos or culture of the organisation. It is a corrosive disease.” (Report to the United Kingdom Parliament of the inquiry into the racist murder of Stephen Lawrence in 1993).

The experience of discrimination can threaten the immigrant’s process of integration and generate different identity strategies, including withdrawal and marginalisation. These (psychological) defence mechanisms may lead to underuse of the services offered.

This model is based in particular on studies that have demonstrated the presence of racist bias, albeit unwitting, in the delivery of public services. For example, in the health field, studies in France and the United States have revealed disparities in access to care and treatment and in payment of medical expenses for patients of immigrant origin.

Similarly, in the United Kingdom, reports show that people from ethnic minorities are over-represented in mental health services in England and Wales. Available at: www.equalityhumanrights.com/legislative-framework/equality-bill/, accessed 3 June 2011.

### A.2.1. Model focusing on fighting racism and discrimination

#### Description of the model

The model focusing on fighting racism and discrimination is intended to eliminate any measures whose purpose and/or effect is to exclude or disadvantage people on the basis of their race, origin, religion, language or any other prohibited criterion. Adapting institutional services, norms and practices becomes a legal question linked to the respect of individual rights and non-discrimination.

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Similarly, in the United Kingdom, reports show that people from ethnic minorities are over-represented in mental health services (Care Quality Commission, 2009) and in other fields of activity.
the prison population (House of Commons Home Affairs Committee). Some medical decisions are apparently based on prejudices and cultural stereotypes that discriminate against immigrants. In this context, corrective measures are required in order to eliminate discriminatory bias.

This model aims to give an institution the tools to guarantee an environment that is free from discriminatory practices. The prohibition of discrimination includes direct, indirect and systematic discrimination as well as discriminatory harassment defined as unwanted behaviour connected with race, ethnic origin, skin colour, and so on, the purpose or effect of which is to violate a person’s dignity and create an intimidating, hostile, degrading, humiliating or offensive environment.

Sometimes, without such different treatment being connected with a personal intention to practise discrimination, an institution may place systemic discriminatory obstacles in the way of the most vulnerable groups. These systemic obstacles may also be connected with the standardisation of rules excluding those who cannot comply with them or forcing them to abide by them. Although at first sight neutral, legitimate and applicable to all, these rules – defined with reference to majority characteristics – amount to an “implicit norm”. Therefore, even if they do not explicitly or directly exclude any individual or group, they may have the effect of excluding people. In such cases, discrimination is measured in terms of those effects.

In order to enable the right to equality to be exercised in practice, institutions need to provide for specific adaptations that favour the integration or participation of people with specific needs. These adaptations may take the form of specific facilities or an exception or exemption to the whole organisation and seek to establish an inclusive culture suitable to individual rights.

The skills used in this model cover knowledge (of rights) and know-how (analysing norms and altering behaviour).

Outline

• Definition and dimensions of racism: Racism as an ideology. Set of ideas, behaviours and attitudes categorising and belittling certain groups of humans.

• Historical origins and expressions of racism: Groups that have historically been victims of racism and its repercussions – examples of repeated racial categorisation.

• Information on the right to equality and the prohibition of discrimination and harassment: National and international legislation on the right to equality and prohibition of direct and indirect discrimination, and the case law prohibiting systemic discrimination. National and international legislation on combating racism policies. Standardisation of rules and pressure for uniformity. The duty of reasonable accommodation (see appendices 1 and 2).

• Trivialisation or denial of racism: Jokes, humiliations, ostracism, paternalism: forms of day-to-day discrimination at work, home, school, etc.

• Racial profiling: Use by law enforcement agencies of generalisations based on race, ethnicity or religion – rather than objective evidence or individual behaviour – as the basis for decisions to undertake law enforcement action and/or investigate persons who have been or might be involved in criminal activity.

• Raising awareness of the consequences of exclusion and stigmatisation: Shaping of prejudices and stereotypes, their discriminatory effects, identity-based strategies in response to stigmatisation (visibility, invisibility, marginalisation, demands, provocation, assimilation, denial of difference, etc.).

• Prevention and action: Implementation of a high-profile anti-racism and anti-discrimination policy; complaints procedure; investigation; means of rectifying or correcting the situation; corrective and preventive adaptation measures.

• Follow-up and evaluation of institutional strategies to combat racism and discrimination: Critical reflection on their capacity to combat stereotyping and discriminatory practices; exercises and tools to help staff, instant managers think about their own prejudices.

Learning objectives/target skills

• Fostering a better understanding of the institution’s statutory framework and legal obligations (knowledge).

• Identifying obstacles to equal access to institutional services and to the benefits of those services (know-how).

• Recognising racist behaviour and preventing discriminatory incidents (know-how and life skills).

Contribution to institutional progress towards an inclusive culture

Developing or reviewing rules, norms and facilities according to a standard of actual equality that acknowledges differences between individuals and reflects the diversity of society, with the effect, amongst other things, of avoiding complaints of discrimination.

Learning benefits and limitations of the model

This model stresses protection of rights and the statutory obligation to fight against all forms of discrimination. Adaption here goes beyond goodwill to become binding and may extend to developing inclusive norms that take into account the situation of each group wherever possible.

This model helps to build an inclusive culture by requiring institutions to adopt corrective measures in order to remedy the discriminatory effects of certain norms and practices. Apart from the question of individual complaints, this model urges inclusion of the concept of equality in institutions’ norms and employment policies in order to reduce structural and institutional barriers as far as possible. In so doing, it emphasises the importance of corrective as well as preventive measures.

This approach highlights the damage caused by racist ideology, which focuses on historical grievances and power struggles, and carries the risk of encouraging confrontation between groups of “them” and “us”, and further victimisation.

Institutions must go further than fighting racism and discrimination. Their aim and policy should be to ensure fair and equal access to services and the benefits of the law. They should encourage effective participation of minorities in society through acceptance and integration of institutions in accordance with the principle of equal opportunity.

CASE STUDY

X, of Burmese origin, has been on the reception did not wish to renew the lease and is getting ready to move out. But his landlord is threatening to take court action against him if he does not pay his rent up to the expiry of the lease. X explains to his colleagues the landlord’s rights to him. He speaks very quickly. The user, who is unfamiliar with legal language, starts to complain that, with all his “Double Dutch,” X is not even trying to find an answer to his problem. As the information officer is about to speak to him more slowly, the visibly irritated user insists on dealing with an employee who speaks “proper English.” The atmosphere is tense. Another information officer replies to his questions. Following this incident, which humiliated X in front of his colleagues, the latter make it worse by joking about it. The jokes become hurtful and insulting for X and marginalised by the rest of the team. Relations at work deteriorate. In the end, X complains to his supervisor. In order to defuse what he considers a joke that has gone too far, the supervisor summons the whole team to his office and asks everyone to reflect on the different cultural prejudices. For example: “Our institution has a culture of membership or femininity – whether its values and norms to identify possible discriminatory effects or obstacles? • take seriously every complaint of harassment made by a member of staff, including by interpreting reporting and investigation procedures?

SITUATION

METHODS OF USE

Target groups
Managers, human resources officers, directors, all members of staff.

In practice
Does your organisation: • have a policy that includes a commitment to fight against all forms of discrimination and harassment? • keep up to date with changes in legislation on the subject? • receive complaints or demands for adaptation concerning one department more than others? • examine all its activities and services, policies, rules and norms to identify possible discriminatory effects or obstacles? • ensure that everyone is familiar with their rights and responsibilities, their right to lodge a complaint and their right to appeal against a decision? • state clearly who is responsible for seeing that the environment is free of discrimination and for informing people of their rights and responsibilities?

POSSIBLE SOLUTIONS/SKILLS REQUIRED

The supervisor should have reacted promptly by finding out exactly what had happened and thoroughly investigating the deterioration in working relations between X and his colleagues. A number of measures should then have been taken: disciplining X’s colleagues appropriately (warnings, for example) and, more generally, giving all employees training on rights and discrimination, clearly maintaining the zero-tolerance policy towards racist remarks by users or staff, stating that user needs could not take precedence over the respect due to employees, laying down clear guidelines on the acknowledgement of diversity and expectations in terms of service delivery, publicly displaying notices on the policy of mutual respect between users and staff, ensuring that information was conveyed simply and effectively to users or staff, noting that user needs could not take precedence over the respect due to employees, laying down clear guidelines on the acknowledge ment of diversity and expectations in terms of service delivery, publicly displaying notices on the policy of mutual respect between users and staff, ensuring that information was conveyed simply and clearly enough, and adopting a common strategy on how to respond to users expressing discriminatory prejudices. For example: “Our institution has a duty to reply to its clients’ questions. All members of staff have the skills required to provide you with information. If your question is not adequately answered, the member of staff can explain it in another way if you request him or her politely.”

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ANALYSIS OF THE SITUATION

The situation affected X’s self-confidence, self-esteem and sense of dignity, relations with the users, the working atmosphere and the organisation’s image. The supervisor did not take the situation seriously enough when he made light of the joke and interpreted what was in fact harassment as a lack of team spirit. The situation was wrongly assessed and nothing was done to prevent further incidents. The supervisor did not fulfill his duty to provide a racism-free environment. He did not do enough to rectify the situation.

C.2. Model focusing on cultural awareness

Description of the model

The model focusing on cultural awareness is intended to promote knowledge about cultures and awareness of cultural differences in order to develop intercultural skills in services and practical action.

This model covers the acquisition of knowledge about various cultural components in order to enable workers to interpret different types of behaviour by placing them in their cultural context.

Conventional training in cultural awareness seeks to explain cultural differences by providing information on a country, its history, way of life, social codes, rules of courtesy, family and business relationships, etc. Such information has been used in particular for training expatriates.

A number of authors have endeavoured to describe the main differences between cultures in the form of “cultural parameters.” Efforts to identify major cultural characteristics produced a number of classifications in the last century: those of Edward Hall in the 1950s (Hall E.T., 1959), Geert Hofstede in the 1970s (Hofstede, 1991), Philippe d’Iribarne in the late 1980s (Iribarne, 1989) and Fons Trompenaars in the early 1990s (Trompenaars, 1993).

For example, Hofstede proposes decoding cultural differences using four dimensions: the degree of individualism/collectivism in a society; its relationship to power in terms of the extent to which inequalities in society are accepted by the less powerful (power distance); the relationship to uncertainty and ambiguity, reflecting the way in which people approach risk and tolerate uncertainty; and a society’s masculinity/femininity – whether its values tend to be masculine (success and possession) or feminine (attachment and engagement in self-examination).
Learning benefits and limitations of the model

This model makes it clear that, in order to come to terms with diversity, openness is not enough. Intercultural action requires specific (and wide-ranging) knowledge to reduce prejudice and stereotyping and broaden possible meanings/interpretations of a particular type of behaviour. This model can be used to combat denial of diversity by promoting recognition of others with all their differences.

This model is constrained by its "theoretical" nature. It has to be supplemented by other forms of expertise if it is to be used to provide guidance for users, resolve conflicts between norms, negotiate compromises, explain decisions and so on. Moreover, having some knowledge of other cultures and other frames of reference does not mean one understands the other person’s individual frame of reference.

Personality clash or intercultural conflict?

CASE STUDY

SITUATION

X is beginning his first day at work in a public institution providing health and prevention services for young people with problems. He is from Latin America and was a teacher before he migrated. On this first day he is to meet his colleague Y. When he arrives, Y remarks that the “newcomer” looks like a young “businessman” with his suit, tie and briefcase. He thinks X is trying to impress him. For his part, X thinks that Y looks “slovenly” and not bothered about setting an example to the young people. When X goes to shake hands, Y offers him a chair and suggests a coffee before they “have a chat.” X is surprised by such a casual attitude. He begins to tell him about his past experience in order to explain that he is happy to have this job which enables him to continue working with young people. But Y cuts short his account of his work experience; he prefers to talk about the challenges. Amid bursts of laughter, he describes the few young people he looks after. Although he has a lot to say, he does not discuss the practical aspects of the work or the way the team functions. The very informal style of this first work meeting embarrasses X, who expected to receive instructions. He begins to doubt Y’s credibility. For his part, Y wonders why X is so reserved and doubts his skills. He seems to be shy and asks very few questions. He wonders how he will interact with young people in search of authority.

ANALYSIS OF THE SITUATION

From the moment they see each other, the two men judge each other on their physical appearance and attitude. This first impression gives rise to misperceptions. Perceiving others solely in terms of visible differences usually leads to errors of judgment. Each (future) co-worker interprets the attitude of the other according to his own frame of reference, in other words by referring to his own code of conduct at work (formal/casual), code of interaction (reserved/extrovert) and code of communication (listening/speaking frankly). For each of them, the (future) co-worker does not conform to their “expectations of normality.” Because they do not decode these different ways of behaving and expressing themselves in the light of patterns of cultural behaviour, the relationship between the two men may lead to misunderstandings typical of cultural incomprehension.

POSSIBLE SOLUTIONS/SKILLS REQUIRED

It would be helpful for staff to be made aware of cultural differences that might affect co-operation between colleagues and relations with users. This situation is a typical “critical incident,” in other words, the type of conflict analysed in intercultural training. Use of critical incidents during a training course helps to make participants more aware of differences in attitudes and cultural behaviour. Analysis of critical incidents is an aid to critical thinking in real-life health and social work situations (Green Lister and Crisp, 2007). Tripp’s work (1993) has influenced the use of critical incident analysis in social services training, leading to greater open-mindedness to cultural differences. Lastly, training should highlight the advantages of a diversified work team, especially when they are working with a clientele which is itself diverse, and should strengthen the synergy-creation effect of various ways of working and the complementary effects of diversified skills.

Methods of use

Target group
All staff.

In practice
• How would you describe the cultural values of the organisation in which you work? What impact do they have on the way you interact with users?
• What are the main values/points of reference that guide your action?
• What codes of professional conduct do you follow?
• Do staff show themselves to be aware of individuals’ cultural differences and special characteristics?
• Do they make an effort to understand users’ concerns and make themselves understood by users?
• Do they display a positive attitude to learning, sharing and applying new knowledge?
• What could be done to improve staff knowledge about people with different cultural characteristics?
C.3. Model focusing on communication and intercultural dialogue

Description of the model

The model focusing on communication and intercultural dialogue is intended to make staff aware of the influence of culture on communication styles, enable cultural factors to be decoded and to make sure that information is communicated more effectively and interaction occurs smoothly. This model also trains staff in the proper use of interpreting services in order to ensure that they feel at ease in three-way communication between a member of social services, the user and an interpreter or cultural and linguistic mediator or any other interpreting option (Alexander Bischoff and Louis Loutan, 2008).

This model covers the importance attached to communication and dialogue for conveying information and interacting effectively and confidently. It stresses the role of communication, the challenges it presents in an intercultural context and the risks and pitfalls of poor communication. For example, the method of communicating may influence the nature of the message and the quality of the relationship (relationship of trust).

Much intercultural incomprehension and misunderstanding stems from communication based on stereotypes. The meaning of words, silences, gestures and intonations will vary according to the values and culture of the person in question. For example, depending on the code of communication, the nature of eye contact and the physical distance from the other person may lead to misinterpretation of his or her intentions (signs of openness, friendliness and respect, or their opposites). Just the word “yes” may be interpreted either as “OK” (consent or agreement) or as synonymous with “I heard what you said.” Laughter, silence and gestures may also have several possible meanings.

This model is concerned with both verbal language (communication style) and non-verbal language (body language). Writers such as Edward T. Hall (Hall E.T., 1959) have demonstrated the importance of non-verbal language in communication: facial expression, hand movements, gestures and posture, intonation and delivery, eye contact, physical distance, touching and so forth. We should further note the importance of silences, the significance of advice, suggestions, encouragement, etc.

This model also analyses written communication to see if it conveys information appropriate to the target audiences, in other words, in a familiar language, in understandable terms and with examples.

Lastly, this model ensures that information is conveyed in the best possible way: vocal delivery, clear explanations, checking comprehension, expression of emotions, and avoidance of jargon, slang and figures of speech.

Topics of conversation also have a very cultural dimension. In some cultures not all subjects can be discussed with a stranger (someone outside the family). Certain topics, such as sexuality, may be considered taboo or improper.

The training connected with this model is based on analysing critical incidents stemming from intercultural incomprehension and misunderstandings. The relevance of such critical incidents is to provide ready-made answers or tailor-made solutions but rather to develop an ability to stand back from one’s own frame of reference in order to see the situation from the other person’s point of view and deal with it by coming to terms with the risks associated with ambiguity, uncertainty, etc.

This model draws on the ability to receive and pass on information verbally, non-verbally and in writing (knowledge, life skills and know-how).

Outline

• Linguistic diversity and command of the language: Mother tongue, bilingualism, use of several languages.
• The role and purpose of communication: Communicator, addressee and message; functions of language (expressive, interactive, informative, etc.).
• Codes of courtesy and styles of communication: Verbal and non-verbal language, gestures, voice, body language, distance and proximity, formal and informal address, greetings, use of first name or surname, etc.
• Communication filters: Perception and understanding of the message, risks and pitfalls of communication, types of misunderstanding, decoding the message.

Learning objectives/target skills

• Improving communication skills in order to enhance interaction with users and colleagues (know-how).
• Preventing the risk of communication-related misunderstandings (knowledge and know-how).
• Adapting communication strategies to target groups (know-how).

Contribution to institutional progress towards an inclusive culture

This model helps to build an inclusive culture by ensuring that staff have the skills required to communicate effectively with users through effective information dissemination strategies.

Learning benefits and limitations of the model

The model focusing on communication and intercultural dialogue can be used to decode other styles of verbal and non-verbal communication and adapt one’s own style of communication.

This model has limitations if staff have an inadequate command of other languages or if “formalistic” (or “bureaucratic”) language prevents information from being understood even if documents are translated.

• Organisational strategies: Quality of information, staff’s linguistic needs, simplification of messages or their translation into other languages, interpreter pools, target list of media.
• Availability of printed materials in different languages, possibilities for staff to learn a few simple greetings in different languages.
A communication problem or a translation problem?

CASE STUDY

SITUATION

T works in a public institution covering prevention of health and safety field. He notices that several users with an immigrant background do not follow his advice although they say “yes” when he asks them if they have understood. This has important consequences: children are not always vaccinated when they should be and women do not have the medical examinations to which they are entitled. His supervisor therefore decides to have more documents translated into various languages for the users. In addition to oral information, users are given a leaflet. Unfortunately, the results are disappointing. The institution has difficulty contacting some groups to offer its services.

ANALYSIS OF THE SITUATION

The public institution is concerned about users’ health and welfare but is ill-informed about their characteristics and particularly their style of communication. For example, in some cultures it is impolite to answer “no” to a question asked by a professional who is looked on as “an expert”. Officers should check that users have understood the information provided by asking them to repeat the message in their own words. If the officer is a man, it may be embarrassing for a woman to reply to questions concerning sexuality. The institution should ensure that the officer’s style of communication is appropriate to other people’s ways of communicating. Translation is not the solution to every communication problem. Users may not be very literate, and the information may be too technical or written in language too abstract to be easily understood.

POSSIBLE SOLUTIONS/SKILLS REQUIRED

The institution should gather more information about its users’ cultural characteristics, if necessary seeking information from community organisations or other sources. It should ensure the communication is of a proper standard in terms of style and human relations. Before distributing leaflets, the institution should check the standard of communication and simplicity of information with the users.

The organisation should provide advice to improve the standard of communication between officers and users with an immigrant background. Its suggestions might include: allowing more time for interaction, speaking slowly and clearly using short sentences, a sympathetic tone of voice and non-verbal signals such as a smile or gesture, avoiding jargon and euphemisms and encouraging users to ask questions if they have difficulty understanding the information.

C.4. Model focusing on support and interaction

Description of the model

The model focusing on support and interaction is intended to address users’ needs and concerns with due respect for the individual, regardless of any pragmatic or normative considerations. This model emphasises respect for individuals, their beliefs and values systems. For Margalit Cohen-Emerique, a psychologist and expert on intercultural relations, intercultural action takes place primarily within a relationship of support.

In this model, intercultural action is founded on intercultural contact in the form of an exchange of know-how based on a relationship of trust, reciprocity and mutual respect. The worker will seek mutually satisfactory solutions.

This relationship of support may, however, lead to “culture clashes” between the user’s value system and the worker’s frame of reference, consisting of the latter’s values, professional requirements and institutional expectations. To move beyond such culture clashes, the worker must endeavour to leave behind the ethnocentrism of his or her field in order to assume the particular situation from the user’s point of view.

The methods to this end consist mainly in listening, a fair assessment of the user’s conduct and an attempt to understand the user’s various experiences, feeling of identity, background and immigration project.

This model therefore entails dealing with requests on an individual basis through an understanding of the user’s specific needs. The user’s questions and problems are central to the support relationship. Staff encourage users to participate in communicating their needs and looking for answers. However, these staff must also abide by the rules and constraints of their organisational culture.

This model stresses the facilitation and support role of staff who, through their reception of users, their ability to listen and their explanations, help these users to adapt to the host society. They convey the meaningful of certain values and the implications of certain rules of the host society. They explain how existing institutional norms may be inspired by social values. They teach users customary ways of behaving in the workplace in that society. They spell out the spirit of the laws that emerged at a given point in society to reflect social values.

Through their action, operators help to build bridges between two different cultures and worlds of meaning. They mitigate cultural differences, narrow the gap between cultures, make adjustments to the way the rules are applied and help users to assimilate new points of reference once they have understood them.

The training connected with this model is based on analysing culture clashes in order to simulate situations in which participants have to question and interpret the facts and respond appropriately. Such clashes may arise from cultural differences associated with views regarding the individual and his or her rights, the emancipation of women, the status of women, liberal education of children, the amount of freedom allowed to teenagers, and so on.

The model focusing on support and interaction draws on intercultural skills relating to know-how, life skills and know-how.

Learning objectives/target skills

• Helping staff to move beyond culture clashes, to assess a situation in context using an analysis model that takes into account cultural differences, and to handle intercultural situations sensitively in order to narrow the gap between different worlds of meaning (knowledge, know-how and life skills).

• Gaining knowledge and improving analytical tools to take into account the vulnerabilities connected with cultural factors, (material) living conditions, the stress of adaptation, cultural differences and the migration process (knowledge).

Contribution to institutional progress towards an inclusive culture

This model for action helps to bring users closer to institutions through the operator’s role as an intermediary and provides information about cultural differences, institutional requirements and social resources.

Outline

• Differences in cultural values: Representations of roles of family members, personal status, religious precepts, customary values, different interpretations of common values, cultural differences in relation to social, physical and mental health.

• Relativity of frames of reference: Cultural relativism and culture clashes, models for analysing and interpreting problematic intercultural situations, evaluation of action taken, possibilities and limitations of intercultural action, dangers and consequences of errors in assessment.

• Living conditions and the situation for immigrants: Employment, housing, health, hygiene, education, leisure, neighbourhood; social difficulties and integration problems; the stress of adaptation; various forms of vulnerability/insecurity.

• Professional action: The roles of staff, their authority, their (personalised, feminist, legalist, etc.) approach, their qualities of observation, their information, prevention and mediation work, their networking and partnerships with community associations and the authorities, their task of socialisation with regard to the common values of the host society, their respect for other values, their culture of compromise.

Methods of use

Target groups

Professionals directly in contact with users and professional partners promoting intercultural dialogue.

In practice

• The institution ensured that it is fully conversant with the characteristics of its users.

• The institution is sure of having reached its users effectively through appropriate communication strategies.

• Does the institution have an interpreting service?

• Has the institution provided training in communication skills for an intercultural context?
The model focusing on the support relationship has to avoid the temptation to relegate “diversity management” to workers on the ground, at the expense of institutional processes.

When acting as intermediaries, staff should follow specific instructions and be supervised and monitored in order to avoid the risk of action being based solely on a worker's personal predispositions, thus creating a risk of unequal treatment and abuse of authority.

The law or family values?

CASE STUDY

A female social worker goes to the home of a recently arrived immigrant family. The child has been reported to the school because of repeated absences, for which no reasons have been given to the teacher, and letters to the parents have gone unanswered. When the social worker meets the parents, she sees that the mother is bedridden and that her 12-year-old daughter is looking after the invalid mother while he is working outside the home during the day. The social worker reminds him that school attendance is compulsory and any unattended absences could lead to penalties. The father replies that this absence is not unwarranted, as he feels that he is giving his daughter (a sense of responsibility and assistance for his wife, and the permanency of reference (his view of responsibility, children’s upbringing, the role of the school, the legal culture in his home country, etc.). He tends to want to enforce the letter of the law without obtaining basic information about the family's immigration experience, its level of integration, the parent's occupations in the country of origin and the host country, settlement plans, adaptation problems, family values, the child's integration at school, the parent's knowledge of the teacher and the legal framework of the home society, possible repercussions of intervention, etc.

POSSIBLE SOLUTIONS/SKILLS REQUIRED

A key skill in intercultural action is recognising the frames of reference of both the social worker and the individual concerned in order to be able to identify cultural differences that may lead to culture clashes. The female social worker opted for an approach based on rights and the law (in this case, mandatory school attendance) without explaining to the father the spirit of this law, which is in the child's interest, and without telling him about the role of social services, which can provide a helper and home care for his wife. It is likely that the father would have been more willing to co-operate with the social worker if he had assured him of her support and her readiness to help him find a home care. The man's understanding of what is right and fair is influenced by his knowledge of the laws of his home country and his cultural values. Immigration sometimes leads to values being upset and the status of the father as head of the family being challenged. The man may feel that this challenge undermines his identity and authority. The absence of extended family supports him in a prop for this identity and assistance for his wife. Any intervention should focus on strengthening bonds between family members by making it easier for them to begin renegotiating their individual roles and understand the needs and expectations on all sides, with due regard for the law and based on a relationship of trust and mutual recognition in order to help ensure the requested adaptations.

methods of use

Target group

Staff/operators involved in intercultural action or in clinical action in an intercultural context.

In practice

- How do operators perceive their role (enforcing the law, making adjustments to the way the law is enforced, humanising the institutional approach, providing information and guidance)?
- Are they aware of bias in their approach?
- Do they have the tools and knowledge necessary to assess the situation?
- What support do they get from their network and institution?
- How far do they work with partners in order to draw up a plan of action?
- Does the institution provide its workers with the necessary guidelines to help them manage conflicts of values?
- Do they have enough room for manoeuvre to negotiate or facilitate compromises?
- What do the users expect of the support relationship?
- Has the institution developed ways of working with representatives of ethno-cultural communities?

C.5. Model focusing on a client-oriented approach for an ethno-cultural clientele

Description of the model

The model focusing on a client-oriented approach for an ethno-cultural clientele is intended to improve service quality, adaptation and accessibility to meet the expectations and needs of this clientele.

The importance of adapting a client-oriented approach lies in the need to recognise the special needs of users who do not always have the necessary information on the workings of the institution and the system, sometimes have a poor command of the host society's language and may have a different understanding of service delivery.

The importance of such an approach is even greater when users constitute a “captive clientele”, that is, they may be forced to use certain services (for example health services, government services, social services or police services).

Public institutions have a duty to provide a choice of services and fair high-quality service delivery for all users. This statutory duty entails an institutional responsibility to implement appropriate service strategies. In other words, when services are provided, the quality of delivery and the enforcement of quality standards must also be considered.

Depending on the user's frame of reference, service quality will hinge on various factors, such as the attention paid to quality of reception (greetings, contact time, respect, etc.), the quality of information received (oral or written, clarity and simplicity of language, sufficient to help complete an application, etc.), the personal qualities of the frontline worker or the officer working at the reception desk (courtesy, patience, helpfulness, receptiveness, empathy, etc.) and his or her interpersonal qualities (support, discretion, mediation, etc.).

Efforts to adapt services to the clientele must take place within an institution's remit. They may be limited by the institution's mission, legal framework or organisational constraints (limited human, financial or material resources, for example).

The model focusing on a client-oriented approach for an ethno-cultural clientele draws on skills relating to knowledge (quality-standard requirements; knowledge of the clientele's characteristics, needs and expectations); life skills (manner of reception, interpersonal relations, ability to make assessments) and know-how (ability to take appropriate action).

Outline

- Concept of customer service: Service definition, service needs, purpose of services, codes of practice.
- Assessment of needs and expectations: Clientele characteristics (linguistic, cultural, social, immigrant status, etc.), relations with public institutions in other cultures, examples of some users' expectations, fears or particular insecurities, etc.
- Communication skills: Styles of communication, intercultural interaction, standard of communication.
**Means of communication:** Interpreters, leaflets in the user’s language, register of language used, clarity of instructions, etc.

**Client support:** Support for approaching government services, help for filling in forms, etc.

**Learning objectives/target skills**

- Analysing customer service according to the expectations and needs of the ethno-cultural clientele (know-how).
- Developing strategies to facilitate the communication of information, improve the standard of explanation, increase the ability to assist users in their dealings with government services, make intercultural relations easier, and so on, to the client’s satisfaction (know-how and life skills).
- Assessing the impact of those strategies in the light of organisational possibilities and the limitations of an institution’s remit (know-how).

**Written or oral information?**

**Case Study**

Ms X comes to the counter of a public institution. The officer on the desk asks her to wait a moment. He has a poor command of the woman’s language and sees if a colleague can answer her. During this hiatus the queue in front of her desk lengthens. Her colleague answers the woman’s question but she does not seem satisfied with the answer. The officer seems in a hurry and gives curt replies. He then gives her information written in her own language and asks her if she has any other questions. Ms X puts the leaflets in her bag and gives curt replies. He then gives her information about the information needs of its various clients?

**Contribution to institutional progress towards an inclusive culture**

The institution will make the necessary effort to move beyond equal access to services to (measurable) equal outcomes in terms of customer satisfaction and service quality. The institution should endeavour to develop culturally appropriate service delivery.

**Learning benefits and limitations of the model**

This model can be used to make staff aware of the need to adapt services to an ethno-cultural clientele by making a special effort to understand, get their message across, make sure they are understood, provide support and communicate appropriately.

The model is limited by the ability of staff to meet these new requirements if they are not themselves supervised and supported by the management style and culture of the organisation. That is why this model should be part of a structural adaptation of the organisation and cannot be limited to a change of attitude.

**Methods of use**

**Target group**

Staff who provide direct services to a clientele of immigrant origin: reception officers, frontline workers, etc.

**In practice**

- Do staff have the language skills needed to reply to a clientele speaking different languages?
- Does the institution have an interpreting service?
- Has the institution made sure that users are able to understand the written information?
- Has the institution checked the quality and intelligibility of the oral information provided?
- Is the institution sufficiently informed about the information needs of its various clients?
- Is the institution able to adapt its service delivery?

**POSSIBLE SOLUTIONS/SKILLS REQUIRED**

The organisation should see that its staff have language skills or receive language training in a language other than their own or that there are interpreters on the spot. The organisation should provide its officers with training to make them aware of the characteristics and expectations of the clientele. Some users may need further information or other available resources (community organisations) to familiarise them with the functioning and remit of the various institutions and help them in their dealings with them if staff do not have enough time or the institution does not have the resources to increase staffing.

The officer should be patient and make sure he understands the client’s needs. He should encourage Ms X to ask questions if she is having difficulty understanding and to check she has understood the oral and written information, the key words, the procedures to be followed and so on. He should question her politely and attentively and help her become familiar with reception facilities and different values. Complex information should be broken down into its simplest elements in order to facilitate understanding. The organisation should provide – and publicise – its commitment to providing – support services for all users, particularly to overcome problems of illiteracy.

**C.6. Model focusing on conflict management and resolution**

**Description of the model**

The model focusing on conflict management and resolution is intended to help workers analyse a conflict, manage tensions and conflicts of values, negotiate fair, reasonable and realistic solutions and justify what they consider to be non-negotiable measures.

Public institutions are having to respond to increasing needs and requests for adaptation from users and staff. Sometimes these various needs manifest themselves in demands for adaptation of, exceptions to or exemptions from institutional norms. Some users want to receive a service in their own language, obtain a particular diet for moral or religious reasons, continue to wear certain clothing or religious symbols or have any action taken adapted to their values or traditions.

However, some requests for adaptation may conflict with the common culture and the institutional culture. Public institutions may have to reconcile their institutional norms and users’ practices. Staff hesitate as to which line to take. Should they try to convince the user to adhere to the norms in place or can the norms be adjusted to accommodate the user’s particular request?

To a certain extent users have to adapt to institutional rules. However, when those rules run directly counter to their moral convictions or religious beliefs, it is up to the institution to make certain reasonable adjustments to the norms in order to make the culture more inclusive. But staff sometimes find it difficult to know when a different request may be in breach of the norms. Where is the dividing line between the negotiable and the non-negotiable?

Unless the institution has a clear policy on this, staff may feel left to their own devices to manage complex situations involving conflicting norms. Decisions may then lack consistency and turn out to be unfair or unmanageable.

This model for action is intended to identify the main guidelines for managing intercultural conflicts. The staff will then know what room for manoeuvre they have when seeking acceptable solutions or suggesting creative solutions that obey the law and institutional constraints/requirements.

This model also covers conflict analysis, ranging from a snap assessment of an interaction trying to understand a user’s apparently aggressive behaviour, for example – to sophisticated analysis of the dynamics of conflict within work teams, chains of command and organisations. Such analysis may encompass the type of problem (conflict of rights, norms, values), the stakeholders, the form of the conflict (open or latent), the stage in escalation of the disagreement, different reactions to conflicts (avoidance, demands, collaboration, etc.), room for manoeuvre, conflict resolution techniques, performance solutions on the basis of guidelines and within the law, negotiation, and so on. Managing conflicting norms is here central to the question of living together in a pluralist society seeking reasonable, realistic, fair and mutually satisfactory solutions.

Conflict management and resolution is based on a positive and constructive definition of conflict that sees it as providing opportunities for learning and an incentive for individual and organisational change. Conflicts are indicators of a dialogue between the expectations of different stakeholders and can become a driving force for positive change. This model covers an understanding of negotiating and conflict-resolution techniques (knowledge).
It requires an understanding of the principles of dialogue as well as institutional, legal, social and organisational guidelines and their implementation (knowledge and know-how).

Outline

- Types of conflict and problematic situations: Definition of conflicts of values, to be distinguished from conflicts of norms, rights or interests; identification of certain “cultural conflict areas” (tension between values or incompatible values);
- Negotiable and non-negotiable areas: Guidelines for living together (common-culture guidelines, institutional guidelines, statutory guidelines, normative guidelines); statutory and legitimate limitations on recognising diversity; “grey areas” on the legal borderline.
- Conflict resolution techniques: Principles of intercultural negotiation and mediation; conflict resolution techniques in other cultures; roles and responsibilities of the parties; negotiating strategies; how to explain a refusal to adapt.
- Procedural rules: Receiving, analysing and processing requests; consulting stakeholders and co-ordinating services.

Learning objectives/target skills

- Identifying guidelines that can be used as points of reference in conflict management (knowledge).
- Confronting a conflict situation constructively (knowledge and attitudes).
- Reconciling conflicting norms and reaching compromises (know-how and life skills).
- Devising a policy and principles which can be used to draw the line between the negotiable and the non-negotiable (knowledge and know-how) and which can provide common ground.

Contribution to institutional progress towards an inclusive culture

This model helps the institution offer common guidelines for managing conflicts of norms, identify “conflict areas” and take preventive action. It also helps to support staff and promote co-operation in pursuit of concerted and negotiated solutions.

Learning benefits and limitations of the model

This model makes it possible to identify the main guidelines that should be used as the frame of reference for conflict management. Those guidelines will make it easier for the staff to assess their room for manoeuvre and arrive at negotiated solutions. Escalation of most conflict situations can be avoided if staff have conflict analysis tools.

The model’s limitations relate to the complexity of some problem situations and the appearance of new situations (radical religious practices) that put pressure on the broadly consensual guidelines that are supposed to govern living together. In these situations staff have to count more on their own judgment than on a pre-established model or “pre-packaged” training.

To accommodate or not to accommodate?

CASE STUDY

SITUATION

A couple go to the hospital for the woman to have a medical examination. A nurse receives them before they see the doctor. The husband refuses to wait in the waiting room. Setting beside his wife, he listens to the nurse asking questions. When they learn that the doctor is a man, they ask for her to be seen by a woman doctor. Faced with the refusal of the doctor, who tells them that the wife can make another appointment if this one does not suit her, the husband gets up and goes to his wife to follow him.

ANALYSIS OF THE SITUATION

Can a user choose or refuse a doctor on the basis of his or her religious beliefs or personal convictions? In France, the choice of one’s doctor is a principle recognised in law under Article L.1110-8 of the Public Health Code, which states: “The patient’s right of free choice concerning his or her practitioner and health-care institution is a basic principle of health legislation.” But there may be restrictions on this right “in consideration of health-care institutions’ technical capacities, their methods of charging and the criteria for authorising provision of reimbursable care to social insurance contributors.” In addition, the Hospital Patients’ Charter and Circular DHOS/E1/DS/S3/18/SDT1/SDA4A/2006/90 of 2 March 2006 clarify the patient’s rights as follows: “Nobody shall be subjected to discrimination, whether on grounds of health, disability, origin, sex, marital status, political opinions, religion, race or genetic characteristics [...]. The health-care institution must respect the beliefs and convictions of its patients. In public health-care institutions, individuals must be enabled to practise their religion (contemplation, presence of a minister of their faith, diet, freedom of action and expression, funeral rites, etc.). However, expression of religious beliefs must not interfere with the running of the service, quality of care, rules of hygiene or the peace of other patients and their families.”

POSSIBLE SOLUTIONS/SKILLS REQUIRED

In this case, what room for manoeuvre does the nurse have? In preventing medical staff from taking action in an emergency situation, users must be aware that they may incur liability if complications occur as a result of their refusal to allow a medical procedure for a dependant or other person. Depending on its resources, an institution may adopt a policy whereby every effort is made to provide a culturally appropriate service, for example by providing a female assistant when a male doctor examines a female patient.

C.7. Model focusing on intercultural management

Description of the model

The model focusing on intercultural management derives from a managerial approach in the business world and is aimed at management performance.

Intercultural management is a discipline that was developed in the United States in the 1960s to prepare expatriate workers for life abroad and assimilate foreign workers into the multinational business culture. Intercultural management combines organisational management and interculturalism. It aims to improve effectiveness and the management of intercultural work teams.

Methods of use

Target group

All staff.

In practice

- Does the institution have a diversity-management policy that clearly indicates the guidance and guidelines to be respected?
- Are all staff familiar with the guidance and guidelines?
- Is the institution informed of case law developments regarding the right to equality?
- Does the institution have strategies for processing and negotiating demands?
- Does the institution have access to an intercultural advisory service for the most problematic situations?
- Is the institution able to justify its decisions?

- Has the institution catalogued the adaptation practices that it has already used?
- Does the institution co-ordinate the different departments seeking acceptable and manageable solutions?
This model essentially concerns three fields: comparative management, organisational behaviour and intercultural communication.

Intercultural management makes people realise that management tools convey cultural perceptions of work organisation, roles, hierarchical and egalitarian relationships, styles of management and so forth that are rooted in the company's social and cultural context.

In order to work together effectively without cultural misunderstandings and take advantage of the possibilities arising from staff diversity (manifold talents, synergies, capacities for innovation and creativity, access to a clientele with varied tastes and interests and so forth), more and more companies have opted for an intercultural management model.

Management of diversity is part of their business strategy (productivity, marketing, competitive advantage and so on). For example, some businesses use diversified teams to identify new market needs, present new ideas and develop new products, resolve problems, understand customer perceptions and offer a better service, ensure targeted and customised marketing, or improve performance and productivity.

Like companies, public institutions are organisations working with management principles that can influence how customers and workplace relations are managed. Public institutions can therefore gain by taking inspiration from a type of strategic and operational expertise developed in the business world concerning, in particular, recognition of client and community needs and the publicising of services offered.

Outline
- **Major cultural differences**: Concept of culture: main cultural parameters and their impact on interaction and work management.
- **Organisational culture**: Professional attitudes, policy, recruitment, organisation, planning and leadership.
- **Types of management**: Styles of management, team management, supervision, and human resources practices, policies and procedures.
- **The role of pluricultural teams**: Integration in the team, teamwork, relations between employees.

### Learning objectives/target skills
- Analysing one's own management practices (knowledge and know-how).
- Working effectively with diversity (know-how and life skills).
- Taking advantage of a diversified team to meet the diversified needs of the clientele (know-how and life skills).
- Generating new ideas in order to develop a fair and inclusive work environment open to diversity (know-how and life skills).

### Contribution to institutional progress towards an inclusive culture

The model focusing on intercultural management helps the institutional environment to incorporate staff diversity in optimal conditions and increases staff awareness and their commitment to working with diversity.

### Learning benefits and limitations of the model

The model focusing on intercultural management offers awareness of new ways of working together, for example, by looking for ways of reconciling employee needs and the requirements of the job. It must make provision for a balance between the rights of the employee and the rights of the employer. With regard to relations in the workplace, employees aware of different types of attitude and management styles at work will work in pluricultural teams. An organisation with a diversified workforce will find it easier to respond to the needs of diversified users.

This model from the business world was developed with reference to strategic objectives of profitability and productivity that may be different from the specific remits of public institutions.

### A conflict relating to work schedules or to norms?

#### CASE STUDY

**SITUATION**

A police officer in a local authority asks for time off on a weekend which is an important religious festival in his community. His superior hesitates as to what line to take as there is a very well-attended neighbourhood festival that weekend. He needs all his team to supervise and manage the festivities, which will draw large crowds.

**ANALYSIS OF THE SITUATION**

Working this weekend will prevent the officer from honouring his religious precepts. In this respect, this compulsory timetable will violate his freedom of religion, which is protected by law. In normal circumstances, his regular presence would not have been required and his supervisor would have acceded to his request. Because the weekend team is small in number, the leader cannot in the very short time available find an ad hoc volunteer among other local-authority staff to replace him.

**POSSIBLE SOLUTIONS/SKILLS REQUIRED**

In order to avoid this sort of conflict between work schedules and employees' religious commitments, an institution should allow, if possible, a degree of flexibility in work schedules for all employees. When such a policy applies to all employees, it avoids exceptions to the rule on purely religious grounds and is not perceived or experienced as unfair by the other employees. Irrespective of the reasons for the leave, each employee could be entitled to a few (two or three) days of floating leave each year for personal reasons. Moreover, in order to promote preventive management of absences, the institution could provide for replacements, such as maintaining a list of employees available on specific dates or at certain times. At the beginning of the year, employees would choose certain days. In addition to floating leave, the institution might put in place a flexitime system. It could agree with employees the dates on which working hours could be made up. Offering structural adjustments (policy of flexible hours) in response to individual requests (religious leave) through comprehensive solutions that benefit everyone is a way of avoiding apparently unfair decisions.

### Conclusion

Beyond models for training and action in the field of intercultural skills, development of personal skills

Intercultural skills entail assimilating various types of knowledge, while at the same time going beyond this knowledge to draw on a set of personal skills. Therefore, in addition to understanding, knowledge means the ability to acquire information and use it in order to clarify and manage a situation. In addition to professional techniques, know-how is based on the ability (and willingness) to examine one's own practices critically. And as well as encompassing qualities of empathy, openness and flexibility, life skills also mean the courage to question oneself, accept one's limitations and not to conform to what is expected of one's role if it is sometimes necessary to tackle the real issues of a relationship and respond to the other person's real needs.
Needs identification/assessment and processing of requests

Introduction

DESCRIPTION
Part D corresponds to Stage 4 of the guide: Needs identification/assessment and processing of requests.

Readers can use Part D to:
- identify and assess the needs of a user, target group or the population in general in order to analyse the situation;
- clarify and formulate needs in terms of specific “requests” relating to adaptation of a service or requiring action or protection orders;
- pinpoint any shortfall between the need expressed and the solution provided in order to adapt intercultural action to the user’s real needs;
- improve the quality of services on offer in response to diversity of needs;
- receive and accommodate a request using situation analysis.

Part C of the guide explored different models of intercultural action promoting various intercultural skills. However, even though understanding various models for action promotes institutional and personal skills, it does not guarantee that institutions will adapt if there is no full awareness of users’ needs. A key stage in ensuring that the institution is able to perform its role today is to analyse the changing and diversified needs of the public.

Challenges relating to service accessibility, fairness, quality and adaptability

Needs analysis is part of the process of adapting an institution’s work and services.

The role (and responsibility) of public institutions is to ensure high-quality services for all, in a spirit of fairness and social justice, reflecting the democratic principles of society. The quality of services depends, in large part, on the diversity of needs being identified and taken into account. There is reason to expect that within the bounds of organisational constraints.

Another responsibility of public institutions is to improve services in such a way as to maximise their impact, guarantee fairness in their delivery and increase the quality of service to users.

Accordingly, public institutions (and service providers in general) must ensure that the needs of the people using their services are properly assessed in view of the changing characteristics of the population and the growing number of requests for adaptation.

To this end, any adaptation of services must be based on an analysis of actual needs. Sometimes the needs expressed may fall short of real needs, or the needs may not be expressed to staff clearly or in the right words; they may be misinterpreted or misrepresented at institutional level. A number of factors may make users reluctant to express their needs. Similarly, a number of factors may explain why staff find it difficult to identify a user’s actual needs.

In the field of intercultural action, needs analysis is all the more essential since an understanding of needs very often impacts on the context in which decisions are taken and measures applied.

Consequently, how should needs be identified and analysed, and how should they be met? Should the particular needs of marginal groups be taken into account? Are users satisfied with the services provided? Is there a significant gap between expectations and delivery? How is this gap to be explained? What can the institution do to match actual needs and services provided?

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What a need is

A need emerges from a situation of want or deprivation, a feeling of dissatisfaction. It generates an expectation. In the scale of needs, a distinction is generally made between primary or vital needs essential to a person’s life or survival (food, clothing, housing, health care) and secondary needs of a psychological or cultural nature (a sense of belonging, security, needs relating to beliefs or values, etc.).

Needs may be individual or collective, occasional or recurrent, and associated or not with a priority service. Needs usually, but not always, create expectations.

What a need is not

A need is not an interest, a requirement, a right or a privilege. Operators sometimes find it difficult to determine a user’s need, adequately identify the need(s) behind a request, or distinguish the expression of an actual need – corresponding to the claiming of a right – from pursuit of an individual interest. Some requests come in the form of a demand for recognition and defined as follows:

• obligations (including linguistic needs, needs for recognition, receptiveness, respect, involvement in decision-making, respect for rights and human dignity);
• necessities (such as needs for statutory protection, mediation, assistance);
• other needs (need for empowerment, further information, support, etc.).

Some needs are universal and fundamental (need for food, housing, care, security, etc.) while others are specific. Some needs require particular attention rather than further resources. The better an institution responds to users’ needs the more it will avoid an avalanche of unnecessary requests.

Diversity of needs

Not all needs are equally important. They may be classified and defined as follows:

• obligations (including linguistic needs, needs for recognition, receptiveness, respect, involvement in decision-making, respect for rights and human dignity);
• necessities (such as needs for statutory protection, mediation, assistance);
• other needs (need for empowerment, further information, support, etc.).

Some needs are universal and fundamental (need for food, housing, care, security, etc.) while others are specific. Some needs require particular attention rather than further resources. The better an institution responds to users’ needs the more it will avoid an avalanche of unnecessary requests.

Interpretation of needs by staff

The difficulty in identifying the nature of a need may complicate the response. Is it perhaps that the user is simply finding it difficult to navigate through the administrative formalities or to understand the way the institution functions? Is the user perhaps expressing a need to be better informed or assisted in negotiating formalities? Is it perhaps that the user simply wants to be consulted regarding the decisions which affect him or her? Is it perhaps that the user has a need for urgent assistance or wishes to assert his or her rights? It is often a challenge for a frontline worker to identify the need in question, relate it to the services provided by his or her organisation and refer the user to the appropriate contact person or competent body. Moreover individual needs are not static but constantly changing, requiring open-mindedness and flexibility on the worker’s part to satisfy expectations.

Staff of public institutions should be able to inform users about the types of need for which the institution caters and, if they cannot meet a need, be able to direct users to the right department. This approach may sometimes make it necessary to look beyond the needs actually expressed when decoding an individual’s needs.

Institutions are advised to encourage users to express their needs and help them define them more precisely by adopting an open-minded and co-operative approach. Institutions are further advised to try to meet the main basic needs, whatever their specific remit, and enable users to understand their rights even if they do not ask.

The purpose of needs analysis is to gain a better understanding of users’ needs through their characteristics, expectations and own resources (familiarity with the system, membership of a network, lifestyles, and so on).

It is generally based on tools such as user surveys; social, ethno-cultural, linguistic and economic descriptions of the population; satisfaction questionnaires; statistics; comments provided to frontline workers; complaints; requests expressed during informal exchanges; forums and public consultations. There is a difference between needs based on statistics and needs coming directly from the community.

Role of needs analysis

Needs analysis plays a crucial role insofar as it is used to determine the most appropriate action to take, the choice of resources, the key players to be involved and the measures to be prioritised. The institution’s logistic needs are determined by analysing the needs of the population or target groups.

Needs analysis can help clarify users’ needs proactively prior to action or in anticipation of the client’s expectations with regard to service. It may also be required reactively in response to a complaint, to right a wrong or to ascertain user satisfaction.

Examples of action meeting the needs of the population in Lyons

CASE 1
Translation into foreign languages of the various services offered at public baths

Background
Reception of people of various nationalities at the public baths was creating communication problems with regard to foreign languages.

Initiative
Offering users high-quality service and reception by modernising communications in order to improve human contact and prevent users feeling rejected or lonely. The main rules and regulations and the various services available to users have been translated into six languages.

CASE 2
 Provision of meals recognising users’ cultural diversity in a low-cost local-authority restaurant

Background
Key stakeholders were consulted in order to determine and offer meals taking into account users’ cultural diversity by focusing on variety, quality of cooking, user relations and user reception.

Initiative
Preparing specialty dishes linked to the various nationalities of the users. Producing photo panels of prepared meals that are displayed in the dining area. Producing a collection of recipes and menus prepared.

Source: Lyons City Council
Furthermore, needs analysis can help identify whether there is a gap between the need expressed and the solutions put forward which would make action inappropriate or ineffective.

To sum up, needs analysis is a means of:
- asking questions
- analysing a situation
- gauging satisfaction
- assessing performance

What are the tools for analysing needs?

The tools for needs analysis will differ depending on whether one is analysing the needs of an individual or a family, a target group or a whole population.

- Individual or family needs

Information gathering

The social worker uses the information gathered to identify the nature of the user’s needs and the user’s own perception of those needs. Very often the social worker begins by listening to individuals describing their personal and family history and touching on, for example, their experience of migration, expectations, difficulties in understanding, successes and problems, family traditions, beliefs and the violence or wrongs that they have experienced. Social workers show that they are open and responsive to the individual’s need to speak, be heard and be supported. They accept the individual’s silences to enable him or her to gather his or her thoughts or compose himself/herself. They show that they are sensitive to the individual’s situation without judging it, display interest and observe non-verbal messages. They may ask the individual to clarify what he or she means or to rephrase it.

After this work of active listening, an important part of the analysis consists in asking appropriate questions in order to 1) clarify the need, 2) redefine the need/problem by considering it from another angle, 3) provide information and advice and 4) seek solutions together.

Genograms as a means of data collection and analysis

Originally genograms were used as a means of analysis and data collection for therapy and clinical use. In family therapy, the therapist interviews the family to produce a family genogram, gathers information on the members of the family and determines family relationships. This family diagram provides the therapist with a picture of the family context and the family model with all its interactions, stabilities and instabilities. Naturally each case is unique. Outside the medical field and clinical applications, genograms are occasionally used as an assessment tool in social work and intercultural action. They show the links between members of a family, significant points in family history, rites and important life events. They enable social workers to get a better idea of and analyse complex family situations. They offer the people being interviewed an opportunity to tell their personal and family stories (life histories), give meaning to their migration experience and provide continuity for their identity. They can be used in the course of an interview with an individual or family. Social workers may use questionnaires or, less commonly, give individuals free rein to speak.

Examples of appropriate questions

- For what reasons did they leave?
- Who decided to emigrate?
- What were their expectations in immigrating to the host country?
- Do their present situation meet their expectations?
- If not, what do they believe to be the main obstacles?
- Did they have the same problems in their country of origin?
- How have they tried to resolve these problems so far?
- Do they know other people with the same problem and what have they done to resolve them?
- Generally, who do they turn to when they are looking for information or a solution?
- How have those people helped them best so far?
- What do they expect from institutional action?
- How do they think the social worker can help them?

Examples of consultation processes

Needs of target groups

There are several ways of gathering data and information on the target population, for example questionnaires, opinion polls, interviews or focus groups.

Generally, a distinction is made between an analysis based on quantitative data and one based on qualitative data. The first stage in analysing needs is data collection (compilation of statistics, survey results, etc.), which is followed by analysis of the results, when the main observations and priorities for action are identified.

Self-assessment exercise:

- What is the target group’s take-up rate for the institutions’ services?
- What percentage does this take-up represent in relation to the population in general?
- What is the profile of the population using these services?
- What are the main characteristics of these target groups?

Collective needs of the population

Collective or global needs are generally analysed by means of a “statistical portrait” of the population or a consultation process through citizen forums, for example, to which are open to the whole population, giving them the opportunity to express their needs or expectations on a given subject.

However, needs assessment may lead to conflicts of interest concerning the allocation and distribution of resources, for example for care for the elderly or the establishment of new language and cultural services to meet the needs of the second generation.

Common needs and subjects of public interest can be covered at general assemblies, for example, with representatives of the different communities. At these assemblies each community can be invited to specify their own needs and objectives, fostering sensitivity in dialogue between representatives of the different communities.
order to expand their market share, ensure customer loyalty and increase their profits. The aim is to achieve a higher return.

- In the public sector, public institutions must analyse needs in order to fulfil their public service role. Their remits place emphasis on the accessibility, diversity and quality of their services for the greater benefit of all users. Needs analysis is therefore closely associated with issues of justice and fairness.

**Context of the need/request**

The type of needs analysis will depend on how the need is expressed.

- In some situations, users may articulate a need directly, for themselves or a relative, without making an explicit request (expressing a need).
- In other cases, they may make an explicit request in order to remedy a detrimental situation (making a request).
- In yet other cases, users may make a request on the recommendation of a professional or the professional may take action on the orders of an institution, for example, with regard to a person who needs protection (recommending or requiring action).

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**What are the obstacles to the expression of needs?**

Obstacles to the expression of needs may include any or all of the following:

- fear of the institution (or its representatives), which may be linked to past experiences in the home country, shortcomings of the system, etc;
- the relationship to the (perceived) authority of officials;
- lack of familiarity with institutional mechanisms and resources;
- lack of awareness of rights;
- fear of reporting a problem or drawing attention to one's personal situation;
- fear of judgment or racist reactions.

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**What is service provision?**

**Example of good practice**

Catalogue of services for immigrants

Some municipalities have compiled catalogues of services for immigrants detailing the services they offer and listing all the available resources to meet their various needs from the time of their arrival up until they achieve full citizen, social, cultural and economic participation. These catalogues include a list of services provided by community-based partners in conjunction with public institutions. They cover the basic services available at all stages of the integration process to assist with settlement: finding accommodation, adapting to the host society, family support, help with finding employment, training, leisure pursuits, participation in intercultural activities, peer-mentoring between new arrivals and long-established residents. These catalogues may be available online. Examples include the following:

- Examples in France: Saint-Denis, Aubervilliers, Roissy.

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**Types of services**

There are various types of service provision: frontline services; emergency services (health); preventive and remedial services; basic services (taxation, gas, electricity, etc.); information, advisory, support, rehabilitation and reintegration services; home-support services, etc. Depending on the sector concerned, the emphasis will be placed more on a support relationship (health and justice), a relationship of authority (education and security) or an information relationship (employment and tax).

Immigrants often find it difficult at first to integrate into the host society for reasons relating to a poor grasp of the language, financial insecurity, non-recognition of qualifications, social isolation and so forth. When such problems are added to a failure to understand their needs, the inadequacy of the service will simply increase their vulnerability and discourage them from asking for support.

Depending on the situation and their remit, institutions should identify the nature of request and the type of need and make their service provision part of a continuum of activities and services.

**Client-oriented approach**

Some institutions have developed a “client-oriented approach”, which – as its name suggests – focuses on meeting the client’s requests. In short, public institutions are responsible for making public services accessible and adapting reception methods and service delivery to users’ needs, subject to available resources and their remits. If they are unable to respond to their needs, staff should be able to direct users to the right department or provide the information they need to act on their own behalf. Staff should also be conversant with the functions and fields of competence of other professionals and the remits of other institutions.

**Institutional remit**

Within an institution, staff may often have to define the scope of needs and redefine expectations according to the institution’s remit or professional role or else refer the user to other resources. Consequently, workers may need to explain the nature and limits of the service they can offer.

For example, it is the duty of police officers to inform people of their rights and obligations and look after their need for security. If, in a situation of domestic violence, they offer the family advice on managing the dispute between its members, they will be going beyond their remit in the performance of their duties. They may, on the other hand, inform the family of available (and additional) resources to help them sort out their disputes.
An institution’s responsibility to ensure fair access to high-quality services for all users is not limited to providing the same services for the same needs. It includes the duty to adapt services in line with the needs expressed.

Quality of service provision: looking at service delivery

Assessment of service provision cannot be confined to the fact that a service has been delivered or received. It should also take account of how the service was provided and how its quality was perceived. Was the user well served by the service delivery? Did he or she receive appropriate service from a social, human and technical point of view?

Quality-of-service indicators take account of various factors such as approachability and politeness shown at reception, reception staff’s interpersonal skills (attentiveness, patience, empathy, etc.), quality of information (clarity of answers, relevance, comprehensiveness, precision, etc.), and promptness or patience shown (waiting times, etc.).

For example, service quality may be questionable if the user is unable to understand the information, the information has not been translated into the user’s language, the information leaflets given out are of no use, the information is incomplete, and so on. An institution’s staff should ensure that the person understands the information rather than just confining themselves to providing it. However, difficulty in grasping information is not limited exclusively to a primarily immigrant population; users in general complain about administrative jargon.

Dissatisfaction indicators

- An increase in complaints about a service (NB on the other hand, a lack of complaints does not mean that users are satisfied with services!).
- Under-utilisation of services by users repeatedly applying to the same departments for the same need.
- Some users seem disadvantaged in relation to others in terms of amount of information provided, time devoted to them, or politeness.
- Lack of on-the-spot interpreters.

Recommendation

Every organisation should concern itself not only with providing a service but also with assessing service quality on the basis of performance indicators or quality requirements. The resulting findings for service delivery should be given to staff.

The Marianne Charter

The Marianne Charter is the main tool for promoting a service-quality and reception culture in public services in France. It seeks to ensure optimum service for the public in their relations with government and aims to guarantee quality of reception in all forms (whether face-to-face, via telephone or the Internet, or by post). It promotes values such as courtesy, accessibility, promptness and clarity of replies as well as a spirit of attentiveness, precision and transparency. Its objective is to make quality of reception a challenge shared by all government services and to develop an approach of constant improvement.

It is based on five commitments:

- facilitating user access to services;
- receiving users attentively and courteously;
- responding clearly and within a set time;
- systematically dealing with complaints;
- noting users’ suggestions on how to improve public service quality.


Specific departments or crosscutting approaches?

Some institutions have established specific departments to take account of diversity. However, such initiatives have a more limited impact if they result in diversity becoming a peripheral social concern or in parallel departments being set up to manage it.

In addition to these specific entities, a number of municipalities and institutions have adopted comprehensive strategies for improving the quality of universal public services. With a crosscutting approach, the pursuit of quality can be extended to all an institution’s sectors and services.

Whenever possible, it is preferable to promote high-quality general services, provided to the whole of the population and for the benefit of all users. If there are needs specific to a particular target group (such as the young), these general services may be supplemented by services to meet these needs.

Co-operation between schools

In the city of Prato (Tuscany, Italy), where immigrants arrive continuously throughout the year, schools have acknowledged the advantage of experimenting with a co-operative model for enrolling children in order to comply with statutory attendance requirements. Given that children have to be integrated throughout the school year, each school has taken responsibility for a specific month. This saves all the schools from having to be involved at the same time and also lays the foundation for high-quality reception.

Different ways of using services

A commitment to providing high-quality services tailored to the needs of ethno-cultural users entails an additional cost and has an impact on organisation. Generally speaking, users from an immigrant background are not familiar with the procedures in place, the administrative formalities or the way an institution functions. This lack of familiarity with the institutional system, combined with insufficient knowledge of the language, communication codes and institutional culture, means that more time is usually needed for listening, contact and action, and use of services is more complex.

For example, operators complain about people turning up without appointments or arriving late and about the time it takes to translate information, explain things in words that users can understand, reply to their questions or convince them of the need for treatment. All this extra time spent providing a high-quality service can have repercussions on the organisation of their work.

Does the institution give frontline workers the time and resources to be patient with users? The institution should be aware of the time and cost involved in action which is necessarily more time-consuming. Some times, unfortunately, an institution will decide to restrict its range of services in order to be able to offer high-quality services or will limit access to certain services in order to be able to afford high-quality service delivery.

If the institution does not have sufficient human or material resources to respond to the diversified needs of the public, it should promote partnerships with organisations providing these services.
In conclusion

Adapting services often means:
• adapting the duration of action;
• adapting verbal communication;
• adapting written information;
• adapting service delivery in some cases;
• networking;
• informing users about the way the institution functions, its professional role and remit and existing laws and values.

The commitment to developing appropriate service for users should reflect the institution’s commitment to the principles of social justice, social inclusion, equality and respect for diversity.

Examples of dilemmas

Case 1: Action relating to a family problem

• Problem
A female social worker meets a woman from an immigrant background after a complaint from neighbours about noise. To her great surprise, she learns that this single mother’s 4-year-old and 9-year-old are left at home by themselves until she comes back from work. The social worker explains that it is inconceivable for such young children to be left at home on their own without adult supervision and protection. The woman reassures her that the elder child is able to take care of his younger brother. In any case, she cannot leave work any earlier. However, she would like to find somewhere nearer her workplace to live. On the basis of the mother’s assessment of the situation, the social worker considers that this is to be a case of parental neglect. Given the mother’s persistent refusal to have her children minded in her absence, she decides to recommend that they be temporarily placed with a foster family until the immigrant mother’s situation improves.

• Analysis of the problem
In this context, the social worker focuses only on the children’s need for security without assessing the family’s other related problems on the basis of normative models heavily imbued with legal, economic and universalist rationality, and individualist values emphasising autonomy, individual rights and freedoms, etc. When a social worker or institution has to respond to the needs or demands of a user who has another form of logic or other values, these different frames of reference can give rise to a “cultural distance” which explains the gap between the need expressed and the response to that need. In short, a set approach does not have the same impact on all users. There is a risk, therefore, that the style of action or choice of solution may not be suited (or indeed may run counter) to the need expressed.

Case 2: Matching sports and leisure services to the population

Identifying the people who will be using the sports and leisure services

• Description of the project
A municipality is seeking to provide sports and leisure services in an effort to foster integration and a sense of belonging and to promote closer intercultural ties between different local cultural communities. This provision of services must take into account their needs and demands. Accordingly, the municipality wishes to offer a range of activities and facilities meeting the real needs of the population bearing in mind the ethno-cultural characteristics of the population in the different neighbour-hoods and municipal guidelines concerning diversity management (sports and leisure activities as a vehicle for integration and closer inter-community ties).

• Problem
Through their associations, several communities have expressed the wish to have sports facilities which reflect their preferences, even though such sports may be less highly rated by the population in general. Furthermore, few immigrants use the large sports facilities open to all residents. Nonetheless, if they accept the particular requests of minority groups, the municipal authorities fear that this will lead to the creation of ethno-cultural groupings (“ghettoisation”) around different sports.

• Analysis of the problem
The situation highlights two separate problems: the interest of certain ethno-cultural groups in non-traditional sports, and their apparent lack of interest in “majority” sports. On the other hand, the municipality’s guiding principles are to choose activities which will encourage closer intercultural ties and attract the broadest number of users (indeed this on the basis of identity-based needs expressed). These two management principles lead the municipality to reject identity-based
requests and avoid duplication of facilities by building larger sports complexes instead.

In addition, the municipality’s view is that sports and leisure activities generally offer unique opportunities for contact between participants, for learning about the rules of harmonious co-existence and for forging a sense of community.

- Possible consequences of poor management
  The main effect of simply rejecting requests for minority sports is that the needs expressed remain unmet by the institution. As a result, it is possible that such sports will be engaged (unlawfully) in unsafe areas such as car parks or children’s playgrounds. If the only sports activities recognised by the municipality are those reflecting the preferences of the majority (the very popular sports), minority groups could feel that they have been dealt with unfairly by this policy which, on the face of it, encourages all residents to take part in the activities on offer.

- Possible solutions
  Before providing any response, the municipality should focus on analysing the needs of the population in general. Which sports are preferred by the municipality’s various users? To study these needs (or preferences), the municipality could undertake a public consultation, listen to what its voluntary-sector partners have to say, meet people on the ground, etc. As for requests for sporting activities which are in little demand, one solution might be to adapt available sports facilities (designed for popular sports), to cater for more minority sports by designating specific times for the latter. The municipality should try to determine the reasons why minorities make little use of popular sports facilities before interpreting it as a lack of interest. How are possible users then in terms of distance and cost (transport and sports gear)? Are teams put together? Are families encouraged to support their children when they take part in an activity? What language is spoken? Once it has conducted this survey, the municipality may join with other organisations to seek solutions, such as free public transport for the young people living furthest away from the sports facilities, or a system of car-sharing.

- To be borne in mind
  Consultation of the population in general and voluntary-sector partners in particular plays a crucial role in analysing a population’s needs. Public institutions should develop co-operation with their main partners in order to be able to analyse the situation and encourage the population to express their opinions in a democratic process.

**Recommendation**
If a study focuses on the needs of the population, it may be useful to ask the following questions: Who has expressed these needs? Are these people representative of the population? How have these needs been expressed? How have they been interpreted?

Case 3: Adapting hospital servers and making them accessible to the local population

- Problem
  A hospital offering antenatal classes in a multicultural neighbourhood is finding it difficult to reach out to immigrant women. Staff are unhappy about this situation but do not have the information they need to respond to the particular needs of immigrant women. The hospital is trying to understand the lack of interest among its immigrant clientele for these courses that are attended only by native-born women. The few women from an immigrant background who do attend drop out in the first few weeks. The course leader, however, is keen to encourage their participation by showing willingness to discuss the matter and asking for comments and questions.

- Analysis of the problem
  Several questions need to be raised. Is it because this activity fails to meet basic needs or primary concerns? Is it a question of the course content, organisation, format or language? The hospital has done little to identify obstacles preventing access to its services or to gauge customer satisfaction. The course leader appears to be poorly informed about the characteristics of the different clienteles and their possible impact on course content.

- Possible solutions
  As soon as users enrol, the course leader should find out what they are expecting from the course. After the first class, the course leader might meet the participants or ask them to fill out a questionnaire to discover what they liked most, what they liked least and what improvements they would like to see (with an opportunity to add comments). This means going further than just ascertaining their general views or how satisfied they were by asking open-ended and specific questions. This approach will help the hospital develop quality indicators. The course may sometimes be too formal or, on the contrary, too informal; the personal (or even intimate) nature of questions or comments from other participants may unsettle or intimidate immigrant women unfamiliar with this way of communicating and giving classes. The fact that men are also attending the course, the lack of childcare facilities, the technical nature of the course content, and the teaching style are all possible reasons why certain immigrant women are reluctant to attend. This is why, in this type of needs analysis, it is in the hospital’s interest to identify the characteristics of the different users. Another possible solution would be to analyse the hospital’s communication strategies for informing the different communities about the existence of the classes.

**What are the main assessment problems and their consequences?**

Problems of interpretation – a possible source of mistaken assessments – are varied in nature and have various causes.

**Mistaken assessments**

Some examples of mistaken assessments:
- The social worker may focus on a perceived problem, neglecting to respond to the need actually expressed. By shifting the problem, the worker may well fail to address the expressed need (placement of the problem).
- The worker is waiting to receive an explicit request in order to address a real need (underestimation of the need).
- The worker may misinterpret the problem, downgrading a mental health problem to one of integration or, conversely, applying a clinical diagnosis to attitudes which the social worker finds culturally incomprehensible (simplification or amplification of the problem).
- The institution infers an absence of needs from misleading indicators such as the absence of requests or complaints (false deduction).
- The worker responds to a specific (contextual) need with a general solution (generalisation of service provision).
- The worker attributes a number of separate requests, expressed individually, to a whole target population without recognising the different needs within the same group (extrapolation of an individual request).
- The worker normalises users’ individual needs in line with a universalist conception of human needs (normalisation of specific cultural features).

**What is a good assessment?**

A good needs assessment must make it possible to:
- actively involve the persons concerned in the assessment;
- redirect action, modest priorities and adapt services;
- improve service quality;
- extend service provision to a broader range of users;
- check that the service provided matches the need expressed and that action is appropriate to the situation on the ground.
Misinterpretations

When helping users define their needs, workers should themselves be aware of the filters which may influence the way they listen to and perceive users’ needs and which may alter the meaning of the message being expressed.

- **Examples of filters**
  - The worker assumes to understand the user’s needs on the basis of a stereotyped view of immigrants, projecting a view of an individual’s needs in terms of the group to which he or she belongs (personal and social filters).
  - The worker interprets users’ needs in the light of his or her remit or field of competence or expertise, as “making sense” to him or her by ascribing a meaning dictated by the worker’s own professional standards (professional filter).
  - The social worker assesses needs according to his or her own cultural codes and influences (cultural filter).

“Standing back” to become aware of misperceptions

Workers must strive to stand back from their own personal, cultural and professional frameworks of thinking and put their own convictions into perspective. This will enable them to take a fresh look at their own frames of reference in order to take a more objective approach and gauge more effectively the cultural distance between their value system and that of others.

Through its differences, diversity frequently challenges our ways of seeing and working based on our moral values, beliefs, social perceptions, codes of conduct, standards of justice, and so forth. Extensive contact with considerable diversity, active listening, familiarity with the users’ main characteristics and a relationship of trust are conducive to a more neutral and objective interpretation of the situation.

- Underuse of services
- Failure to match services to users’ real needs
- A shortfall between the need expressed and the result obtained
- Poorly targeted needs and an incorrect analysis
- Inappropriate action, for example, clinical treatment in response to a problem of integration

Self-assessment exercise:

- How much scope is provided for users to express their needs?
- How are users consulted?
- How do those involved perceive this consultation?
- Who are the users who have been consulted?
- How were they reached?
- What obstacles may limit their participation?
- What methods might be introduced to improve or broaden participation?

Example: Segregation of Roma children at school

After a majority of Roma children fail language tests, a school decides to place them in a special school for those with mental disabilities. The European Court of Human Rights has held in a judgment that these tests might have been biased and the results might not have been analysed in the light of the particularities and special characteristics of the Roma children. The Czech authorities have themselves acknowledged that “Roma children with average or above-average intellect” have often been placed in special schools on the basis of the results of psychological tests when these tests, which were conceived for the majority population, were inappropriate for the children’s actual situation. This is an example of a mistaken analysis leading to indirect racial discrimination and unfair treatment.


How can service provision be improved through user involvement?

Users expressing their actual needs

Public institutions are often characterised by “preformatted” service provision to meet needs that are determined and monitored “top down” by the institution according to a predefined view of the clientele. In order to improve service provision, it would be in the institution’s interest gradually to build up services reflecting actual, diversified and contextualised needs decided by the users. One strategy might be to allow users to express the needs (their own or those of their community) which ought to be taken into account by the institution, offer them a forum to express needs other than those recognised by the institution and welcome their comments in order to improve service provision on an ongoing basis. In some subsidised organisations, consideration of users’ views is a precondition for funding of their programmes.

Users giving their views on service provision

Involvement of the public is another strategy for informing decisions on service provision. Provision of public services should, as far as possible, be based on concerted organisation of networked services and a shared view of which services are to be provided. This integrated and comprehensive approach has the effect of involving more people in the management of complex problems.

Consultation of users, associations and the general population is also a tool for involving the public, encouraging democratic participation and empowering communities.

Institution managers encouraging consultation and co-ordination

This process of self-determination of needs by users and the public should be accompanied by a decentralised process of consultation and co-ordination between departments in the same geographical area. Institutions should therefore cooperate with various professional bodies and outside partners to provide combined services when needs cut across several different departments or concern additional requirements.

This comprehensive and integrated approach involves reflecting on ways of responding to a range of needs in the form of a public service network and partnership with community-based organisations and immigrant associations.

Improvement objectives can therefore be defined as follows:

- increasing efficiency;
- improving the quality of services;
- strengthening equal rights and democratic processes of participation.

To help clarify and formulate needs, operators should strive to redefine the need in the form of a request. Some institutions attempt to classify requests in order to respond to needs more effectively. Sometimes they use a form to record the request, the procedure followed and the response provided.
How should requests be received and processed?

Stage 1: Clarifying the request (facts and perceptions)

- Note the name of the person making the request and the date it was submitted.
- Identify the facts to which the request relates:
  - What is at issue (the problem)?
  - What is the situation to be remedied (the context)?
  - When has the need emerged (to what does it relate)?
  - What or why are the reasons put forward (causes and objectives)?
  - Does the person submitting the request want the service to be adapted or to have new practices introduced (expectations)?
- Provide the person with the explanations needed to understand the situation and supply information on his or her rights (the way the institution operates, institutional norms or requirements, users’ rights, etc.).

Stage 2: Analysing the request (a need or a right?)

- Examine whether the request seeks to overcome a discriminatory obstacle or bring to light an exclusion or unjustified distinction.
- Consider whether the problem raised compromises one of the user’s rights.
- If the request raises a problem of direct, indirect or systemic discrimination, explain to the person submitting it that one or more solutions will be proposed to remedy the situation. If it concerns a preference, the solution will depend on the goodwill and discretion of the institution in line with its priorities and the actual situation.

Stage 3: Finding solutions (assessment and consultation)

Requests sometimes entail complex adaptations which make it necessary to consult a variety of stakeholders, both institutional and professional. Nonetheless, needs may sometimes be assessed by a single person at the initial meeting with the user or his or her family. In complex cases, the choice of action taken should not depend on a single interview. The assessment should be based on dialogue and consultation. It is in the worker’s interest, without shirking his or her responsibilities, to consult the relevant resource persons and refer to the appropriate bodies.

Moving beyond recognition of needs to greater participation by immigrant organisations and minorities

Active participation in social-service consultation procedures by representatives of immigrants and minorities is an important step for fostering departments’ cultural skills, improving the quality of service provision, strengthening the relationship of trust between service providers and users and encouraging immigrant communities to assume more responsibility themselves. There are two aspects to this process: (i) recognition of specific needs and provision of appropriate services and (ii) involvement of all citizens in participatory processes.
Many operators in public institutions are having to deal with increasing customer diversity and are experiencing challenges to their ways of thinking, being and doing. Part E of the guide deals with the impact of ethno-cultural, religious and linguistic diversity on working practices through the key roles of the interpreter, the mediator and the clinical psychologist.

More precisely, Part E describes how these three professions are called upon to 1) translate and facilitate information exchange; 2) assist inter-group relations and reach a shared understanding of an issue; 3) make assessments, provide guidance and reach shared diagnoses of personal or family problems.

This stage deals in particular with the optimum conditions for effective communication and action with respect to users from different communities.
Understanding and making oneself understood

Communication is ubiquitous in human relations. It is important for informing, reassuring, encouraging, explaining, evaluating and so forth. But when people do not speak the same language, it becomes difficult for them to understand each other and establish a relationship. This is why language and communication barriers are often users’ primary obstacle to access to rights, full and exact information, public services and high-quality care. They may affect patients’ relationships, deprive them of services and adversely affect their rights. They hamper the expression of their needs, expectations, concerns and suffering. They make it difficult to understand diagnoses, treatments and possible follow-up. They may be the source of cultural misunderstandings, misdiagnoses and frustration. When these barriers are not taken into account, they also affect the institution’s organisation and its service delivery. They affect people’s understanding of the analysis provided by the professional and, in a medical context, of the diagnosis and proposed treatments. They prolong action or hospitalisation and generate extra costs.

How can language and communication barriers be overcome so that people understand and make themselves understood by the people they are talking to?

A. Challenges connected with language and communication barriers

A number of misunderstandings may arise when people come from different linguistic and cultural worlds. Consciously or not, communication codes convey membership of a particular social or cultural identity in addition to the message. The meaning of words may change from one linguistic context to another. Communication styles also vary among people in terms of approach to dialogue (direct/indirect or explicit/implicit), facial expression (impassive/expansive), eye contact (avoidance/sustained), touching (absent/present), intonation (slow/fast), rhythm (slow/fast), gestures (restrained/animated), and so on. The difficulties of translating intonation, language register and nuances of language may lead to other unnecessary misunderstandings, conflicts and tensions.

Sometimes an exact understanding of what is said is a statutory obligation, such as when a patient’s informed consent is sought in hospital. The health-care institution must ensure that the patient understands the content of the forms and expressions to be signed so that the consent is legally valid. They prolong action or hospitalisation and generate extra costs.

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B. The role of the interpreter

All relations between an institution and its users should form part of an approach to dialogue which must make it possible for people to be understood in their own language or express themselves in the language of the person to whom they are talking. The professional interpreter’s role is to reproduce what the user has said “as accurately as possible” and faithfully convey the words of the staff. A professional interpreter is trained to reproduce a message fully, faithfully and comprehensibly. The presence of a professional interpreter offers safeguards with regard to quality and observance of professional ethics. He or she is able to speak with clarity, using short, easily understood sentences. Institutions usually require the language skills of professional interpreters to be tested before they do any actual work (see Appendices 3 and 4).

Examples of linguistic challenges

Sensitive subjects

Some subjects may prove sensitive on account of an individual’s moral or religious convictions. Sensitive subjects may differ from one individual to another and from one culture to another. What is the best way of translating or addressing sexuality, sexual behaviour, sexual health, sex education and contraceptive methods when these words may be interpreted as offensive by some users? Should the interpreter translate the terms literally or find a way of getting them across that is more in keeping with the user’s culture?

Explicit or implicit communication style

A speaker who favours an implicit style of communication tends to make more use of pauses, ambiguity and suggestion, while an explicit style aims for transparency, a direct approach and precision. Thus in order to interpret a “yes,” the interpreter must be able to decipher whether it is a clear “yes” or a veiled “no.”

Uses of courtesy

As regards language register, how is one to know whether to use a familiar or more formal style of address if the source language makes no distinction between them? In order to interpret “I want” or “I’d like,” the interpreter has to be able to register the tone and understand whether the expression should be translated as a demand or a wish.

Resistance associated with perceptions

Should an interpreter announce a disease such as cancer, knowing that in the minds of people from some countries the diagnosis is tantamount to a sentence of death, whereas in the West, although it is a very serious disease, users know that there are treatments with encouraging results?

C. Conditions for effective action

In order to get over the language barrier, staff members may sometimes spontaneously ask a third party to interpret, such as another family member, a friend, a colleague, a nurse or a patient who speaks the same language. In such a context, effective action depends on the interpreter’s qualifications, which include proficiency in the source and target languages, usually their mother tongue(s), interpreting standards and cultural mediators.

Roles and definitions

Translators

Translators are language specialists who translate written texts out of a source language into one or more target languages, usually their mother tongue(s).

Interpreters

Interpreters are language specialists with a perfect command of their mother tongue and one or more foreign languages. They have mastered interpreting techniques for rendering a message orally from the source language to the target language. Interpreting requires close concentration and considerable responsiveness. In many contexts, interpreters must have knowledge in several fields, in-depth knowledge of these fields and the ability to assimilate knowledge in other areas.

Community interpreters

Community interpreters specialise in interpreting in three-way situations to facilitate mutual understanding between speakers of different languages. When interpreting they take into account the speakers’ social and cultural backgrounds. They have a basic knowledge of inter-cultural communication. They are familiar with the misunderstandings and conflicts that may occur in this context and are able to react to such situations appropriately.

Cultural mediators

Cultural mediators provide immigrants and public-service professionals with easily understandable information about cultural differences, the different rules of the social and political systems in the host country, and different ways of behaving. In so doing, they build bridges between immigrants and education/support systems, thus facilitating understanding between doctors and patients, lawyers and clients, and teachers and parents. They work either as a team or independently, organising and implementing prevention projects, information sessions for immigrants, etc. Unlike traditional mediators, they are not specialists in conflict mediation; but through their work they can help to forestall possible conflicts.


Chiu L. F., Street Talking: Communicating Breast Screening Information in Primary Care, Action Research Report produced for the National Health Service Cancer Screening Programme, Nuffield Institute for Health, 2002.
neighbour or a staff member who speaks a foreign language, or else they may use dictionaries. However, the interpreter must not be too involved with the user, especially if the situation covers problems of violence or abuse of authority. Moreover, such interventions, plausible solutions or decisive questions as to the accuracy and faithfulness of the information (no additions or omissions), the person's impartiality, and from the difference in name and neutrality of the interpreting. These ad hoc interpreters are not bound by professional confidentiality. Out of consideration for their relative or friend, they may conceal information about the patient or not inform the patient of his or her true state of health. Volunteer interpreters, who claim to speak a language, frequently convey only an approximate message or indeed make mistakes.

Language skill levels (and their components)

Communication and exchange (language skills)

This is communication. A person is able to communicate in the other person's language with a knowledge of vocabulary, syntax, grammar and pronunciation.

For example, such persons may have mastered a foreign language in certain parts of Britain, the United States or other countries.

Decoding and intercultural adjustment (sociocultural skills)

In addition to the spoken word, speakers understand the basic content of concrete or abstract subjects in a complex text, including technical discussions in their speciality. They can communicate with a degree of spontaneity and ease and adapt what they say to the cultural style of the communication, the social conventions of the language and the rules of interaction. They are able to decode the choice of certain words, the meaning of silence, rules of courtesy, expressions of popular wisdom, markers of social relationships, and so on.

For example, among Europeans, Finns actively use silence as a mode of communication signifying respect for the speaker, interest in what is being said and reflection. Native speakers may be interpreted as scepticism, while interruption may, on the contrary, show interest in what is being said.

Negotiation and argumentation (pragmatic skills)

This skill covers choices of discourse strategy to influence and achieve an outcome, such as how to structure an argument, develop and organise ideas and adapt one's discussion to conclude a negotiation or resolve a conflict. It takes the other person and the context into account.

For example, some modes of discourse (including Asian) begin by outlining the background to a decision and end by communicating the final decision or the main argument. Other (more Western) modes of discourse begin by stating the decision or main proposal and go on to give the reasons behind that decision or proposal.

Publishing a code of ethics and ensuring that all interpreters abide by it

A number of bodies and associations have laid down ethical standards with which all professional interpreters should comply. The CLAS standards in the United States, for example, consist of 14 “National Standards on Culturally and Linguistically Appropriate Services (CLAS)” in the public sector, in particular for health-care organisations.

How to work with an interpreter?

International Medical Interpreters Association (IMIA): Code of Ethics (established in 1987 and revised in 2000). The IMIA was the first organisation in the world explicitly to author an ethical code of conduct specifically for medical interpreters. Multiple codes of ethics have since followed. A code of ethics is necessary for medical interpreters, in order to ensure that the individuals within the profession:

1. Interpreters will maintain confidentiality of all assignment-related information.
2. Interpreters will select the language and mode of interpretation that most accurately conveys the content and spirit of the messages of their clients.
3. Interpreters will refrain from accepting assignments beyond their professional skills, language fluency or level of training.
4. Interpreters will refrain from accepting an assignment when family or close personal relationships affect impartiality.
5. Interpreters will not interpret personal opinions or counsel patients.
6. Interpreters will not engage in interpretations that relate to issues outside the provision of health-care services unless qualified to do so.
7. Interpreters will engage in patient advocacy and in the interpersonal mediation role of explaining cultural difference/practices to health-care providers and patients only when appropriate and necessary for communication purposes, using professional judgment.
8. Interpreters will use skilful unobtrusive interventions so as not to interfere with the flow of communication in a tradi
cultural setting.
9. Interpreters will keep abreast of their evolving language and medical terminology.
10. Interpreters will participate in continuing education programmes as available.
11. Interpreters will seek to maintain ties with relevant professional organisations in order to be up-to-date with the latest professional standards and protocols.
12. Interpreters will refrain from using their position to gain favours from clients.

Determination of the specific skills of the interpreter as opposed to the mediator

The institution must check the language skills of the interpreters they use and ensure that they adhere to their code of professional ethics. However, the professional interpreter is not the only person called upon to interpret. Mediators are often asked to act as interpreters in addition to their role as “cultural information providers” or “cultural negotiators”, interpreting what is said from one language to another. Moreover, depending on the country and the situation, public-service interpreters are called medical or social interpreters, community or intercultural interpreters, or cultural or intercultural mediators. Apart from the skills expected and used, each job entails its own ethical position, working methods, interpersonal management skills, and ability to analyse practices. Hence the importance of determining the specific skills expected of the interpreter as opposed to the mediator. In principle, in comparison with interpreting, mediation endeavours to provide further clarification, to reconstruct cultural perceptions and explain the meaning of what is said in terms of beliefs and the cultural context. Because of this, mediation involves the risk of over-interpreting what is said by explaining or commenting on it and the risk of allowing “subjective intrusion” through the personal interpretation of what has been said, conflicting with the requirements of “professional ethics. However, the “position, which has developed standards to give way to the position of the interpreter as opposed to the mediator.

How to choose an interpreter

See the oral assessment criteria-grid (CEFR grid) in Appendix 3. The grid describes more precisely the skill levels required by interpreters and mediators. The criteria used to evaluate skill levels are as follows: range (of vocabulary), accuracy (of grammar), fluency (language flow and spontaneity), interaction (interpretation of non-verbal communication, ability to initiate, sustain and close a conversation) and coherence (articulation of ideas and structure of discourse). See also the lists of self-assessment descrip
tors in the Swiss version of the European Language Portfolio in Appendix 4. These lists are based on the common reference levels de
developed in the Common European Framework of Reference. The lists may be used to assess a person’s general competence in a specific language, to monitor progress in learning one or more specific skills or to draw up a plan.

38 For more information, see: www.inter-pret.ch, accessed 6 June 2011.
When to use an interpreter

Depending on the information required, staff may call on 1) a family member, 2) a colleague within the institution, 3) a professional, 4) an expert, or 5) a mentor. The interpreter is not responsible for managing an interview. He or she ensures that the speakers understand each other and provides the information necessary for that understanding. Sometimes, in fields such as health, justice and rights, a person’s evidence or opinion may prove crucial for the taking of a decision or the drawing up of a contract. In some cases, the interpreter should have specific expertise in the field of health or law or even be a lawyer in order to ensure that an individual’s interests are protected. It is in the question of making a professional’s task easier by providing additional non-confidential details or information, interpreting assistance could be sought, in some cases, from an unqualified third party.

• Clarifying what is expected of interpreters and mediators

Operators, whether they are social workers or health workers, often expect an interpreter to help them gather information in order that they may make a diagnosis. They therefore trust that the interpreting will be exact, complete and neutral and that the interpreter will remain in the background and not express personal opinions. But they may also want the interpreter to become more than just a linguistic intermediary and act as a mediator to facilitate contact as well as lessen tensions, report misunderstandings or remedy them by formulating a question or a reply, and, where necessary, provide cultural explanations that reflect the specific cultural perceptions. It is recommended that the institution should clarify and communicate its expectations concerning the functions it wishes such third parties (interpreters or mediators) to perform, in order to avoid any ambiguity in their roles and the problem of having to respond to conflicting requirements: “faithfully” translating what is said, and also “interpreting it culturally”.

• The institution should ascertain interpreters’ qualifications and training needs.

• The interpreter should always make sure users understand by asking them what they have understood, rather than asking: “Do you understand?” which elicits a yes/no answer.

• Interpreters should always endeavour to keep their linguistic and professional knowledge up to date.

• Interpreters should check the quality of their work by asking for feedback or talking about their interpreting to colleagues.

• Health institutions should ensure that legally binding forms (informed consent) are translated into the languages most commonly used by patients, together with documents on patients’ rights, the rules and regulations, specific requests concerning food, religion, disability, etc.

• In emergency departments, if there are no interpreters on the spot, health institutions should at least provide a round-the-clock telephone interpreting service.

• Institutions should offer language training to staff members and ensure that frontline staff have at least a rudimentary understanding of the languages most commonly spoken by the users, with a knowledge of simple greetings in other languages.

• The institution should recruit multilingual staff and check their language skills when they are recruited before suggesting that they act as ad hoc interpreters.

• The institution should provide staff and users with a variety of language tools, such as dictionaries, piktograms and translated documents.

• The institution should ensure that documents are free of technical and administrative jargon.

• The institution should ensure that its language tools are tailored to the linguistic characteristics of user groups (command or no command of English, limited vocabulary in a single language, poor writing skills, illiteracy, etc.) by using ethnic media or checking translations with community associations or testing them on target groups.

• For surveys, the institution should preferably opt for individual contact (telephone surveys or individual interviews) rather than sending a written questionnaire.

• Recommendations

• The institution should work primarily with qualified interpreters.

• The institution should ensure that staff give interpreters the information they need to understand the context of the purpose of the interview and what is expected of them.

Facilitating shared understanding of an issue

In many everyday situations, ways of behaving in society and interacting with others may be a source of misunderstanding if the same social rules accepted by all are not followed. Misunderstandings are most frequent when perceptions are influenced by prejudices and stereotypes and when contact between groups is infrequent. Some forms of behaviour may be considered at odds with socially acceptable ways of expressing a need, and result in the user’s marginalisation. Some views of practices are based on prejudices about the identity, status or role of a person or group of people and lead to value judgments about a community, taking individual characteristics and applying them to a whole group. Stereotyped perceptions of a group, reflecting those preconceived views, encourage discriminatory practices, conflicts of values and confrontation or withdrawal strategies. When people start out with such clichéd cultural representations, any discussion of a shared challenge is likely to be undermined from the outset and doomed to failure.

How can the perceptual and cultural filters inhibiting communication and relations be overcome so as to modify the framework of intercultural relations and reach a shared understanding of an issue?

Challenges connected with perceptual and cultural filters obstructing relations

Perceptual and cultural filters often act as obstacles to any shared understanding of a problem and to interpersonal relations. Understanding of a problem is very often based on the image of the Other. Therefore, in their relations with users, staff sometimes see the problem in terms of how they perceive the person without always being aware that subjective, institutional, collective and cultural factors are influencing their perception.
Therefore, in order to escape the feeling of “disconcerting difference” prompted by the meeting with otherness and to avoid hospitalisation, their values and norms are being challenged, staff members may tend to ethnise the problem as strictly cultural. They may be tempted to refer the problem to another department, send the person to another office, play down the problem through derogatory measures or exaggerate the cultural features as being insurmountable. Such largely unconscious defence mechanisms protect them from a situation that might be unsettling for their identity.

Highlighting these factors that distort reality and being aware of these filters is an important step towards understanding a problem without prejudice and stereotyping.

**Tasks of the mediator**

Intercultural mediation is a multifaceted role in which the mediator acts essentially as an outsider third party and cultural intermediary between a person or community and an institution’s departments. Mediators are often referred to as “go-betweens”, “facilitators”, “conciliators” or “negotiators” because of their interpersonal skills and their abilities to bring people together around collective issues.

Intercultural mediators are often experts through experience, who share two or more cultural worlds. They are often from another culture but are at some time perfectly integrated in the culture of the host country. Their understanding of the different cultural references with their dual (or multiple) cultural belonging, facilitates their relations with the members of a community, contact with institutional workers both in the country, and collaboration between the former and the latter. Intercultural mediators are first and foremost mediation professionals whose working methods foster understanding, negotiation and conflict resolution. Among their other tasks, mediators seek to re-establish dialogue in a family or between a family and an institution’s staff, revise or rework their tasks, build social bonds between a community and the citizens or representatives of various authorities of the host country, strengthen intercommunity relations and make negotiation effective. Mediators give support to users from an immigrant background by explaining the dominant values of the society, the procedures and the institutional and cultural workplace to the background and assist users in their dealings with institutions, giving them information and advice, for example, on how to fill in forms or what to expect from social action or medical interventions. Through these different types of actions, mediators gain users’ trust, protect the users’ interests (if these interests are threatened) and help them socialise and integrate into the host society.

**Examples of intellectual, institutional and cultural filters**

**Ideology or militancy** Very little critical distancing from personal values, ideological choices and convictions. Unproductive ideological positions reduce the ability to put human affairs into perspective.

**Methodological and intellectual presuppositions connected with a particular approach**  The notion of analysing intercultural action affects choice of actions, methods and ethics.

**Ethnocentrism** All cultural filters connected with national, regional or ethnic belonging affect our relations with the Other. National, ethnic and religious denominations are desirable and necessary in intercultural action.

**Positions of the professional and the user** The real or imagined position each party ascribes to those with whom they are dealing with. This position conforms to individually defined personal position (connected with his or her past life, experience and relationships), institutional position (as a professional or user), and social, cultural and political positions.

**Professional and institutional codes** Institutional factors connected with expectations about the acceptable way for a user to express a need for mediation and representation of the professional’s role in his or her manner of communicating with and serving the user, and the remits of institution-related departments that are used to classify requests.

**Image of otherness and cultural stereotypes**

*This image is influenced by personal experiences of cultural differences through various encounters. Others thus become the object of stereotypes: they are no longer seen and understood in their own right. This image of others reflects their own principles of what it is or she considers acceptable or unacceptable, familiar or strange, valid or invalid."

**Image of stereotypes and cultural images**

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**Image of stereotypes, cultural images and images of otherness**

This image is influenced by personal experiences of cultural differences through various encounters. Others thus become the object of stereotypes: they are no longer seen and understood in their own right. This image of others reflects their own principles of what it is or she considers acceptable or unacceptable, familiar or strange, valid or invalid."

**Intercultural mediators often work in relative professional isolation. In practice, we see mediators being recruited on the basis of skills associated with their dual (or multiple) cultural belonging, links with a social network, or the community identity as a “representative of...” (place of residence, religious beliefs, cultural background, etc.). However, it is not always necessary for a mediator to belong to the same ethnocultural community as the people with whom he/she is working. Mediators that do belong to that community must however have had professional training. In order for the professional skills and powers of mediators to be recognised and understood by the different stakeholders, it is in an institution’s interest to foster institutional recognition of their work, thus raising their public profile and ensuring that they are economically viable. Such recognition could take place through the establishment of associations and units for professional mediators within the institution, which would define and specify the (institutional) framework, specify their remit, check their qualifications and specific skills, etc.

In the Federal Public Service for Health itself, there are almost 80 ICN units running in 16 hospitals. In 2005 they dealt with some 65,000 assignments in 19 languages.

The objective of the programme is to improve access to and quality of health care given in hospital to patients from ethnic minorities, by fostering communication and taking into account their sociocultural and health needs.

**Recognised powers of intercultural mediators**

- **Power of communication:** communicating sensitively and effectively with migrants.
- **Power for guidance:** gauging a patient’s suffering, explaining it to staff and influencing the patient’s decision whether or not to accept treatment.
- **Power to report:** reporting a problem (negligence, violence, ill-treatment, etc.) to a public service.

**Training and skills of intercultural mediators**

- **Basic interpreting/translation techniques**
- **Command of medical terminology**
- **Interpretation in a psychiatric context**
- **Cultural decoding ability**
- **Knowledge of traditional healing methods**
- **Knowledge of ethical questions (professional and medical ethics)**
- **Psychological guidance (providing clarification and support when dealing between professionals, tackling sensitive subjects with patients, such as organ donation)**

**Problems encountered by intercultural mediators**

- Pressure from excessive expectations (convinced everyone to accept emergency treatment, dealing with patients in great pain, announcing a death, etc.).
- Difficulties of planning one’s time because of excessive expectations.
- Power for guidance: gauging a patient’s suffering, explaining it to staff and influencing the patient’s decision whether or not to accept treatment.
- Power to report: reporting a problem (negligence, violence, ill-treatment, etc.) to a public service.

**Conditions for effective action**

**Improving institutional recognition of intercultural mediation practices**

Public and state roles are not always familiar with intercultural mediation practices. While there is a growing demand for mediation and it is now being used in institutions, intercultural mediators often work in relative professional isolation. In practice, we see mediators being recruited on the basis of skills associated with their dual (or multiple) cultural belonging, links with a social network, or the community identity as a “representative of...” (place of residence, religious beliefs, cultural background, etc.). However, it is not always necessary for a mediator to belong to the same ethnocultural community as the people with whom he/she is working. Mediators that do belong to that community must however have had professional training. In order for the professional skills and powers of mediators to be recognised and understood by the different stakeholders, it is in an institution’s interest to foster institutional recognition of their work, thus raising their public profile and ensuring that they are economically viable. Such recognition could take place through the establishment of associations and units for professional mediators within the institution, which would define and specify the (institutional) framework, specify their remit, check their qualifications and specific skills, etc.

**Example of good practice**

Belgium has set up the Intercultural Mediation Programme (ICM Programme) in Belgian hospitals, together with intercultural mediation units in the Federal Public Service for Health itself.


42. Olivier Devoynay identifies such filters as production filters, legal and administrative filters, logistic filters, budgetary filters, political filters relating to objectives and goals, etc.
Fostering respect towards the individual or family
When mediation occurs within a relationship, an initial step involves advising and helping an individual, some basic principles of co-operation should be applied when seeking solutions.

Displaying an attitude of openness, empathy, respect and readiness to listen
Mediators foster the expression of needs and facilitate the expression of feelings. They engage in active listening, being sensitive to the words spoken and selected and to non-verbal communication. They display an attitude of openness by expressing their willingness to learn. They endeavour to understand users’ needs from their point of view by showing empathy. If need be, they help them to define the problem by providing the necessary explanations.

Respecting people’s choices, values and needs
Mediators avoid stereotyped or derogatory judgments (the individual is submissive, negligent, deviant, manipulative, etc.) that place the blame and entire responsibility on the individual or his/her culture. Users do not have to conform to the mediator’s values or expectations or go against their convictions. Mediators should not impose solutions or exert pressure to make users change their minds. They must remain open to looking for “solutions” to respond to these needs or settle a problem. They put the individual at the centre of their work, leaving their own convictions in the background.

Providing the necessary information to enable the individual to make a decision
Mediators clarify the speakers’ roles and functions. They acknowledge users’ experience and validate their know-how, personal capacities and strengths. They work with users on an equal footing to help them determine whether this approach will meet the users’ needs. They promote personal empowerment and the principle that people usually make the best choices for themselves. They develop individuals’ ability to find ways of improving their situation. Even if a decision seems unwise to the mediator, such choices can be part of temporary strategies to adapt to the situation and maintain the relationship. It is preferable to provide all the necessary information (resources, means) and support to enable users to make their own plans of action and assist them, where necessary, in their dealings. They encourage frankness and transparency in this co-operation. They allow users to assess the conduct and impact of their work. They explain why some solutions are unacceptable.

Building knowledge of intercultural mediation and resolving conflict
When an attitude seems incomprehensible and contrary to their values, people sometimes feel offended, insulted or shocked by what they interpret as a lack of consideration, respect, competence or credibility. Although the primary aim of mediation is not conflict resolution, intercultural mediators can make a useful contribution to defusing conflicts (or avoiding them) by facilitating communication, dialogue and understanding. It would be useful for institutions to build a body of formal multidisciplinary knowledge about negotiation practices in mediation. One way of doing this would be to produce a report on mediation putting all the experience together in order to draw conclusions for the institution and profession. Thus all employees in contact with users could learn mediators’ methods for:

- de-ethnicising the relationship with the Other, the problem and the situation;
- reducing conflict in intercultural relations by redefining the issue and establishing a common objective;
- identifying the identity strategies at work in relations with others;
- forestalling anything that might insult people’s dignity, honour or reputation, offend personal views or intimidate people;
- working on conflicts in the light of various mediation methods;
- informing users with an immigrant background about ways of managing conflict in the workplace or in the community (procedures, communication strategies, codes of behaviour, etc.).

Co-operating by acknowledging users’ skills and personal autonomy
Mediators develop working methods together with users and display their willingness to co-operate with them. They acknowledge users’ experience and validate their know-how, personal capacities and strengths. They work with users on an equal footing to help them determine whether this approach will meet the users’ needs. They promote personal empowerment and the principle that people usually make the best choices for themselves. They develop individuals’ ability to find ways of improving their situation. Even if a decision seems unwise to the mediator, such choices can be part of temporary strategies to adapt to the situation and maintain the relationship. It is preferable to provide all the necessary information (resources, means) and support to enable users to make their own plans of action and assist them, where necessary, in their dealings. They encourage frankness and transparency in this co-operation. They allow users to assess the conduct and impact of their work. They explain why some solutions are unacceptable.

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- forestalling anything that might insult people’s dignity, honour or reputation, offend personal views or intimidate people;
- working on conflicts in the light of various mediation methods;
- informing users with an immigrant background about ways of managing conflict in the workplace or in the community (procedures, communication strategies, codes of behaviour, etc.).

Co-operating by acknowledging users’ skills and personal autonomy
Mediators develop working methods together with users and display their willingness to co-operate with them. They acknowledge users’ experience and validate their know-how, personal capacities and strengths. They work with users on an equal footing to help them determine whether this approach will meet the users’ needs. They promote personal empowerment and the principle that people usually make the best choices for themselves. They develop individuals’ ability to find ways of improving their situation. Even if a decision seems unwise to the mediator, such choices can be part of temporary strategies to adapt to the situation and maintain the relationship. It is preferable to provide all the necessary information (resources, means) and support to enable users to make their own plans of action and assist them, where necessary, in their dealings. They encourage frankness and transparency in this co-operation. They allow users to assess the conduct and impact of their work. They explain why some solutions are unacceptable.

Building knowledge of intercultural mediation and resolving conflict
When an attitude seems incomprehensible and contrary to their values, people sometimes feel offended, insulted or shocked by what they interpret as a lack of consideration, respect, competence or credibility. Although the primary aim of mediation is not conflict resolution, intercultural mediators can make a useful contribution to defusing conflicts (or avoiding them) by facilitating communication, dialogue and understanding. It would be useful for institutions to build a body of formal multidisciplinary knowledge about negotiation practices in mediation. One way of doing this would be to produce a report on mediation putting all the experience together in order to draw conclusions for the institution and profession. Thus all employees in contact with users could learn mediators’ methods for:

- de-ethnicising the relationship with the Other, the problem and the situation;
- reducing conflict in intercultural relations by redefining the issue and establishing a common objective;
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Fostering co-operation and partnership

One of the mediator’s tasks is to foster co-operation and partnership. Mediators are often well known in the community from which they come and are recognised by institutions for their skills and working methods. They use this mutual trust to reduce tensions, support mutual respectful dialogue and foster consultation and co-operation among stakeholders. Institutions need to use mediators’ services in order to re-establish communication, clear up misunderstandings and build collaboration.

Nonetheless, one particular challenge for interaction between social services and migrant communities lies in the fact that in Europe, because of the individual history of each host country, the level of organisation varies considerably between them; in many communities voluntary work is not yet established and the involvement of associations on such themes as ‘patients’ rights’, outside the cultural or ethnic reference group, can be slight. It can therefore be difficult for social services to find the right partners in communities and the process of dialogue can become a challenge for the staff concerned. A number of specific organisational tools are on hand to solve this problem.

Example of collaboration on the ground

Situation

Some parents in an immigrant neighbourhood are worried about the problems their children are having at school with certain subjects that might be obstacles to their admission to the curriculum of the ordinary secondary school. In addition, some parents complain about the lack of school discipline as a possible reason for their children’s rebellious behaviour. Several of them also feel unable to help their children because of their language problems, poor educational level, illiteracy or economic situation. There are few contacts between school and parents. The parents take little part in the parents’ meetings organised by the school. They do not really understand the information the school sends out. The majority of the teachers are native Swedes, while 95% of the students have immigrant backgrounds. Some 40 immigrants with an education and experience as home teachers are available to work in Swedish schools. At the school there is a post of language assistant to help immigrant pupils who need it through the formation of teaching groups and special classes. The school sees that few immigrant parents respond to their invitation to meetings with teachers. On the parents’ side, they want their children to have help with their homework in their language, stricter discipline, greater representation of diversity at the school, and teaching methods appropriate to their skill levels.

Analysis of the situation

The situation reveals a real gulf between parents and the school caused by a language barrier, an unequal power relationship and cultural differences. The parents are unhappy about the lack of discipline at school, which is unprecedented in their country of origin. They are unable to help their children to do their homework because of their own lack of education and/or inadequate command of Swedish.

They expect the school to help the children, while the school says the help is already available. The teachers with an immigrant background do not have formal qualifications that would allow them to give support and adapt the traditional teaching. The communication problems between schools and parents concern everyday information, information on parent-teacher meetings and advice for parents. It is important for the school, which is a place of education and socialisation, to be able to provide qualified people to support and help children in their education.

Negotiation with the institution

The mediator explains to the institution his activities and the networks established by his informal working methods outside the school. His colleagues at Employment and Integration, the district management team, and local politicians recognise the liaison working method (Malmö, 2001). After obtaining the agreement of the school, the district director of Employment and Integration and the head teacher organise a meeting to discuss new solutions. This meeting, facilitated by the mediator, results in several initiatives: greater recognition of the school’s multicultural environment, solutions for increased parental participation in school meetings, and adult education programmes. Two new schools are invited to co-operate in working out new approaches to adult education.

Solutions

The mediator’s action enabled decisions to be taken: help with homework organised by district rustic; employment of six teachers with immigrant backgrounds funded by the Metropolitan Initiative; intensive courses for most of the 40 immigrant teachers who lived in the region, teaching of Swedish to adult immigrants in their own language.

Facilitation procedures

Facilitation procedures are used to receive information (active listening) and elicit participation by the other party (expression). In the first case, the worker who has been engaged in empathy, deciding to intervene to make sure that he or she has properly understood the other person’s point of view: for example, “I’d like to check that I’ve understood what you said.” In the second case, the worker intervenes to elicit or react to new information: for example, “How do you feel about that idea?" Yves St-Arnaud suggests five ways of using facilitation procedures:

1. The worker asks for a general statement, without specifying the type of information sought, for example:
   - What do you mean?
   - Can you tell me a bit more about that?
   - Just say what comes into your head.

2. The worker seeks facts, either by repeating what he or she has understood or by questioning the other person about what he or she has observed, for example:
   - What really happened?
   - Can you give me an example of that?
   - Exactly what are the facts?

3. The worker seeks emotional reactions, either by repeating what he or she has understood or by questioning the other person about his or her feelings or the emotional meaning of what he or she has said:
   - What are you afraid of?
   - I understand that you’re evaporated.
   - How do you feel about it?

4. The worker seeks ideas, either by repeating what he or she has understood or by questioning the other person about what he or she thinks, believes, expects, considers, and so forth, for example:
   - What do you think about that?
   - How do you explain that?
   - What do you think will happen as a result?

5. The worker seeks intentions, either by repeating what he or she has understood or by questioning the other person about what he or she wants and his or her tastes, decisions, needs, plans and so forth, for example:
   - What do you expect of me?
   - What do you intend to do?
   - What do you need?

• Recommendations
  - The institution should work primarily with professional mediators and ensure that they have the necessary skills.
  - The institution should clarify the mediation framework, what is expected of the mediator, and collaboration with the mediator.
  - The institution should be able to take advantage of the mediator’s access to community resources (links with associations, knowledge of networks and of one or more communities, etc.).
  - The institution should encourage the mediator to pass on his or her observations insofar as institutional changes may be advisable.
  - The institution should designate a body to study suggestions for improvements or changes relating to service quality, solving recurrent problems, transfer of know-how, etc.
  - The institution should promote official recognition of the mediator’s work and clarify his or her actual role within the institution.
  - Mediators should develop their critical abilities to call into question their experience, practice and ties to their networks.
  - Mediators should check the quality of their work by asking for feedback and talking about their mediation to colleagues.

44 Taken from St-Arnaud Y., L’interaction professionnelle, Presses de l’Université de Montréal, pp. 150-151.
Reaching a shared diagnosis of the problem

All immigrants who leave their countries of origin to go live in another country face problems and symptoms inherent in the acculturating and adaptation process. These problems can seem insurmountable to some immigrants; they may accumulate or be exacerbated if immigrants have had to leave their countries because of violence. Personal suffering, a feeling of exclusion, mutism or trauma, disappointments and humiliations, a loss of identity, personality problems or learning difficulties; the problems vary widely and can sometimes affect a person’s physical or mental health. The practice of psychology in a context of diversity, with users from other cultures, sometimes raises questions about the influence of culture on behaviour, the suffering inherent in the migration process and the dividing line between cultural problems and mental health problems. It may raise challenges to the validity and general applicability of diagnostic tools. Researchers into intercultural psychology maintain, for example, that the Western practice of psychology reflects the bias of Western knowledge, influencing behaviour analysis, assessment methods and criteria, etc.

How can we go beyond knowledge bias and the clinical labelling of integration problems to avoid the risks of misdiagnosis or no diagnosis?

Challenges connected with knowledge bias, clinical labelling of problems and risks of misdiagnosis or no precise diagnosis

The circumstances associated with the immigrant’s departure and the difficulties connected with the migration experience, the acculturation process and redefining of identities to adjust, as well as specific challenges such as loss of self-confidence, severing of ties, increasing exposure to violence, sometimes have effects on a user’s mind and behaviour. Ignorance of these vulnerability factors and everything inherent in individual suffering is added to the other factors that might result in the problem being misunderstood.

- **Cultural uprooting and loss of references and emotional ties**

Immigration represents a radical change which may take the form of a rupture, experienced by some people as a real wrench. In the new society, the same acts (greetings, gestures of politeness, etc.) do not have the same effects; words (and silences) do not have the same meaning; and some attitudes (types of behaviour, expressions of emotion, etc.) can be troubling, having lost their justification. Deprived of their points of reference and without their emotional ties to the extended family or community, immigrants may feel confused, disoriented and even depressed. This feeling depends very much on the individual’s personality, living conditions and capacities to adapt, however.

- **Forced exile to escape violence, poverty or dictatorship**

These psychological consequences may be aggravated if immigrants come from a country where they have experienced violent migration. Migration is sometimes accompanied by a history of daily suffering in the country of origin (war, genocide, dictatorship, poverty, etc.). Far from leaving this suffering behind, immigrants may have brought its after-effects with them in the form of not only classical post-traumatic symptoms (“post-traumatic stress”) but also less specific reactions such as sleep disorders, somatic complaints or problems with relationships.

Identity crises, being torn between two identities, shifting identity

Loss of occupational status and social recognition, renegotiation of social relationships, conflicts of loyalties and a feeling of marginalisation and exclusion are other factors that may result in distress behaviours that can bring about confusion and lead to misunderstandings.

Some disorders may be a way of displaying psychological suffering and attracting attention. They may also reflect a failure to adapt adequately.

Identifying a problem and making a diagnosis are not always the result of a neutral perception of the person or objective observation of the situation. For example, situations in which immigrants display signs of distress, a worker may be tempted to link the problem with the person’s immigrant condition or cultural differences. In this case, action will focus on the specific nature of the immigrant’s needs. But a completely different diagnosis (and choice of action) might be suggested by concentrating solely on the symptoms of distress. From this (other medical and therapeutic) standpoint, the specific needs of the individual may be considered in the more general light of the universal needs of a human being. In addition to their occupational aspects, the convictions and prejudices of operators may affect their assessment of the problem. There is a real risk of misdiagnosis if operators do not critically examine their own professional practices.

- **Forced exile to escape violence, poverty or dictatorship**

Examples of challenges in interpreting symptoms and disorders

Diversity in a medical context

When immigrants are treated for psychological disorders, it often happens that psychological suffering is expressed as confusion and disorientation, as people are treated solely on the basis of their symptoms and disorders. A worker may be tempted to link the problem with the person’s immigrant condition or cultural differences. In this case, action will focus on the specific nature of the immigrant’s needs. But a completely different diagnosis (and choice of action) might be suggested by concentrating solely on the symptoms of distress. From this (other medical and therapeutic) standpoint, the specific needs of the individual may be considered in the more general light of the universal needs of a human being. In addition to their occupational aspects, the convictions and prejudices of operators may affect their assessment of the problem. There is a real risk of misdiagnosis if operators do not critically examine their own professional practices.
status and role they have in an institution depends on their co-operation with other professions, the role allocated to them in team management, and supervision of a work team. As experts, clinical psychologists have a role that includes not only teaching and training but also supervising and providing analysis of actual practice. They may be outside experts called in to train a team.

The role of the clinical psychologist within an institution may include the same activities. The clinical function in the narrowest sense of the term includes diagnosis and therapeutic intervention. The clinical perspective offers an analysis of practice which includes looking at the subjective dimension and the types of resistance at work at individual, group, institutional and other levels. The clinical psychologist is generally a therapist in a team. Diagnosis covers not only identification of the illness or problem (deficiency, deviance, etc.) on the basis of symptoms but also the reasoning leading to that identification. The reasoning leading to the diagnosis includes assessment of the person and his or her symptoms and situation. Identification of the problem is not the result of a neutral and objective judgment of the person and the situation, however.

Conditions for effective action

How can we avoid acculturation problems being diagnosed as mental-health problems when a person expresses a need for guidance, assistance and support, in a spirit of hospitality, conviviality and humanity, in order to find (new) meaning in what he or she does not understand?

- Bringing in more points of view and considering all sides

When a clinical psychologist meets a person in difficulty, particularly a child, he or she tries to understand what is wrong from the patient’s point of view. The psychologist’s detached understanding of the problem enables him or her to perceive the factors that influence the patient’s perceptions: perceptions of his or her place, role, cultural values, beliefs, etc. Nevertheless, the clinical psychologist cannot limit his or her understanding of the problem to this single point of view. Consultation of other members of the family, for example, may shed light on other aspects of the problem and reveal divergent, incongruent or even shifting perceptions in the patient’s circle. The clinical psychologist attaches great importance to listening and dialogue in order to avoid settling on a final diagnosis too quickly.

This approach has the merit of covering all facets of the individual’s life and personality (including his or her social situation). The psychologist Erik Erikson (1958) described the patient as a universe in himself.

Questions

- How can all these forms of suffering be accommodated, described and diagnosed by institutions through their workers?
- How can users express their distress in a socially acceptable way without “seeming to be crazy”?
- How can workers deal with these forms of suffering when they are not equipped to understand or handle them?

The positions of professional and user, and the impact of these when the two meet

In order to minimise the risks of error, one solution is not to focus the analysis on a particular approach to the exclusion of other analytical perspectives but, on the contrary, to explore a variety of additional points of view: disciplines and practices.

One strategy is to use intercultural, intersectoral and interdisciplinary analysis by comparing interpretations from a range of different players. Another strategy, complementing the first, is to encourage participation in the dialogue by workers with an immigrant background and representatives of minorities, enabling a multitude of interpretations to be expressed.

- The different dimensions of the professional’s and the user’s positions and the relationship between these and images of otherness

Our positions and the images of otherness which stem from them are not static, not homogeneous, and not necessarily consistent. They span a very heterogeneous range, and, depending on the situations in which we find ourselves, different images of otherness may dominate, and may therefore have an impact when professionals meet users. For this same reason, we need some knowledge of the imagery of otherness that we have absorbed, often without realising it, but we also need to understand when it is that the risk of distorted, simplified and stereotyped images of others emerges. Giving thought in this way to two different aspects: the representations of others that are already fixed in our minds and the conditions in which these may arise, should precede and accompany our exploration of the world of others we have to deal with. If we omit this stage, we might well, despite believing that we are moving towards others by taking account of their “cultural specificity”, in fact be drawing away from them, on the basis of established patterns that prevent us from seeing their individuality. This is all the more important in situations of conflict, when a stereotyped perception of others may make us think that we face an “insuperable clash of cultural values”, whereas we are in fact more in a situation of failure to communicate, giving rise to schematic and simplified perceptions of others.
We shall consider below the different aspects of not only the professional’s, but also the user’s position, and look at the links between the two: the personal and the perception of others, the images of otherness and our conception of cultural difference.

**The personal dimension**

At the personal level, our perceptions of “the other person, the user”, as well as the user’s perceptions of us, “the other, the professional”, will bear the imprint of our experience of meeting others, shaped by our unique trajectories and marked by the identifications which we have absorbed during our socialisation process. In psychological terms, these perceptions are based on our distinction between the acceptable and the unacceptable. In this context, experience of what seems strange is always based on what we do actually know but find unacceptable, on what is all-too-familiar and rejected, or on our anxieties about what we know extremely well but is prohibited, denied or regarded as taboo.

It is very important to take account of the personal dimension of the perception of others, since an analysis of the dynamic psychological processes at stake shows us why situations of conflict or anxiety bring about the defensive reaction of apartheid. At the personal level, these defensive reactions can lead to a decision to turn down a request on the grounds that “specialists of the same culture as the user are needed”, or that the professional lacks the resources to deal with “such specific” or “such strange” requests, or even to a temptation to shift all responsibility for the situation to a third party (the interpreter or cultural mediator). For the user, fear of “the other, the professional”, and of his or her power may bring into play images of a terrifying other person (a persecutor, an executor of a hostile state) and cause the user to introduce him or herself in rigid terms, emphasising his or her particular cultural characteristics and thus making negotiation and dialogue impossible.

**The institutional dimension**

At institutional level, several mechanisms also have a great impact on not only our image of “the other person, the user”, but also his or her image of us and our ability to provide assistance.

Firstly, the way in which we regard the user’s request and, more generally, our idea of a request which is acceptable and for us to meet will inevitably affect our perception of the user. At this level, the question should be raised of whether our perception of others is sufficiently flexible to enable us to meet his or her needs, knowing that he or she may well be living in conditions very different from those of the standard user, the one for whom our services were designed. The other side of this coin is the user’s idea of the service that we provide, an idea based not just on his or her previous experience of institutions (in his or her country of origin and in the host country), but also on the information which we supply or fail to supply. It is here that the question of methods of communication and active identification of users’ needs takes on its full importance. There is a need for adjustments in terms of communication (multilingual information, working with interpreters) and for co-operation with representatives of users’ and their groups. Then comes a second aspect, connected with our discursive practices and the way in which we decide how to act. In this respect, there is a need for reflection and for analysis of the norms underlying our practices. Are our concepts of users’ needs open to diversity? Do we take account of the specific needs connected with the cultural representations and practices which are important to users? Do we take sufficient account of the way in which these representations and practices are affected by migration (where, for instance, familiar organisation, education and religious practices are concerned)? Next comes a third aspect, one which strongly affects the relationship between professionals and users, namely the location of their meeting on a ground marked by inequalities in terms of power, resources and scope for action. This is where the concept of the user and his or her needs and rights takes on its full importance. If we manage to involve users actively in dialogue about their needs and possible solutions, we can create circumstances which will enable them to continue (or to resume) taking responsibility for their own destiny and to gain greater control of their own situation.

**The sociocultural and political dimension**

To understand what happens when professionals meet users, we need to take account of the sociocultural dimensions of their respective positions. The main aspect of this sociocultural dimension is the political and legislative context of the country in which the services are offered, a context in which conceptions of the Other (foreigner, immigrant, member of a minority) are used to define their rights and duties. In addition, the sociocultural dimension is affected by the traces of history and the historical relations between a group of representation and those people regarded as culturally different (the historical relations between the host society and the minority to which the user belongs). The historical aspects are closely linked to the collective imagination where otherness is concerned.

Law defines the ways in which it is possible to help users. Our legislation and the scope that it offers for people to claim rights and protection on the one hand, membership of a vulnerable group influenced the way in which requests are worded and the way in which minority groups form or consolidate (Wicker, 1997). When users meet professionals, the legal framework plays a crucial role which goes well beyond a mere definition of rights and the provision of services. And the meeting between a professional and a user from a minority group revives images often connected with the historical relations between a society and those represented as “others”, those who are culturally different and often associated with “the Other who was colonised”, “differently” or even “exotic” from a remnant and fascinating culture. Cultural research in England (Hall, 1997) and more recent work by historians investigating colonial history and representations of “others” who were colonised “boulevard” (Boulanger, 2005; Bancel, 2002) show the close link between a still very current imagery (found in advertisements and films) and our countries’ history. We need to give thought to this imagery, especially because stereotyped images of others are unconsciously absorbed and sometimes, without us realising, emerge in situations where relations with users are tense, either in the form of rejection of the Other of whom we are afraid or in that of fascination with the Other exotic enough to attract us, but not ultimately regarded as a stigmat (Sturn, 2006).

As the meeting between the user and the professional is at stake, and the user’s role, two concepts of otherness marked by the institutional context of their meeting are at stake. First of all, the relation between them, the process is a complex one. In order to understand this complexity and take effective action, a process of reflection and a process of action is necessary, with the situation being analysed in its different dimensions. This
process of reflection needs to be based on a detailed analysis of situations, for instance during analysis of practice, but it also requires growing awareness of the different dimensions of our individual, institutional and sociocultural positions and their effects on our relationship with users.

• The dialogue on “the problem to be solved” in social, medical and psychological care

Co-operating to define the problem to be solved and the kind of action needed to improve the situation is a crucial step.

Building shared leadership through knowledge integration

In order to avoid compartmentalisation, fragmented approaches and reductive analysis, the institution should encourage integration of knowledge. For example, the analysis of a child’s problems should include a report on the child’s behaviour or education, his or her life situation, family relationships, relationship with the school, etc. In order to support this knowledge integration, the institution should take a collaborative approach to action. To this end, it should ensure that its staff are able to grasp different professional approaches and work in an inter-disciplinary context. It should foster connections between institutions, alliances among stakeholders, co-operation among services and bridge building between institutions, taking advantage of the complementary nature of and continuity between services. Such an institutional culture of shared leadership also leads to collective responsibility for decision-making and outcomes (accountability).

Example of an approach based on dialogue and participation

The Hôpital Avicenne in Bobigny, a disadvantaged multi-ethnic suburb of Paris, has developed a training initiative, followed by strategic inclusion of minority representatives in institutional and government meetings to plan and improve health services and social work.

There are various ways of supporting this approach of jointly identifying a problem, such as providing places and optimum conditions for dialogue by setting up a multidisciplinary committee of experts, holding meetings between institutions and creating a network or mixed task force drawing on a variety of skills, occupational practices, roles and positions within an organisation, its members’ experience, or ethno-cultural and linguistic characteristics, etc.

These spaces for dialogue should not be overestimated, however, if the workers themselves lack sufficient time to undertake research, inform themselves, acquire knowledge and access information in order to articulate different points of view and examine the various aspects of a problem.

This time and space should be used as much to shed light on the situation, work out the issues involved and consult on the appropriateness of the solutions for which the patient’s medical expenses should include a report on the child’s suffering and also to construct new narratives and develop more multiple affiliations in order to express and give a name to their suffering and also to construct new narratives and develop more flexible positions with regard to identity. At the same time, this arrangement often becomes an opportunity for mediation between the families’ experiences and the perceptions of the professionals working with them.

Awareness of pressures and economic constraints connected with policy choices

It may happen that some public institutions subject to drastic economic constraints and certain policy choices are unable to finance treatment of certain pathologies. Such constraints sometimes compel clinical psychologists to identify problems in terms of the psychiatric diagnoses contained in the fourth edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV) in order to apply for a treatment budget. Each disorder is presented with a set of precise quantitative diagnostic criteria. However, this manual (of which a new edition is due to appear in May 2013) is considered very “reductive” by some clinical psychologists and psychiatrists who advocate adaptive psychopathology.

Example

A clinical psychologist receiving an asylum-seeker who presents a number of very complex and intricate disorders. The number of therapy sessions for which the patient’s medical expenses can be covered will depend upon the diagnosis. In order to give the patient access to this care, the psychologist tends to make a diagnosis on the basis of the budget allocated to the type of disorder, leaving aside other disorders that are not covered and refusing to consider some of the complexities of the problem. The clinical psychologist deplores the fact that he has to provide a reductive analysis of the problem that results in the user failing to receive all the appropriate care.
Moving beyond dialogue and consultation to an open, shared and inclusive collective leadership

Public institutions have a winning strategy if they can succeed in combining all the work of interpreters, mediators, clinical experts, workers on the ground, decision-makers and citizens to produce a common vision drawing on a wide range of expertise and individual energies.

Without a common vision or values, without shared expertise, without mutual influence on and consultation about work, and without collaboration in the search for solutions, stakeholders will continue to work within the confines of their expert field, restricted to their professional remit, in an individualist spirit and with an individualist approach, for uncertain and frequently subjective or conventional results.

The obstacles to shared leadership are authoritarian leadership, an individualist culture, coercive management and the absence of a common vision and relationships of trust.

Shared leadership is based on the interdependence of team members, distribution of influential roles, solidarity in action and shared expertise. It encourages diverse points of view and stresses universal participation; it takes the form of mutual dialogue and co-operation between stakeholders. It is expressed collectively in the ability to assimilate other analytical viewpoints and new perspectives. It is reflected in the ability to think about problems together, make a shared diagnosis, find solutions jointly and take collective responsibility for decision-making and outcomes (accountability).

To sum up

Guidelines for making the right diagnosis, choosing the best action, deciding on solutions together

1. Reach a detached understanding of the “problem” free from prejudice and stereotypes:
   • Realise the impact of prejudice and stereotypes, cultural filters and the perceptions connected with the various aspects of our individual, institutional and sociocultural positions.
   • Realise the influence of values, principles and processes associated with the institution’s remit, organisational ways of working and one’s occupational role when determining a problem.

2. Reach a shared understanding of the “problem”:
   • Bring the different actors together to discuss a shared issue and promote group action.
   • De-ethnicise the relationship with the Other, the problem and the situation and reduce conflict in intercultural relations by redefining the issue and establishing a common objective.

3. Reach a shared diagnosis of the “problem” (through a participatory approach):
   • Use dialogue to encourage sharing of expertise among peers, the expression of different analytical viewpoints and assessment by stakeholders with different cultures, ethnic origins, etc.
   • Elicit a variety of points of view by allowing every member of a family to express his or her perception of the problem.

4. Achieve inclusive leadership in order to act jointly and forestall the “problem”:
   • Co-operate with different institutions by using the complementary nature of and continuity between services.
   • Build bridges between these different services and establish a structure that will maintain and consolidate these bridges; create spaces for exchange and dialogue.
   • Designate a body (such as the Ombudsman’s office) to centralise information, evaluate practices in the light of this information and supervise implementation of change.
Challenges relating to resolution of conflicts of values, norms and rights

Public institutions are having to respond to increasing needs and requests for adaptation from users and staff. Sometimes these various needs manifest themselves in demands for adaptation of, exceptions to or exemptions from institutionalised norms. Some users want to receive a service in their own language, obtain a particular diet for moral or religious reasons, continue to wear certain clothing or religious symbols or have any action taken adapted to their values or traditions.

Staff’s efforts to adapt to users are already an integral part of their daily working practices and fulfil the institution’s remit to provide the same quality of service equally and fairly to everybody with due respect for human dignity and insofar as is within the law.

However, while requests for special adaptation are on the increase in society, there are numerous question marks about the nature, methods and limits of their implementation. When the moment comes to make a decision about whether or not it is appropriate, expedient, necessary or a duty to refuse to accommodate an individual, staff often hesitate as to what is “acceptable” or “negotiable” when adapting to diversity. At what point is accommodation regarded as “excessive”? On what grounds and on the basis of what values, norms and standards can one justify or refuse accommodation?

In certain cases, for example, legal provisions pay particular attention to situations which may entail “discriminatory” effects for people from minority groups or with particular vulnerabilities. The response to the law’s concern for the detrimental effects of certain institutional norms or practices is the obligation to rectify them through reasonable accommodation which no longer depends solely on a willingness to acknowledge their effects or, conversely, a readiness to ignore them.

Through their interpretation of equality before the law, the courts have created a legal obligation to accommodate diversity which goes beyond voluntary adaptation. For example, while certain requests by users will require a voluntary effort to adapt and will remain at the discretion of the staff or institution, other requests impose a legal obligation on the institution to review the way it operates. The obligation to amend operating rules to avoid any discriminatory effects requires a knowledge of legal regulations and an ability to settle conflicts of norms within organisations.

However, frontline workers are not always fully aware of these legal aspects. It may happen that when embarking on negotiation with ethno-cultural users, the staff will adopt an attitude (life skills) which fluctuates between an over-accommodating approach (too conciliatory) and an excessively rigid approach (too intransigent). Doing too much (above and beyond what is statutory, reasonable and realistic) entails the risk of creating an unmanageable situation and precedents. Not doing enough (just small token gestures) entails the risk of creating frustration and complaints.
In the absence of a diversity-management framework, the tendency is to deal with particular situations on a case-by-case basis and to act in such a way as to avoid any court action or disclosure to the media. Furthermore, there is not always consensus on the principles of fairness or the “reasonable” nature of a request.

It is therefore important for staff to be familiar with the principles of negotiation and communication in an intercultural context and with the guidelines restricting operators’ room for manoeuvre. States and institutions have a responsibility to provide clear guidelines as a basis for any action taken by workers.

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**Conflicts and perceptions**

Negotiation and conflict management are part of the process of institutional adaptation to a pluricultural environment. Conflicts are inevitable in human interaction and may take various forms (concealed or open tensions) with different levels of social complexity (micro-, meso- and macro-levels of conflict). Interpersonal conflicts may relate to interests, needs or values. They often have their roots in differing perceptions. Some particular expectations or types of behaviour may lead to conflicts of rights or norms in that they clash with organisational ways of working. For example, nurses may feel stressed because they have to conflict with medical rules. The members of the cultural community feel insulted by the “invasion” of large family groups, while some patients may regard strict visiting hours as an unnecessary limitation.

**Case studies of conflict**

**Case study 1: Conflict of practices**

In a building occupied mainly by tenants from the same cultural community, other tenants complain that the corridor and stairwell are regularly taken up by their neighbours holding meetings. The children use these communal areas to play outside their homes. The annoyed residents circulate a letter indicating that these gatherings in the communal areas are disturbing their peace and quiet and are against the tenancy rules. The members of the cultural community feel insulted by this. The landlord decides to send a mediator to try to resolve the conflict on the spot.

**Case study 2: Conflict of values**

Some parents refuse to allow their children to go on cultural outings which involve staying overnight in a youth hostel, claiming that the discipline there is lax. Having discussed the matter with the parents in question, the headmaster realises that their reluctance is linked to their fears that boys and girls will share facilities. Such an arrangement is contrary to their educational values.

Another example: Two parents object to the literature teacher’s choice of works containing highly suggestive passages. They consider it their responsibility to protect their child’s morals by prohibiting access to these books which might inflame the child’s imagination. The teacher maintains that these works of literature are part of the common cultural heritage and are officially recognised as literary masterpieces. The headmaster, together with a representative from the Ministry of Education, has to settle this disagreement.

**Case study 3: Conflict of rights**

An employee in a public institution asks his supervisor for two free periods during the day in order to pray as required by his religious beliefs. His colleagues are afraid that they will have to take over his work if this free time is granted during working hours. The supervisor meets the human resources officer and a labour-law specialist to consider this request.

**Case studies of conflict**

These are three examples of cases which must be dealt with differently. Possible solutions are offered below after the theoretical discussion.

It should be stressed that a badly managed or unresolved conflict may have repercussions for individuals, the work climate and quality of service. When resolved constructively, however, conflicts can help to strengthen intercultural relations. Analysis of a conflict may vary from a snapshot assessment of an interaction – for example, trying to understand the substance of a grievance or aggressive behaviour perceived by a user – to sophisticated analysis of the dynamics of conflict within work teams, chains of command and organisations. Staff should possess tools for analysing conflicts: the nature of the conflict, the stakeholders, the form of the conflict (open or latent), the stage of escalation and the negotiation process and framework.

**Analysing the stage of conflict escalation**

Several different models of conflict escalation in organisations have been described (in particular by Friedrich Glasl, 1999). Escalation can be described as a succession of distinct stages marked by noteworthy events or turning points. It is important to understand the stage of a conflict has reached in order to choose the appropriate method of intervention. A low level of escalation enables the conflict to be tackled without external assistance, while a high level requires the support of specially trained colleagues or external mediators. The escalation process can be divided into three phases:

**Phase 1:** The problem is centre stage. The parties are still convinced that a discussion of the question will enable them to settle the disagreement. As that does not happen, frustration increases, while the problem seems to become insoluble and the other party unreasonable.

**Phase 2:** Perceptions and social networks are conflicting. One or both parties may blame the other for the conflict – for example, a member of staff is publicly criticised or angry in front of colleagues. He or she feels isolated and sees the social environment in terms of “with me or against me”, extending the conflict still further. The next threshold is reached when one party begins to make threats.

**Phase 3:** The behaviour of the parties is centre stage. The parties begin to attack each other, impugning each other’s values, integrity or reputations (blacklist) or denying each other’s fundamental rights and human dignity.

A lack of channels through which to express discontent and defuse the conflict leads to a more rapid deterioration of the situation: when people feel powerless and frustrated they often see (partial) demolition of the other or the institution as the only means of being heard.

Mapping the “visible” part of the conflict and the situation as viewed by the parties

Like an iceberg, sometimes only the surface part of a conflict can be seen while other deeper realities, on which agreement might be reached, remain hidden. For example, the conflict between parents and workers who do not share these interests and values makes it easier for them to reach agreement on the guidelines restricting operators’ room for manoeuvre. The aim is to bring up a child, analyses of the conflict may reveal at a deeper level a common concern by all parties for the best interests of the child and shared values regarding independence and respect. Exploration of the deeper levels of the interaction may allow the conflict to be put in perspective and lead to common ground. In the above case, knowing that the parties share these interests and values makes it easier for them to reach agreement over educational measures (“meanz”). The image of the iceberg illustrates the different layers of human reality, from the most obvious to the deepest and most immutable: the position of the individual, his or her interests and objectives, emotions, basic needs, values, identity and sense of belonging.
CONFLICT RESOLUTION, NEGOTIATION AND DIALOGUE FOR MUTUAL UNDERSTANDING

How to develop a dialogue approach

A dialogue approach is characterised by a willingness to favour dialogue in order to achieve mutual understanding and by a culture of dialogue focusing on values, openness and respect and on principles and strategies specific to dialogue.

Implications of dialogue

A dialogue approach may be used in situations of potential conflict to define a problem jointly, seek mutually satisfactory solutions, reach a mutual understanding, negotiate the formulation or application of a shared norm on an equal footing, and so forth.

Such situations may occur if there is a culture clash or a conflict of apparently incompatible practices, norms or rights when the protagonists have different value systems and seek to impose their own values on the other person.

In these situations, a dialogue approach should be an opportunity to bring to light disagreements and differences in values in order to identify the nature of the conflict and negotiate acceptable solutions or seek creative solutions jointly.

These various aspects make dialogue a responsible approach which, when successfully conducted, can be educational and help build bridges between the cultures of those involved.

Principles of dialogue central to negotiation

The principles of dialogue central to negotiation may be summed up as follows: being able to listen with respect and openness, considering the situation from the other person’s point of view, allowing the other person to explain how he or she sees things, recognising similarities and differences, looking for common ground, and being open to balanced and reasonable compromises in order to find satisfactory solutions and reach agreement.

Conflict management and negotiation

Conflict management and negotiation are part of a negotiating process (see section 7 below: How to negotiate reasonable accommodation) and a negotiating framework consisting of guidelines and principles to direct the search for a solution.

Guidelines defining scope of negotiation

Public institutions are increasingly being faced with new and complex requests to adapt their norms and operational practices. In their attempts to respond to users’ diversified needs, frontline staff sometimes find it hard to determine their room for manoeuvre and negotiate acceptable solutions. The problem is that they are often not sufficiently aware of the guidelines and analytical tools on which they can draw to take an informed decision. On what criteria should they base their decisions to negotiate or reject a request for accommodation? This section gives an overview of these guidelines, which must be spelt out in accordance with the individual countries and institutions concerned.

NB: This is a general, non-exhaustive, reference framework which does not address the question of whether these guidelines are based on a consensus.

Other than these guidelines, there are no absolute rules or sets of ready-made practices. Each solution must take into account the characteristics and needs of the person concerned, the circumstances, the organisational context and existing laws.

Aims of negotiation

The first guideline consists of the aims of the negotiation and the factors affecting them, such as the opposing interests, concerns expressed, unsatisfied needs, positions of principle and the claiming of a right.

Before looking for common ground, the protagonists should try as far as possible to identify the purpose of their negotiation. If the protagonists hold to their conflicting interests, it is pointless and risky to embark on a discussion of their mutual values or positions.

Legal framework

Another guideline for negotiation is the rule of law. The law takes precedence over all other rules and considerations and determines the room for negotiation. It consists of the many international and European provisions for protecting fundamental freedoms and equality, and prohibiting discrimination. It also takes account of the rights and laws specific to each country and the rules and regulations specific to each institution. These rights include the right to equality, the right to respect for dignity, the child’s right to protection, and the right to freedom of conscience and religion.

Some of the relevant conventions at European and international level:

- the European Convention on Human Rights;
- the European Social Charter;
- the International Covenant on Civil and Political Rights;
- the International Covenant on Economic, Social and Cultural Rights;
- the Framework Convention for the Protection of National Minorities;
- the International Convention on the Elimination of All Forms of Racial Discrimination.

Collective (social) norms

Collective norms may be compared to social rules, comprising democratic rules (such as, in France, the principles of liberty, equality and fraternity) and a common public culture (principle of the neutrality of the state, secularism, principle of gender equality, etc.). They reflect society’s choices concerning the principles of harmonious co-existence. However, the social consensus surrounding collective norms should not be confused with social preferences, the majority opinion, the majority’s discriminatory preferences, etc.

Collective norms reflect common public values such as respect for the individual, inviolability of the person, peaceful solution of conflicts and respect for the norms of harmonious co-existence.

Some norms may be tacit, determining the limits of what is acceptable and what is not, such as the limits relating to privacy.

Guidelines

- Aims of negotiation
- Legal framework
- Collective (social) norms
- Sector-specific institutional guidelines (remit, mission, code of conduct)
- Procedural constraints
- Incentives

Sector-specific institutional guidelines (remit, mission, code of conduct)

The following are some sector-specific institutional guidelines:

- definition of the institution’s remit;
- code of conduct;
- institutional guidelines relating to well-being, the public interest, fairness, individuals’ interests, etc.;
- institutional norms;
- quality, accessibility and continuity of service;
- institutional neutrality.

Of note


The report discusses secularism as a value of the French republic [in French only].
Procedural constraints

The following are some procedural constraints:
• safety standards;
• regulations relating to public order;
• administrative constraints;
• financial resources;
• availability and interchangeability of staff;
• operational norms.

Incentives

Even where there are no legal requirements or where it is not obliged to do so under its remit, an institution may choose to adapt for other legitimate reasons: for example, to guarantee a user’s cooperation, participation, integration, etc.

Guiding principles

Beyond the general guidelines, operators may draw on certain principles to assess whether a request is reasonable in terms of harmonious co-existence. There are five criteria that should be used as a guide when seeking to reach an accommodation.

Is the solution:
• realistic (does it acknowledge the organsation’s constraints)?
• balanced (does it weigh up the interests of the institution and the users)?
• reciprocal (does it require mutual effort from the parties)?
• inclusive (does it encourage general participation and benefit more than one person)?
• fair (does it respect the rights of others without creating other disadvantages)?

NB: Awareness of these guidelines will help decide, with full knowledge of the facts, whether there is a duty or responsibility to find an accommodation and whether it would be expedient to do so. However, even with these guidelines, there is no automatic response, i.e. one particular guideline always applying to one particular situation. An informed decision on whether to respond to or reject an adaptation request depends on a contextual analysis of the case in question. This is why these guidelines can assist the reader but cannot entirely eliminate the grey areas found in complex situations.

What accommodation measures may be taken?

Public institutions may have to respond to requests for adaptation or deal with conflicts of values or rights on a daily basis. However, not all requests require the same treatment. Some situations involve adaptations provided for by the institution’s remit; others can be addressed through voluntary measures. Still others may justify legal treatment if associated with a legal obligation. This is why, before any decision is made to accept, reject or negotiate the request, the institution and its staff must analyse it and the situation in terms of its duties and responsibilities.

To sum up, depending on the situation, requests may lead to:
• anticipated adaptations (requirements of the institution’s remit);
• voluntary adaptations (harmonisation or negotiable compromises);
• mandatory adaptations (legal duty of reasonable accommodation).

The difficulty in differentiating between these three types of adaptation may result in the institution contravening the law by failing to follow its legal duty. If, conversely, it goes beyond its responsibilities, it risks compromising its role by introducing unmanageable solutions or compromising the rights of others by introducing unfair measures. In all these situations, it is in the institution’s interest to be fully aware of the scope of its responsibilities and its room for manoeuvre without going beyond or falling short of the expectations of its users.

Definitions of discrimination

Discrimination is unequal treatment on the grounds of a criterion prohibited by law in a field of behaviour covered by the law.

NB: Not all types of unequal treatment constitute discrimination: only situations meeting the definitions laid down in various bodies of legislation (such as the Criminal Code, Labour Code, Administrative Code, etc.) can be classified as discrimination.

Definitions derived from European law

Discrimination: (is) treating a person less favourably than another person, has been or would be treated in a comparable situation, on one or more grounds of (ethnic origin, disability, etc.) prohibited by the law or international obligations in a field specified by law (recruitment, access to a service, etc.).

Indirect discrimination: (is) an apparently neutral provision, criterion or practice which, on one of the grounds referred to in the first paragraph, might put some people at a particular disadvantage compared with other people, unless this provision, criterion or practice can be objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

Procedure for analysing a request

STAGE 1: analysis of whether the request is legally binding

This stage seeks to determine whether this is a discriminatory situation which could require adaptation or setting-aside of a norm.

A. Is the answer to the following questions YES or NO?

• Does the request reveal a discriminatory situation, a detrimental effect or infringement of a right?
• Is the person submitting the request suffering discrimination, exclusion or a preference whose effect is to violate or compromise a right? On what grounds?
• Is this exclusion justified by legitimate aims or requirements relating to safety, respect for the rights of others, etc.?
STAGE 2: analysis of reasons for accepting or rejecting an adaptation

This stage seeks to examine the legitimacy or relevance of seeking an adaptation through a voluntary approach.

A. Questions to ask:
- Are there other reasons which could justify looking for an accommodation?
- Does the solution contravene other institutional or collective norms?
- Would the solution entail too many constraints on the functioning of the institution?
- Explain exactly how the solutions envisaged entail any of the major disadvantages (and describe them)?
- If NO, opt for the solution which is most acceptable to both parties, requiring effort on both sides.

Restricting a right

Sometimes, when it is impossible to find a reasonable solution, a right has to be restricted. Restricting a right consists of limiting the application of an individual right, for example for reasons of safety or public order. For instance, the right to practise one’s religion is a fundamental freedom protected by legislation. Nonetheless, the law lays down reasonable limits to the free expression of religion. In the case of a man whose religious beliefs oblige him to wear a beard, an obligation to shave imposed by his employer could violate his freedom of religion. In this connection, the European Commission of Human Rights, in its judgement in X v. United Kingdom, states that an individual right must be minimal, reasonable in a free and democratic society. The implementation of the moral values of other staff. The costs involved in implementing an adaptation measure would impose excessive constraints.

The duty of reasonable accommodation is not absolute. It may be limited if it can be shown that any conceivable adaptation measure would impose excessive constraints.

The obligation to adapt is limited to the need to respond to a serious risk, excessive cost or infringement of the rights of others. However, faced with the rise in requests for adaptation on religious grounds, the French government found it necessary to stress the limits of these adaptations. A circular of 2 February 2005 on secularism in health-care institutions (Circular DGS/DGMS); 2005-27) states that the expression of religious beliefs should not adversely affect the quality of health care, the rules of hygiene, the peace and quiet of other patients and their families or the regular functioning of the service. Moreover, the patient’s freedom to choose his or her health care is not interfered with by the provision of care, compromise hygiene requirements or create persistent disruption.

The French charter on secularism in public services also provides guidelines for negotiating adaptation for religious reasons.

Conflicts between the protection of individual and community interests

Whenever two rights are of equal importance, such as when two fundamental rights are in conflict, no attempt should be made to make one subordinate to the other but rather they should be reconciled by seeking a balance. A pragmatic analysis may weigh up the disadvantages to both parties in the violation of their rights and determine the extent of those rights in order to find a solution satisfactory to both parties. Reconciliation based on principles tends to focus on the interests of society – what is reasonable in a free and democratic society in the light of the social context and cultural values.

What are the limits to the duty of reasonable accommodation?

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Looking again at the case studies

1. Case study 1: The disagreement between the building's residents that is poisoning good-neighbourly relations. The building is occupied with a difference of cultural practice. The way space is occupied can vary between cultures. The idea of space, and especially the separation of private space and public areas and the extension of the former into the latter, has different meanings in different cultures. In this situation there is no statutory duty to accommodate this cultural difference. The tenancy agreement states that each occupier shall have free use of the building's communal areas provided that these areas are not obstructed and the peace and quiet of other occupiers is not disturbed. However, the building's owner has always left it up to the occupiers to agree on acceptable use of the communal areas. He also wonders whether the complaints are not unconnected with the prejudices of some tenants. Rather than brandishing the rules, which would have the effect of undermining good-neighbourly relations and increasing the antagonism between the occupants, he decides to call on the services of a mediator to reconcile the practices and the individuals. The mediator's first act is to ask the various tenants for their perceptions of the problem and ensure that all parties feel that their views are being respected. From the outset he decides to deal with the lack of understanding between cultures by fostering an understanding of the different cultural perceptions at issue in the situation. He reminds all the tenants of their rights and duties as laid down in the rules concerning occupancy of the building's communal areas. He then invites the parties to come to an agreement that can accommodate some people's desire for peace and quiet and other people's desire to use the building as it is. By working together to find a mutually satisfactory answer, the tenants eventually find an alternative solution (use of an empty room) and begin talking civilly again. This negotiated (voluntary) agreement (integration, bridge-building and harmonious relations between the building's residents).

2. Case study 2: The request relates to an expression of values. The school is not required to excuse pupils from this compulsory extracurricular activity. The school is not required to excuse pupils from this activity in order to accommodate the request for adaptation of the “problem”: the parents' desire to congregate. By working together to find solutions (use of an empty room) and begin talking civilly again. This negotiated agreement (integration, bridge-building and harmonious relations between the building's residents).

3. Case study 3: This case study highlights an employee's right to practise freedom of religion. His request entails a duty of reasonable accommodation. The supervisor must consider whether the requested adaptation can be granted or whether it would run counter to the rights of the other employees by creating extra work for them (contrary to the principle of fairness), preventing smooth running of the institution (efficient performance in the users' interests), generating excessive costs (not so cost-effective), etc. The answer will depend on a factual analysis of the situation. Accordingly, in a situation with flexibility and breaks, interchangeability of staff within the team, the possibility of making up the length of the religious practice with an equivalent period of work and no consequences for service quality and cost-effectiveness, the supervisor would probably be justified in agreeing to this adaptation request. On the other hand, if the staff team is small and in constant contact with the public, it might create excessive pressure on the smooth running of the service, as well as being unfair to his colleagues, if either members of his team had to take over his workload. One solution would then be to suggest that he use his breaks for prayer without getting any additional breaks.

How to negotiate reasonable accommodation

Where the institution is not legally required to pursue "corrective" accommodation, it may nonetheless be in its interests to respond to a request for adaptation on non-legai grounds such as users' well-being, the interests of the child, participation, integration, etc.

Many intercultural conflicts are not conflicts of rights but relate to differences in values and standards. Reflecting the spirit of this guide, it is preferable to opt for a negotiated solution rather than a court decision. Moreover, negotiation may provide an opportunity and starting point for a better understanding of how some cultural work, and the systems of norms or beliefs and the codes of conduct at issue.
Moving beyond reasonable accommodation to creative solutions

Although the pursuit of negotiated solutions should be guided by the principle that they must be fair, reasonable, realistic and consensual, the main challenge is to be innovative by putting forward creative solutions. Looking for creative solutions often means throwing off old habits of thinking in order to overhaul one's practical skills. To do this, it is therefore not enough to dip into a catalogue of ready-made good practices. It is more important to open one's mind to new ideas, imagine other ways of doing things and make room for suggestions from other sources rather than just one discipline or department. Pooling and comparing ideas, together with the very diversity of the group examining the issue, is conducive to generating innovative solutions. For example, for each suggestion it is helpful to ask what would change if the idea were followed up.

Conclusion
Bringing about an integrated diversity-management model and a change in institutional culture

Managing conflicts of norms will be all the easier in an inclusive organisational culture which is open to diversity. To reflect this openness and ability to assimilate diversity, the institution should take a global approach to diversity, through an integrated diversity-management model and the introduction of an action plan.

Similarly, sound diversity management starts with seeking support from all members of the institution. Management should set an example by demonstrating its commitment to acknowledging diversity. For example, it may make concern for diversity part of its institutional policies, assess its practices, draw up an action plan, incorporate diversity management in its management style, make intercultural skills a key feature of its work practices, etc.

In addition, by deciding to build an inclusive culture, an institution plays an active part in forestalling complex adaptations and reducing the number of requests and complaints. It is in the institution’s interests to frame a preventive diversity-management policy and take a proactive approach to the population’s future needs in the light of demographic changes in society.

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Collective and institutional intercultural skills are learnt in order to build a “learning” institutional culture open to diversity. According to the theoreticians, group (collective) skills constitute a body of shared knowledge, learnt and set down in writing, arising from the interplay between individuals and a set of (unspoken or explicit) knowledge amassed from a production process, occurring within an organisation (Guilhon and Trépo, 2000). Brown and Duguid (1991) highlight group learning through “communities of practice” embodied in joint action.

In some institutions, intercultural skills come under the human resources department, which develops, promotes and supports employees’ individual skills. However, it is often the case that integration of individual and group skills, the influence of the institutional culture on individual skills, the dissemination of individual skills within the institution and the development of specifically group skills are not sufficiently thought out in terms of management.

In another model, an institutional culture that values intercultural group skills:

- is defined as a learning organisation able to exploit the latent skills available in the organisation;
- is based on a professional reflexive approach that entails thinking about the institution’s own practices at every level of management, services, practices and partnerships;
- is based on multicultural, interprofessional and multidisciplinary learning;
- incorporates intercultural skills (among other categories) in the management and strategic planning of organisational development, quality standards and performance appraisal.

This dynamic learning process should allow for staff and customer participation and feedback regarding intercultural skills and their effective application.

Sharing a common understanding of diversity

In order to incorporate diversity there must first of all be a clear definition of what it covers. For example, does diversity include everyone? Does it concern target groups? Does it focus on particular characteristics? Specific grounds of discrimination? Forms of vulnerability? Situations of insecurity?

This shared understanding of diversity should make it possible to determine:

- the features of diversity, for example those recognised in law in the European Convention on Human Rights, such as sex, race, colour, language, religion, political and other opinions, national or social origin, and belonging to a national minority;
- the people involved, for example:
  - policy-maker;
  - managers of institutions;
  - users;
  - users’ families and friends;
  - employees;
  - suppliers;
  - migrants’ organisations.

Choosing a change-management approach

There are various approaches to managing change. The choice of approach will depend on national policy, the legal framework and the institutional culture. There are two main approaches: top-down and bottom-up.

The top-down approach is based on policies, strategies and implementation processes determined at national level and passed down to the regional and local levels. This approach combines penalties and strong incentives in order to foster implementation of intercultural diversity in social services in general and in each organisation individually. It comes with a set of rules and a very structured procedure for all aspects of implementation, monitoring and evaluation of cultural diversity in the organisation. It creates accountability by establishing new posts in diversity-management units and allocating responsibility for each stage to a specific unit or position, providing a very predictable process.

In the bottom-up approach to intercultural skills, there is far less emphasis on drafting directives and regulations and using incentives and penalties. Instead, improvement of intercultural diversity in the organisation is left to individuals acting as agents of change in their positions as managers or employees of line or staff units. A number of initiatives take place at the same time, some of which are co-ordinated while others are taken without neighbouring units being aware of them. The process is less predictable than the top-down approach and has several shortcomings in terms of strategic planning, structure and formal responsibilities. Staff members do not have standardised directives to hand for day-to-day work with diversity. The agents of change in the institution are subjected to exhaustion and frustration. Nevertheless, the bottom-up approach has the advantage of fostering creativity, flexibility and openness to unconventional ideas, mobilising staff and contributing to lively debate on cultural diversity in the institution.

Most organisations lie between these two extremes. Decision-makers must pay attention to the strengths and weaknesses of the approach they choose. Support from specially trained in-house or outside consultants will allow senior managers
to offset the weaknesses of the approach chosen through balancing measures and to rely on the strong points of a winning strategy to incorporate intercultural diversity.

It is in the institution's interests to include a concern for diversity in its written policy for the following reasons:

- the institution's management thereby shows that it is aware of its statutory and professional obligations;
- it is proof that management is facing up to its responsibility and commitment to promote an inclusive environment sensitive to individual rights;
- the institution ensures transparency of its values, principles and procedures and makes all its staff accountable;
- the institution's internal policy should mirror the institutional remit and include a statement of principles concerning its commitment to recognising and reflecting diversity in its norms. It should make it clear that this policy covers all staff and depends on everyone's co-operation;
- a written policy may make it possible to avoid certain discriminatory situations by informing staff of their rights and obligations.

**Example**

The Walloon Region in Belgium encourages employers to sign a diversity charter. This covers both in-house and external communication to:

- explain the reasons behind a diversity-management policy;
- show the support of the management team and union representatives for the principles of equality and anti-discrimination;
- explain the action plan;
- break down stereotypes relating to target groups;
- remove fears of and constraints on integration and facilitate communication;
- inform workers of their rights and duties (for example, information on part-time working and its consequences).

A communications policy may include reminders of the law (laws to be complied with and risks for companies or individuals practising discrimination or displaying racist and/or sexist behaviour).

Communications policies include codes of conduct, charters, and may also consist of a letter from the organisation manager sent to each employee or published in the house journal drawing attention to:

- the importance of the diversity issue (compliance with the law, social responsibility, value creation, etc.);
- the company’s ethical principles, including:
  - the assertion that company values do not include discriminatory practices,
  - the duty to oppose harassment and discrimination,
  - the duty to be open to difference and diversity.

Over and above written statements, a policy is really effective only if it is based on a belief that it is useful and there is a commitment to implement it. Consequently, the effectiveness of such a policy requires the full support of management and staff.

To avoid that taking diversity into account becomes the precept of the procedures, the institution should conduct a strategic examination of how to combine the acknowledgement of diversity with its institutional objectives.

**Combining the acknowledgement of diversity with institutional objectives**

49 Source: La gestion de la diversité des ressources humaines dans les entreprises et organisations ("Managing human resources diversity in companies and organisations"), a practical guide produced as part of the "Diversity and Human Resources in Wallonia" project launched in 2004 by Jean-Claude Marchand, Minister for the Economy, Employment, Foreign Trade and Heritage.
In response to special requests to adjust norms, institutions sometimes make exceptions, allow exemptions or find ad hoc solutions. When these exceptional measures cease to be exceptional, however, the stability of the organisation as a whole may be undermined. That is why in some cases, adaptation of institutional norms and practices is preferable to personalised individual measures. Moreover, as in other areas of organisational adaptation (integration of women, people with disabilities and the elderly), it is preferable to use existing procedures in the organisation rather than create parallel or differentiated practices. If adaptation procedures had to be changed every time social services had to rise to another challenge, the organisation would be weakened.

At this next stage, before any implementation of the policy, the institution should ensure that its practices comply with the legal framework and its institutional guidelines.

It would be well advised to start by eliminating the discriminatory effects of its operational norms before developing new practices or operating procedures. To help institutions comply with all their statutory obligations, a number of bodies offer assessment scales and tools of analysis applicable to all HRM processes (recruitment, selection, retention, promotion, etc.) to review human resources management.

By using these tools, the institution can eliminate any obstacles to accessibility of services and identify any differences in treatment detrimental to certain groups.

Recommendations
- These tools could take the form of a checklist.
- The checking or control procedure should specify the person or persons responsible for analysing organisational activities.
- The institution should keep up to date on case law developments in this field.

Recruitment of diversified candidates

It is in an institution’s interests to open up to professionals with a wide range of cultural, professional and life experience, and assess them on the basis of their skills and ability to exploit their individual experience.

To encourage recruitment of diversified candidates, an institution should ensure that its vacancies are advertised on community sites and in community associations as well as in media consulted by immigrants and various ethnic and cultural groups. It may also seek to publicise its vacancies with employment agencies for persons otherwise excluded from the labour market. To attract representative candidates from ethnic and cultural groups, the institution should present a public image of staff diversity in its publicity and corporate documents.

Selection practices

To draw on the widest possible pool of qualified candidates, whatever their origin, it may be necessary to review the standards and requirements relating to a post.

During recruitment, the institution should produce a skills profile and position analysis with a list of verifiable criteria or indicators in order to prevent cultural bias from influencing the decision-making process when applications are being considered.

Analysis of skills required for a position

The position analysis should cover the following information:
- Job description
- Job performance standards
- Essential job skills
- Skills required immediately
- Performance criteria
- Language proficiency
- Knowledge of how institutional culture operates
- Equivalent qualifications
- Experience in another institution

The objective is to avoid rejecting applications on the basis of prejudice or stereotypes without actually having assessed the candidate’s skills. When evaluating recruitment criteria for a vacant post, an institution must ensure that its selection practices have no discriminatory effects, whether direct (on individuals), indirect (on categories of individual) or systemic (interaction of various discriminatory practices). Every form of discrimination is prohibited unless it can be shown that such requirements (barriers to employment) are justified by the nature of the post – in other words, that they are based on the skills required by the job.
For example, the refusal to employ an applicant as a police interpreter would not constitute discrimination if the candidate’s religion prohibited informing and the job entailed translating recordings of private communications for the purposes of prosecution.

Whatever the case, an employer should be able to prove:
1. a rational connection between the requirement and the job, and
2. the reasonable necessity of this requirement.

Furthermore, in a job application form or job interview, questions not directly connected with the duties of the post are prohibited by law. Examples include: Where are you from? Would it be against your values to …?

When analysing the main questions asked in the application form or selection interview, it is important to ensure that questions do not harbour implications concerning the candidate’s culture or religion. For example, it would be unacceptable to ask candidates’ availability during specific religious festivals or ask them to give reasons for their lack of availability.

Employment “on certain terms” is not allowed either. An employer cannot agree to recruit a candidate on condition that the latter “voluntarily” renounce his or her religion.

Interview

During interviews, staff must be aware of the cultural filters that might influence their judgment of the candidate’s skills. These cultural filters may concern their perception of physical appearance, style of communication, behaviour, method of greeting, style of introduction, etc.

The interviewer should endeavour to interpret these differences in the light of the candidate’s culture.

A reception policy to facilitate the new employee’s integration

To facilitate integration in a new work environment and institutional culture, there should ideally be a reception policy including:
- presentation of new colleagues and introduction of the new employee (previous experience, current job description, etc.);
- an introduction to the way the institution works, its rules, culture and organisation chart (with roles and contact details of employees in the same department);
- options for basic and further training and assistance to gain new skills, and job mobility options within the institution.

This reception policy will be perceived by the new employee as a sign of interest and will make it easier for him or her to become established in the institution and get on with colleagues.

Mechanisms for assessing and improving workplace practices

The institution should provide for mechanisms to assess workplace practices for the purpose of:
- encouraging employees to play a part in the continuous improvement of practices, working methods and content;
- fostering regular communication and interaction between individuals and work teams inside and outside their respective departments;
- settling or quickly responding to any complaints, problems, incidents or concerns;
- having indicators to measure institutional progress towards greater inclusion;
- analysing distribution of information and employees by occupation or department to pinpoint any obstacles or discrimination affecting career options in certain posts or certain departments.

Integration and continuation in employment are made easier if, at the same time, there is a system of support and a style of management and supervision tailored to the employee’s needs and characteristics.

In particular, unlike other employees, an immigrant or professional may need guidance on ways of doing things and unspoken codes of behaviour in addition to the technical instructions relating to his or her job. The manager must therefore endeavour to broaden his or her supervision approach to include these human factors.

It is in managers’ interests to show by example their respect for difference. Managers should foster a variety of viewpoints and opinions and stress the benefits of creative and original solutions. They should enquire about any problems experienced by new recruits in order to fill any gaps in their knowledge and enable them to grasp new knowledge and adapt to the norms or have the norms adapted. In addition, managers should try to give them feedback about their work, facilitate interaction with their peers and stress the added value of their skills.

A support structure to manage learning

Above and beyond the manager’s skills and work, the institution should establish a permanent support structure for continuous learning for all staff, for example:
- a mentoring system to support and manage new recruits;
• a working committee to oversee changes to styles of management and supervision;
• a person or committee responsible for actively promoting further training, analysing diversity-training needs and helping employees achieve their professional goals as they progress within the institution.

Once the institution’s diversity policy has been laid down and the compliance of practices with the legal framework has been checked, the institution can begin implementing its policy by setting out the procedure to be followed.

The action plan should be based on an integrated model of diversity management which gives an overview of the objectives to be achieved at the different levels of the institution. See Appendix 5.

In general, an action plan enables the institution to determine its objectives in relation to its policy and translate them first into specific objectives and then into practices and activities subdivided into tasks according to professional responsibilities and duties.

The objectives may be the following:
• improving service for users;
• adapting services;
• resolving problematic situations;
• developing intercultural skills;
• promoting participation and equality of opportunity;
• building bridges between cultures.

Examples of organisational strategies:
• evaluating user satisfaction;
• analysing needs in connection with services offered;
• dealing with problematic requests;
• providing a staff-training programme;
• setting up proactive participatory bodies for consultation and discussion;
• developing active partnerships with national anti-discrimination and equality agencies;
• promoting intercultural and interfaith dialogue and meetings.

Examples of positive diversity-management practices:
• drawing up a user questionnaire;
• improving intercultural communication;
• analysing recruitment processes to bring about greater staff diversity;
• commissioning a consultancy firm to produce a report on a specific question (such as discrimination in access to employment); analysis, proposals);
• establishing training workshops to meet staff needs for skills development;
• exchanging and sharing tools and good practice with national anti-discrimination agencies;
• organising round-table conferences (on religious issues, for example).

Example of good practice

The Stuttgart Pact for Integration: an integrated model of diversity management

In 2001, the municipality of Stuttgart developed an integrated plan for integration policy in the form of a pact that made this policy one of the city’s priorities.50

The pact, drawn up using a top-down approach, represents a coalition between the public sector (policy and administrative bodies), the private sector (businesses and private interest groups) and civil society (associations, sports clubs, community groups and NGOs). It defines integration as the active creation of a common basis for mutual understanding and as a two-way process. Consequently, its target groups are recently arrived immigrants, settled immigrants and the native population.

Under the pact, the quality of municipal services and integration at local level are to be improved by means of an intercultural approach by the city council. This intercultural approach is being developed through three parallel processes:
• The intercultural skills of staff are improved through training on migration issues, co-operation with migrants’ organisations, employment of people with migrant backgrounds and formation of intercultural teams;
• The various municipal departments and agencies draw up intercultural guidelines to institutionalise intercultural skills;
• Municipal services are monitored in terms of services for migrants. This includes descriptive monitoring measures to record the initial situation, measurable targets for improving that situation, and programme evaluation. The pact’s objectives are implemented through 15 fields of action covering what are considered the most important services for people from an immigrant background.

A revised version of the pact was published in 2009. Having gained national and international recognition, the pact has become a model for development of integration strategies in other municipalities.

The “Intercultural Cities” project is intended to develop a pluralist identity based on a clear recognition that diversity is an asset, rather than an inevitable handicap. This recognition can be used to produce a comprehensive set of governance structures and processes and to adapt policies and action in all the relevant fields to meet the needs and requirements of diversified populations. The stages described below are examples of necessary factors in a comprehensive intercultural city strategy.

50 For more information, see www.stuttgart.de/item/show/535514, accessed 8 June 2011.
Co-ordinating diversity-management efforts

Once all these stages have been completed, it is essential to inform all staff and departments about the institutional policy and action plan in order to ensure their co-operation and to co-ordinate concerted and adjusted action.

Communicating the commitment to acknowledging diversity

- Statement by management at a meeting
- Introductory speech at an awareness-raising session/training workshop
- Written statement communicated through a letter, the in-house journal, the intranet, posters, etc.

The success of an organisational strategy and the introduction of new practices often depend on consulting and gaining the support of the players concerned. Failure is often the result of decisions taken in isolation and in ignorance of the impact of an adaptation measure on all players.

This is why it is important to listen to, inform and train staff through the chain of command established by the new practices. It is important to take the time to listen to the doubts, obstacles (real or perceived) and questions put forward by the people concerned, in order to eliminate any constraints on implementation and avoid acting too hastily.

It is also in the institution's interest to establish a pool of resource persons and bodies to provide additional expertise or come up with innovative approaches.

Introducing organisational strategies

One way of introducing organisational diversity-management strategies is to set up a committee and designate a department or a person responsible for policy implementation and co-ordination of work. This group or person will be responsible for identifying problems experienced by staff members, assisting people, directing them to the right resource persons and making sure that the action plan is indeed followed, making recommendations where necessary.

- Example of good practice

In Lyons, the Equality Task Force is an integral part of public policy and cuts across all municipal departments. It provides support for these departments and local initiatives as part of the fight against all forms of discrimination. It develops and strengthens anti-discrimination measures. The Equality Task Force is an operational task force: it pursues an integrated, crosscutting approach to meet the needs of people on the ground as closely as possible. Its action programme is based mainly on two fields – employment and housing – in which it carries out awareness-raising, training, improvement/adjustments where there is a risk of discrimination, etc.

Supporting efforts and encouraging initiatives

Building an inclusive institutional culture is a long-term process which depends on support from all stakeholders in the institution. Organisations are complex systems and usually tend towards maintaining the internal stability of the system and the traditional “way things are done here”. In order to encourage an organisational learning process it is necessary to get away from the traditional ways of thinking and engage in a thought process with the aim of combining thinking and doing, and strengthening “learning communities” in order to bring about the desired change (Senge et al., 2005). All staff must feel encouraged (and recognised) in their efforts to provide an institutional environment which is fair, positive and open to diversity. In this sustained effort, building an inclusive institutional culture must leave room for continuous improvement, learning by trial and error and, consequently, an acceptance that mistakes will be made.

In order to support efforts and encourage initiatives, the institution might provide a support structure for managers and human resource officers.

- Success factors in changing an institutional culture:
  - Supporting changes in management/supervision styles and principles in order to incorporate the intercultural dimension
  - Giving frontline staff feedback from users on their expectations and levels of satisfaction
  - Showing a better understanding of challenges relating to management of problematic cases, by compiling a list of best practices
  - Canvassing staff on how they feel about the institution's becoming open to diversity, assessing their training needs and recording their suggestions
  - Recognising and rewarding those staff members who are the most committed to taking diversity into account (initiatives for developing diversity, creativity in dealing with certain requests, problem-solving skills, etc.)

Evaluating personal and institutional intercultural performance

Evaluation of intercultural performance is designed to improve individual and institutional intercultural skills in response to, and in co-operation with, the institution's environment, in particular ethnic-minority communities. A participatory approach to defining performance indicators is also a further opportunity for learning inside and outside the organisation. This approach may complement existing national evaluation standards and procedures. In this case, participatory discussion may be limited to consultation and feedback on existing standards and procedures. Through discussions within the organisation and with civil-society stakeholders, the question of intercultural skills has great potential for fostering a mutual understanding of the various common values and norms that underlie the behaviour of staff and users (knowledge and expertise), helping to bring about a constructive change in attitudes with repercussions not only for members of the organisation but also for users and their communities.

51 For more information, see: www.polville.lyon.fr/polville/sections/fr/les_thematiques/la_mission_egalite (in French only), accessed 8 June 2011.
Table 1: Different empowerment perspectives

<table>
<thead>
<tr>
<th>Empowerment Perspective</th>
<th>Description</th>
<th>Keyword:</th>
</tr>
</thead>
<tbody>
<tr>
<td>“Symbolic empowerment”</td>
<td>The ability to challenge and change the general perception and negative discourse concerning low-status groups and to create role models.</td>
<td>Acknowledgement</td>
</tr>
<tr>
<td>“Political empowerment”</td>
<td>The ability to organise, register on the radar and have a voice in the political and administrative system.</td>
<td>Influence</td>
</tr>
<tr>
<td>“Institutional empowerment”</td>
<td>The ability to ensure institutional and systemic support for interests, thereby reducing the need for conflicts of interest and voluntary, non-institutional action.</td>
<td>Representation of interests</td>
</tr>
</tbody>
</table>

To assess the effectiveness of measures, it is in the institution’s interests to monitor its action plan, use a comprehensive method of evaluation and have (more accurate) outcome indicators. The aim is to paint a general picture of the institution’s strengths and weaknesses regarding its ability to create an inclusive environment.

In the light of the results, the institution will set out its priorities, specify the improvements it wishes to see, produce recommendations, approve a budget, draw up a timetable, and so on.

Table 2: Example of monitoring

<table>
<thead>
<tr>
<th>Objective</th>
<th>Check accessibility of certain services for certain target groups</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outcome and outcome indicator</td>
<td>Poor take-up of service by minorities</td>
</tr>
<tr>
<td>Improvement desired</td>
<td>Identify obstacles and analyse the needs of these users</td>
</tr>
<tr>
<td>Person or department responsible</td>
<td>Health-care staff and human resources department</td>
</tr>
<tr>
<td>Budget resources</td>
<td>Budget for outpatient consultation</td>
</tr>
<tr>
<td>Monitoring deadlines</td>
<td>Report and recommendations by ...</td>
</tr>
</tbody>
</table>

Moving beyond corrective measures to proactive strategies

Part G encourages the institution to adopt a proactive stance towards taking diversity into account in order to move the institution towards a more inclusive culture. The risk involved in limiting action to corrective measures (piecemeal adjustments) is that the institution will continue to suffer restriction (limited actions) and its culture will stagnate. Building an inclusive institutional culture is part of a gradual move towards systemic change.
Choosing inclusion: 
a place for everybody and an opportunity for all!

At the end of this process it should be possible to:

- think that the ideal of an inclusive culture will gradually spread to new areas of society to help build an inclusive pluralist society, open to diversity, in which everyone will be certain of finding a place and being fully recognised in accordance with the values of equality, dignity and solidarity;

- believe that diversity will be seen as an asset, advantage and resource in institutions, and that there will be more and more inclusive practices for the benefit of everybody, and above all for the most vulnerable in society;

- expect that more proactive, preventive, creative and innovative management will gain ground on management that is simply corrective, reactive and conservative;

- dream of an inclusive society that is actively supported by politicians and which generates a climate of solidarity, in which exclusion is the exception and participation has become the new rule for creating collective norms.
Process: Information, training, consultation and diversification of services

- Circulation of information to all staff, on statutory obligations and guidelines concerning equality and diversity, specific services accessible and cultural and religious aspects.
- Training in intercultural skills (negotiation and intercultural communication, awareness of the components of diversity, differences in beliefs and values), interpreting services, staff rights, and responsibilities for implementing intercultural diversity.
- Diversification and adaptation of services to meet specific demands of ethnic minorities and immigrants (consultation process with staff and ethnic minority communities).
- Commitment to a user-centred service and continuous improvement based on feedback from users, staff and ethnic minority communities.
- Information on measures introduced for all staff and assistance with the process of individual and organizational change required.

Outcomes: New practices, monitoring and reporting, financing and auditing plans, penalty schemes, networking

- Developing new practices (style of communication, opening hours, staff, meals) and preparation of information in several languages for immigrants and ethnic-minority clients.
- A monitoring and periodic reporting system for progress with intercultural diversity (for example, complaints and types of service used by immigrant or ethnic-minority clients.
- A monitoring and periodic reporting system for progress with intercultural diversity (for example, complaints and types of service used by immigrant or ethnic-minority users; definition of clear performance indicators and regular monitoring of progress; staff data relating to recruitment, promotion and rating, grievances, individual performance appraisals, training and development).
- Financing and procurement integrating intercultural diversity (financing plans allowing for the necessary investment over the implementation period: time management, basic training, language services, new services offered).
- Diversity impact study: quality control and, if necessary, a specific penalty system to increase intercultural diversity.
- Networking with other institutions and partners on the issue of intercultural diversity and with users, ethnic associations and ethnic-minority communities.
- Intercultural diversity auditing (in co-operation with user associations and ethnic-minority communities).

This process is part of continuous quality improvement and is therefore not linear but rather a “never-ending virtuous circle”.

Appendices

Part C
- Appendix 1: Definition of indirect discrimination. See the CD-ROM.
- Appendix 2: Complaints and grievances procedure (principles, setting-up and process). See the CD-ROM.
- Appendix 3: Oral assessment criteria grid. See the CD-ROM.
- Appendix 4: Self-assessment checklists from the Swiss version of the European Language Portfolio. See the CD-ROM.
- Appendix 5: Sample checklist for the integration process

SAMPLE CHECKLIST FOR THE INTEGRATION PROCESS

There are a number of models, such as the guidelines for integrating diversity and equal opportunities in Swiss health-care institutions developed by the Migrant-Friend Network of Switzerland. A checklist for integrating intercultural diversity in social services might include the elements below.

Structure: Initial commitment, organisational development and strategic integration

- Commitment by senior management and publishing of the new intercultural diversity approach within the institution.
- Strategic planning of an organisational development process (in co-operation with outside experts from universities or specialist NGOs) with participation of ethnic-minority staff.
- Data analysis, needs assessment and identification of factors impeding or facilitating change, and translation of strategic planning into goals, action and indicators.
- Intercultural diversity is included as a key element in the institution’s mission statement, in strategic planning, in the performance-management system and in the planning of activities.
- Creation of diversity-management units and assignment of work, responsibilities and resources.
- Definition of standard operating procedures (SOPs) for intercultural diversity and introduction of a learning procedure relating to them (concept of life guidelines).

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Constructing an inclusive institutional culture

If we are to build an inclusive institutional culture within the increasingly pluralist societies of 21st-century Europe, focussing solely on the development of skills and knowledge is not enough. There have to be changes in the way in which administrative authorities and the organisations providing services to the public view their role and in the action they take. While it is essential for migrants to learn the language of their host country, understanding the codes of conduct, standards, allegiances, rules and exceptions is perhaps an even greater challenge.

This clearer understanding of the institutional fabric is an inevitable part of what is termed “integration” and also applies to minorities. Since this process does not occur unassisted, this guide puts forward a number of proposals to help acquire the institutional skills which are vital for understanding, dialogue, guidance, negotiation and conflict resolution, to name but a few. These are all aspects inherent in interaction processes and essential for respecting diversity. This guide is an indispensable tool for public and private operators, social workers, mediators and all other stakeholders aware of the need to incorporate these aspects into their exchanges, particularly when rights and human dignity are at stake. This will help nurture confidence in public institutions and avoid the development of fear or any other barrier which could lead to unequal access – or indeed no access – to social, health-care or other services. Through this work, the Council of Europe reminds us that in pluralist societies the most effective guarantee of successful integration and harmonious co-existence is social justice.

The Council of Europe has 47 member states, covering virtually the entire continent of Europe. It seeks to develop common democratic and legal principles based on the European Convention on Human Rights and other reference texts on the protection of individuals. Ever since it was founded in 1949, in the aftermath of the Second World War, the Council of Europe has symbolised reconciliation.