



EXTENDED VERSION
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Inclusive Labour Market

A HANDBOOK
FOR INTERCULTURAL
ORGANISATIONS

 **RPCI**
COOPERATIVA

APOIOS



PATROCÍNIO



INTRODUCTION

First of all, we want to welcome you!

We know that arriving in a new country with the intention of settling down is a very challenging task. In addition to homesickness, it is still possible to encounter difficulties in relation to legislation and access to institutions that are open and favourable to migration.

The report by the International Organization for Migration¹ (IOM) reveals that the world population of international migrants in 2019 was around 272 million, equivalent to 3.5% of the global population. This number represents an increase of 23% compared to 2010. Also according to the study, **the need for employment** is the main reason that leads people to seek a life outside their countries of birth: the international migrant population is constituted mostly by working people, with a large part living in countries where incomes are higher. This right is enshrined in article 13 of the Universal Declaration of Human Rights (UDHR), of 1948, which prescribes: **“Every human being has the right to leave any country, including his own, and to return to it”**². Such a right was reiterated by Article 12, paragraph 2, of the Covenant Relating to Civil and Political Rights³, 1966, which stated that “All persons shall have the right to freely leave any country, including their own country”. The European Human Rights System has also made its own reference, in article 2 of Protocol No. 4 to the 1950 Convention for the Protection of Human Rights and Fundamental Freedoms⁴, in which the freedom of movement of any person regularly present in the territory of a State party, as well as the freedom to leave any country, including yours.

However, we know that more than legislation is needed for a place to be effectively inclusive and welcoming to all people, and it was with this in mind that the **Portuguese Cooperative Network of Intercultural Cities with the support of the Municipalities of Amadora, Loures and Oeiras and the sponsorship of the Council of Europe**, developed in 2021, the project “Inclusive labour Market: Guide for Intercultural Organisations”⁵, with the objective of analysing the experiences of public authorities at the municipal level, migrant people and companies and identifying the main obstacles faced everyday by these actors.

After extensive theoretical research, meetings with representatives of municipalities, migrants and representatives of Human Resources from some companies, as well as interviews with the jurist Rute Carvalho, responsible for the Legal Support Offices of the National Support Centres for the Integration of Migrants (CNAIM), from Lisbon, North (Porto) and Algarve (Faro), from the High Commission for Migration (ACM) two major issues were detected: in addition to the urgency of thinking about increasingly inclusive companies, covering people of the most diverse nationalities, with processes of broader, neutral and cohesive recruitment, the **applicability** of the law in Portugal is also a major obstacle for more innovative ideas to be put into practice. In short, the goodwill of the Organisations is not enough, if they feel insecure in the face of the Portuguese legal system.

For this reason, our work addressed these two aspects: the first is more legislative, bringing legal information from reliable sources on how Human Resources can make vacancies work for migrant people; and the second is from the perspective of hiring and inclusion in the workplace.

We hope you enjoy reading it!

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- 1 Full report [“World Migration Report 2020”](#).
 - 2 Full text of the [Universal Declaration of Human Rights](#).
 - 3 Full text of the [Covenant on Civil and Political Rights](#).
 - 4 Full text of the [European Convention on Human Rights](#).
 - 5 More information in [Mercado de Trabalho Inclusivo: Guia para Organizações Interculturais](#).

1. PROTECTION OF MIGRANT WORKERS ON THE GLOBAL PLAN

The International Labour Organisation (ILO) is considered one of the oldest International Organisations, having been created by the Peace Conference after the First World War. In the preamble of its Constitution⁶, we find the following mention:

“Considering that there are working conditions that imply, for a large number of individuals, misery and deprivation, and that the resulting discontent endangers universal peace and harmony, and considering that it is urgent to improve these conditions with regard to, for example, the regulation of working hours, the fixing of a maximum length of the day and week of work, the recruitment of labour, the fight against unemployment, the guarantee of a salary that ensures suitable conditions of existence, the protection of workers against serious or professional illnesses and occupational accidents, protection of children, adolescents and women, old-age and disability pensions, **defence of the interests of workers employed abroad** (our emphasis), the affirmation from the principle “for equal work, same pay”, to the affirmation of the principle of freedom of association, to the organisation of professional and technical education, and other similar measures...”

Subsequently, the rights of migrant workers were directly contemplated by the countries of destination, either through conventions and recommendations, or through domestic legislation that takes into account the principles adopted by the ILO and the international community. Specifically, two treaties can be highlighted: **Convention No. 97**, on Migrant Workers, of 1949, and **Convention No. 143**, of 1975, also on Migrant Workers, with complementary provisions⁷. Convention No. 97 was one of the first **relevant international instruments** for the protection of migrant persons to place ILO Member States with the responsibility of guaranteeing minimum rights for “all persons who emigrate from one country to another in order to hold a job⁸”.

Thus, article 2 of the Convention obliges State parties to provide migrant workers with a free assistance service, offering them accurate information regarding the offer of employment in the national market. In turn, article 4 provides that “in appropriate cases, measures shall be taken by each Member, within the limits of its competence, with a view to facilitating the departure, travel and reception of migrant workers”. The rights guaranteed to migrant workers essentially concern a condition of decent existence in the State of destination. Therefore, the State undertakes to provide them and their families with medical assistance, at the time of departure and of arrival, in addition to adequate hygiene conditions throughout the migration process⁹.

Once in the country of migration, people should not suffer any type of discrimination based on their nationality, race, religion or gender, with regard to remuneration, union membership, accommodation, contributions related to work or even the access to justice¹⁰. Migrant workers admitted on a permanent basis are assured that neither they nor their family members can be returned to their States of origin, unless they so wish or if there are international agreements between Member States that provide for it¹¹. At this point, Convention No. 97 states that States have rights and can conclude agreements between countries of immigration and countries of emigration to regulate migration flows between them, especially when there is a considerable number of immigrants¹².

6 Full text of the [ILO Constitution](#).

7 The first Convention was ratified by 49 States, while the second had 23 ratifications on that date.

8 Art. 11 of [Convention No. 97 on Migrant Workers, 1949](#).

9 Art. 5 of [Convention No. 97 on Migrant Workers, 1949](#).

10 Art. 6 of [Convention No. 97 on Migrant Workers, 1949](#).

11 Art. 8 of [Convention No. 97 on Migrant Workers, 1949](#).

12 Art. 10 of [Convention No. 97 on Migrant Workers, 1949](#).

Convention No. 143 complemented Convention No. 97 and consolidated the protection of migrant workers from illegal migration and **illegal employment** in the territory of the State¹³. After reiterating the commitment of States to respect the fundamental rights of migrants, Convention No. 143 adds new obligations regarding **migration under abusive conditions, so that States Parties must adopt national measures to combat and suppress illegal migration, illegal employment of migrants and labour trafficking**¹⁴. For that, States are required to have greater control over their migratory flows and the adoption of national legislation aimed at administratively and criminally sanctioning those who illegally employ migrants¹⁵.

For 26 years, the ILO has advanced in its mission to protect migrant workers, adapting to the new criminal phenomena linked to irregular migration, notably in issues related to human trafficking. Thus, the complementary provisions of Convention No.143 in relation to Convention No. 97 require States to pay attention to the rights of migrants in an irregular situation, prohibiting any type of discrimination with regard to the rights guaranteed to persons in regular situations (remuneration, social insurance and other benefits)¹⁶.

Thus, according to article 9 of Convention 143, migrant workers in an irregular situation are guaranteed the right to contest and assert their rights before the competent body. In addition to the ILO, the international protection of migrants for economic reasons is protected by the **International Convention on the Protection of All Migrant Workers and their Family Members**¹⁷, which also seeks to guarantee the fundamental rights of migrant workers and their families in the territory of the State -parts, with an expanded purpose, as can be seen from its article 1.2.

This Convention applies to the entire migratory process of migrant workers and their family members, which includes preparation for migration, departure, transit and the total duration of stay, paid activity in the State of employment, as well as the return to the State of origin or the State of habitual residence.

The aforementioned provision, therefore, extends protection beyond the territory of the State where the work will be carried out, but also guarantees that the migrant has access to his or her fundamental rights during transit and in the territory of the State of departure. Note that the provision intends to contemplate rights not only in the territory of the State where he will exercise his profession, but in transit and in the territory of the country of departure.

In view of so many International Conventions and rights guaranteed to migrant workers and their families, it is possible to perceive the great concern of the international community regarding the issue, especially considering the considerable impact that the subject has on national affairs in all parts of the Globe. To this end, the United Nations has provided for the creation of the **Committee for the Protection of the Rights of All Migrant Workers and Members of their Families**, with the objective of **monitoring compliance with the norms of the Convention itself, through consideration of evidential reports presented by the States, which must indicate the measures that have been taken to comply with it.**

13 Arts. 2nd and 3rd of [Convention No. 143 on Migrant Workers, 1975](#).

14 Arts. 2nd, 3rd and 4th of the [Convention No. 143 on Migrant Workers, 1975](#).

15 Art. 6 of the [Convention No. 143 on Migrant Workers, 1975](#).

16 Art. 9 of the [Convention No. 143 on Migrant Workers, 1975](#).

17 [Full text](#).

2. BRIEF OVERVIEW OF THE MIGRANT WORKER IN PORTUGAL

Integration into a new country is not always easy, even when immigration is voluntary. There is always a lot of bureaucracy to resolve and information to be gathered that makes the process tiring and frustrating, especially for those people who have little or no support. One of the main concerns is related to employment, considering that it is necessary to have some kind of income to guarantee a decent life. In addition, the immigration services themselves, such as the Portuguese Immigration and Border Service (SEF), frequently question whether the migrant is able to remain in the host country. However, we know that the issue goes far beyond receiving a salary and also involves **access to the same labour rights as a Portuguese citizen and equal opportunities**.

According to the annual report of the Migration Observatory, Portugal¹⁸ has registered in the last decades a **segmentation of the labour market depending on the nationality of the employed people**, with foreign people being more present in **less qualified** activities, more precarious activities and economic sectors, more exposed to instability in the employment relationship and with lower salaries. This situation also creates another phenomenon: that of entrepreneurship. **Migrant people are, on average, more entrepreneurial** than nationals, and they play an important role in generating employment.

A report promoted by TESE - Associação para o Desenvolvimento, in partnership with APG - Portuguese Association for People Management¹⁹, listed some of the difficulties experienced by the working migrant population. The first of these is the higher unemployment rates (12.5%) of foreigners, mainly from extra-community countries, than the rate of the national population (6.5%)²⁰. Migrant people also occupy, for the most part, more precarious jobs and with salaries, on average, 5.8% lower than nationals²¹.

And, finally, the report indicates the **high rates of over-qualification** of migrants in relation to nationals, **demonstrating that the insertion of foreign people in the labour market has not necessarily reflected their qualification and professional experience**. "In Portugal there has been some situations of over-qualification of foreign workers in relation to the activities they carry out in the national labour market²², that is, it is observed that there are foreigners who are performing functions **below the level** of their qualifications". Therefore, it is necessary to evaluate the statistics to better understand what this means in terms of making talents more profitable, both as a society and as employers.

We will not expand on the numbers, since the High Commission for Migrations collects this data annually and can be consulted on the website of the Observatory for Migrations. However, we reinforce the information that there is already an effort aimed at the compilation of such data, the most recent of which are listed in our bibliography.

18 OLIVEIRA, Catarina Reis. [Indicators of immigrant integration: annual statistical report 2020. 1st ed.](#) (Immigration in Numbers – Annual Reports 5). Page 154.

19 Full document on [Recruitment, selection and inclusion of migrants: A practical guide for HRM professionals](#).

20 [Ibid., p. 24.](#)

21 [Ibid., p. 25.](#)

22 [Annual report of the Observatory on Migration](#). Page 62.

2.1 PROTECTION OF THE EMPLOYMENT RIGHTS OF MIGRANT PERSONS IN PORTUGAL

The growth of the migrant community in Portugal has led the Government to carry out changes in relation to residence permits with work permits, mainly to encompass the new profiles of professionals that have been found and sought after by companies.

The legal framework for Foreigners' Law is the result of various community directives, as well as bilateral and multilateral treaties and conventions celebrated between Portugal and other countries, especially with Portuguese-speaking countries. **Law No. 23/2007**, of 04/2007, is known as the "**Foreigners' Law**" or "**REPSAE**" and deals with the "legal regime for the entry, stay, departure and removal of foreign citizens from the national territory", having been regulated by Regulatory Decree No. 84/2007, of 05/11. It is in this diploma that we find the rules that make the presence of a foreign person on national soil regular, or not. However, it is necessary to be aware of which **nationality** we are talking about, as **there are exceptions**, additional formalities or not, if there are specific international conventions and treaties. **In the case of European Union citizens, their family members or those who join them, the rules contained in REPSAE are removed and specific rules²³ are applied.**

Therefore, it is noteworthy the observation that this document concerns the **general and abstract rules, applied to people who migrate voluntarily, that is, who are not asylum seekers or refugees, considering that the legal diplomas are different.** If your case is more specific, our advice is that you resort to entities that provide legal advice to foreigners, such as the High Commission for Migration (ACM).

2.2 REQUEST FOR RESIDENCE AUTHORIZATION WITH WORK PERMIT

In relation to foreign people from countries that do not have special legislation and wish to exercise a professional activity in Portugal, **the rule is simple**: it is necessary to apply for a residence visa with work permit, still in your country of origin and, being issued, travel to Portugal to complete the process and ask for a residence permit.

It is extremely important to bear in mind that such visas must not be applied for in Portuguese territory. In order for them to be granted, it is necessary to comply with the rules established in the Foreigners' Law. **Article 59 lists norms related to the exercise of subordinate professional activity**, such as the need to have a contract or promise of work in Portuguese territory. **Article 60 deals with the residence visa for the exercise of independent professional activity or for migrant entrepreneurs. Articles 61 and 61-A deal simultaneously with teaching, highly qualified or cultural activities and the exercise of highly qualified activities carried out by a subordinate worker (known as Tech Visa).**

It is worth noting that, after arrival in Portuguese territory, it is still necessary to make an appointment at the SEF and prove compliance with all the requirements, such as the amount needed for subsistence, lease agreement, criminal record certificate of the country of origin, among others.

23 In these cases, it is necessary to observe the provisions of [Law No. 37/2006, of 09/08](#), which regulates the exercise of the right of free movement and residence of European Union citizens and their family members in the national territory, transposing to the internal legal order [Directive no. 2004/38/ EC, of the European Parliament and of the Council, 29/04.](#)

2.3 EMPLOYMENT RIGHTS OF MIGRANT PERSONS CONTRACTED TO WORK IN PORTUGAL

In short, migrant workers have the same rights as nationals, however, there are some **particularities** to which it is necessary to pay attention. The first one concerns the employment contract. The contract signed between a company headquartered in Portuguese territory and a foreign person **must be in writing**, containing the information mentioned in article 5, which are:

- name or denomination and domicile or headquarters of the contracting parties;
- reference to the worker's work visa or permit to stay or reside in Portuguese territory;
- activity of the employer (also identified with the CAE code);
- contracted activity;
- amount, frequency and form of payment of the employee;
- place and normal working hours;
- dates of conclusion of the contract and the beginning of the provision of the activity.

When deciding to hire a foreign person, the company is obliged, before the contract starts, to [communicate](#) the hiring to the Authority for Working Conditions (ACT) through an electronic platform. Registration of the contract is free and is for statistical purposes only²⁴. Registration of the contract is not necessary if the person is a national of the following places:

- Member State of the European Union;
- Iceland
- Liechtenstein;
- Norway;
- Turkey;
- Cape Verde;
- Brazil (only if you have applied for equal rights status);
- Guinea Bissau;
- St Tomé and Príncipe

For this purpose, it is necessary to access the ACT website and fill in the form, indicating the following data:

- the employment contract;
- the worker's identification document;
- the visa, expression of interest with the SEF or the worker's residence permit.

2.4 OBLIGATIONS BEFORE SOCIAL SECURITY

The Social Security Identification Number (NISS) is one of the biggest doubts of migrants and companies in the hiring process. Although the Employing Entities are required to communicate the admission of the foreign worker 24 hours before the beginning of the employment contract takes effect or, within 24 hours after the start of activities, provided that it is duly substantiated, the NISS is not the type of information that must necessarily be included in the employment contract.

Therefore, one of the major obstacles for hiring foreign people, reported by migrants, namely the requirement of NISS presentation by some Organisations, does not find a legal basis. On the other hand, if the company intends to hire a person who is not yet registered with Social Security, it is worth mentioning that the current procedure is quite simplified and can be done by email.

²⁴ Information from the [Recruitment, Selection and Inclusion of Migrants: A Practical Guide for Human Resource Management Professionals](#). Page 47.

2.4.1. ATTRIBUTION OF NISS TO FOREIGN WORKERS

According to information taken from the Portuguese Social Security website, the procedures for the attribution of NISS to foreign workers are as follows:

- **People who work for others**

The attribution of NISS to a foreign citizen pursuant to an employment contract, it is ensured through the application for NISS by the (future) employer that has to request the NISS, through [Direct Social Security website](#). The employer uploads the necessary forms and documents, and delivers them through the option "Evidence documents/NISS on the spot - request from the Employer Entity", in Direct Social Security. The employer, after having been notified to its e-mail address, of the allocation of the NISS to the foreign citizen, must communicate the admission of the worker online, also through Social Security Direct.

- **Persons who work independently**

The request for the allocation of NISS to self-employed foreign nationals is made through the email address ISS-Pedido-NISS@seg-social.pt, to which you must send the necessary digitised documentation.

The documentation required for processing the requests, as well as additional information, is available in the ["Practical Guide Assigning NISS on the spot to foreign citizens"](#).

3. CHIRING OF MIGRANT PERSONS WITHOUT RESIDENCE PERMIT

Here, perhaps, resides one of the biggest doubts for both migrants and companies. At the same time that the New Foreigners Law innovated by bringing the possibility of foreigners to regularise themselves in Portuguese territory through work, including living up to the provisions of international treaties, it also created a difficulty regarding the applicability of these rules, as well as the feeling of legal certainty on the part of the Organisations. So let's try to resolve some of the main doubts.

3.1 WHAT IS THE EXPRESSION OF INTEREST?

This is a novelty introduced by Law No. 23/2007, in Articles 88, No. 2 and 89 No.2, having been regulated by Legislative Decree 09/2018 and allows people who entered Portugal without the proper visa to exercise paid activity, can be regularised as long as they prove their working condition.

This right is intended for any foreign person who has **legally** entered Portugal²⁵, that is, who meets the basic conditions required by law, such as a valid visa²⁶. Those who do not have European nationality, and who have entered national territory through an **uncontrolled border**, must **communicate** their presence in the country in the SEF services within a period of up to three working days, unless they already have a residence or stay permit for more than six months. If, after entering Portugal, the person is accommodated in a **hotel or establishment of the same type**, the obligation to communicate²⁷ to the SEF must be made by the establishment²⁸.

25 For more information, consult: [Article 6](#) – Border control

26 Requirements on the ["Entry Visa - Article 10"](#).

27 [How to make the entry declaration? - SEF information.](#)

28 Information taken from [e-Portugal](#).

In addition to legal entry, you must be registered and regularised with Social Security and have a proven employment relationship, which can be “dependent” in compliance with the provisions of Article 88, No. 2²⁹, of the Foreigners’ Law, or “independent activity”, pursuant to Article 89, no. 2³⁰.

3.2 HOW TO HIRE A PERSON WITHOUT A RESIDENCE PERMIT?

As stated, the internal legislation of Portugal stands out for bringing the possibility of regularising migrants in its territory, without them being exposed to further discrimination and being able to enjoy a **decent life** with access to fundamental rights such as health, education and social security. Therefore, companies need not be afraid to hire foreigners who are not yet allowed to work, as long as they respect the legal provisions in force.

There are two possibilities: the **first** is in relation to those who have not even filed an expression of interest.

If the Organisation is willing to offer the first job opportunity to a migrant, it must guarantee a contract or promise of a contract with all the specifications already explained here, so that the worker can send it to the SEF and thus start their process of regularisation. With this protocol in hand, companies avoid any problem with inspection.

The **second** possibility concerns foreigners who have already filed their expressions of interest and are just waiting for the process to be completed. In this case, the contracting can be carried out normally.

Did you know...

In April 2020, the SEF implemented a new tool in the SAPA portals (electronic platform for registering expressions of interest under Articles 88 and 89, No. 2) that allows foreign persons to issue, consult and download a registration certificate, which serves as proof of the pending situation before the SEF and can be presented for the performance of all public services, such as obtaining the user number, access to the National Health Service, access to social benefits of support, signing of lease agreements, employment contracts, among others ³¹.

29 [Residence permit to exercise a subordinate professional activity, with no need for a residence visa.](#)

30 [Residence permit for the exercise of independent professional activity, with no need for a residence visa.](#)

31 News [“SEF implements a new tool in the SAPA and ARI portals to issue a registration certificate.”](#)

4. MYTHS AND FACTS ABOUT MIGRATION

According to the SEF³², in 2020, there was an increase of 12.2% of the foreign population residing in Portugal, compared to 2019, with an estimated total of 662,095 migrant people. Of this total, Brazilian nationality continues to be the largest resident community in the country, totaling 183,993 people. Next comes the United Kingdom, with 46,238 people, then Cape Verde with 36,609, Romania with 30,052, Ukraine with 29,629, Italy with 28,159, China with 26,074, France with 24,935, India with 24,550 and Angola with 24,449 people.

Although the Brazilian community is the largest in number of residents in Portugal, in 2020, the community that grew the most was the Indian one. There was an increase of 39.3% in 2020, compared to 2019, now being among the 10 nationalities with the highest representation in the country, being in the 9th position, which means that the number of people who come from India has tripled since 2016.

In addition to the Indian community, the Nepalese community has shown considerable growth. In 2019, around 16,849 people from Nepal resided in Portugal and in 2020 there was an increase of almost 25%, making the Nepalese nationality rank 11th in the ranking of the most representative nationalities in the country, with a total of 21,015 people. Still in 2020, the SEF states that the granting of new residence permits were more common for family reunification, professional activity and for study, noting that for people coming from India and Nepal, residence permits were mostly granted to carry out a professional activity. It also refers to asylum applications, which decreased by 45% in 2020 compared to 2019.

That said, it's important to pay attention to unfactual information and confirm the facts surrounding migration. In a study carried out by the ACM³³, we realised that some of the myths raised by the Portuguese population at the time were related to the labour market and the belief that migrant people depend on the State to remain in the country.

Questions such as "immigrant people come to steal jobs and drive down wages" or "immigrant people come to erode our social security and live on subsidies" are beliefs that the population has nurtured over time, however, they are unfounded. According to the study mentioned, it is in countries with a low percentage of foreign residents that the highest unemployment rates are found. On the contrary, it is migrant people who lose their jobs first when there is a crisis, demonstrating that migrant people are quite vulnerable to unemployment, compared to nationals. Furthermore, according to the study, it was found that migrants are inserted in sectors of economic activity, carrying out jobs that nationals are not so available to carry out, such as civil construction, retail, industry, among others.

With regard to social support, migrants comply with the same rules as nationals, that is, they are only able to obtain benefits such as unemployment benefits, if they are in regular situations and registered with Social Security. There is no specific type of support for migrant people: any benefit they may enjoy comes from their contributions.

What can be seen is that the arrival of migrant people generally brings added value to the country's economy, including the competitive advantages that companies benefit from, since having people from other origins, ethnicities and cultures enriches the market, bringing new experiences, skills and diversity of thought.

32 Available in [Border and Asylum Immigration Report](#).

33 Available in [Immigration: Myths and Facts](#).

5. DISCOVER THE BENEFITS OF DIVERSITY IN COMPANIES

According to Fleury (2000, p.20)³⁴, “diversity is a mix of people with different identities interacting in the same social system”. These people are different in many ways, which may or may not be visible. In other words, diversity is a set that encompasses the differences and similarities that characterise people, making them unique, regardless of their nationality, gender, ethnicity, race, sexual orientation, disability, religion or age.

The “Delivering Through Diversity”³⁵ report presents 2017 data that says companies with greater ethnic diversity are 33% likely to be more profitable. According to the Portuguese Diversity Charter³⁶ **“Diversity in an organisation enhances innovation, attraction, retention, promotion of talent and diverse skills and represents an asset in making the organisation itself a mirror of the society in which it operates”**.

In addition, a company with an inclusive organisational culture has benefits³⁷ such as increased creativity, improved communication (both internal and external), development of new team skills, reduced turnover of professionals, increased good interpersonal relationships between the team and, consequently, the reduction of conflicts, the increase in performance and financial results, better customer-oriented service, the strengthening of a positive institutional image vis-à-vis the competition, improvement in the organisational climate. Valuing differences allows the creation of new synergies between people who have different experiences and ideas.

In this sense, it is important to mention that, in addition to being an ethical issue, the promotion of diversity also helps in development, sustainability and economic competitiveness, which adds value to organisations. This advantage is revealed through the ability to acquire new skills, which enable more creativity and innovation, better problem management and implementation of solutions, and increased people’s satisfaction. However, these benefits can only be tapped on if there is a climate of inclusion, if people can prosper regardless of whether their characteristics are those of the majority groups or not.

5.1 CONTRACTING ROADMAP: STEPS OF AN INCLUSIVE RECRUITMENT AND SELECTION

Recruiting, selecting and integrating migrants is part of the management process that strategically renews and strengthens the workforce with diversified talents and new perspectives on the reality of the business. However, the welcoming process can also raise issues related to the acculturation of migrant workers, which is why it is crucial that it is fostered from team spirit and mutual help among all elements of the organization³⁸.

For that, there are some strategies that can be worked on internally by companies, ranging from the moment of decision to open a vacancy, through closer monitoring of the new employee, during the adaptation period and until the person is dismissed. Some of them are listed below, **check it out!**

34 Available in [Cultural Diversity: experiences of Brazilian companies](#).

35 Available in [Delivering Through Diversity](#).

36 Available in [Portuguese Charter for Diversity](#).

37 Available in [Diversity Management in European Small and Medium Enterprises](#).

38 [Recruitment, selection and inclusion of migrants - Practical guide for professionals in human resource management](#).
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Diagnose the needs

The first step towards inclusive recruitment is to carry out a technical and in-depth diagnosis of the need for the vacancy. At this stage, the professional must **identify the organisation's needs and what are the desired competencies** in each team, so that what is intended to be done is clear. Recruitment must be planned and developed based on the skills needed for each vacancy, with objective, well-established, well-founded requirements that are consistent with the proper performance of the function.

Widely publicise the vacancy

After carrying out the diagnosis of the vacancy, it is time to publish it so that working people know that you are hiring. However, pay attention to this step: **the form of writing the add is extremely important so that it does not contain any discriminatory terms**. This means that, unless it is extremely essential for the proper performance of the function, there is no reason to demand certain characteristics such as those related to gender, race, age, sexuality, among others. The requirement for photographs can also be considered discriminatory, in addition to making access difficult for certain people

Conduct an active search

A company that wants to build a diverse and inclusive environment must strive to do so. Therefore, **the search for different profiles must be much more active than passive**, which means that the organisation's responsibility does not end only with the publication of the position on social networks or specialised websites. To do this, make partnerships with cooperatives and migrant associations in your region, or even look for City Councils and employment centres so that they can act as partners in this dissemination.

It must be taken into account that a newly arrived migrant is still unaware of the functioning of the Portuguese labour market and is not used to advertising websites or the names of companies based here. Another tip is to promote the vacancy internally, asking the employees themselves to publicise it in their contact network. If you already have migrant people working with you, even if few in number, make sure they publicise the opportunities in their community groups, the good old "word of mouth".

Diversify your recruiting tools

Diversify the tools used for more inclusive recruitment, combining human assessment with other tools such as **artificial intelligence**³⁹. The use of algorithms and big data can help organisations build a more impartial recruitment process. However, beware, it is possible that some of these tools may accidentally be programmed in a discriminatory way (through the search for specific terms, for example). Make sure it doesn't and won't happen in your organisation. Algorithms are programmed by people who, with their natural biases, will be able to program them equally biased.

Also, the fact that artificial intelligence decisions do not take into account the context of the information means that they cannot so easily apply exceptions and be permeable to arguments that can make a difference. As they are based on statistics and frequencies, exceptional or less frequent cases are often left out, which can then be subject to unfair elimination. Once again, the training of those who program the system is essential, so that they are aware of their biases.

39 UNESCO Manual on [Artificial Intelligence](#).

For example, a company that provides energy services in Belgium refuses to enter into contracts with people from a certain geographical area based on algorithms, deciding through the risk that each area presents statistically without taking into account each particular case of each family - whether it has debts or not to the company. As a result, many families are harmed when they are, in fact, exceptional payers.

In a recruitment process, when programmed to value certain characteristics or keywords as “preferred”, or simply because the system has learned that we always select people with certain factors (for example “Erasmus” or “University X”), then the system will privilege those who have them and leave out those who do not mention them in their application, and although these factors are not necessarily good predictors of a person’s competence, in some cases they may prevent people from certain less privileged groups from accessing our job opportunities.

For more information on this topic, see the Council of Europe Guide: [Guide to AI and Inclusion](#).

Try “blind recruitment”

Blind recruitment, in which **a photography is not requested in the curriculum** (and in some cases the name, address and age are requested to be sent in a separate envelope from the CV), is a technique that aims to prioritise the person’s technical and behavioural skills during the search for applicants, that is, it is a recruitment model that reduces the occurrence of discrimination in the curriculum selection process. It is important to bear in mind that this only takes effect at the curriculum selection stage. For more impartial interviews, ensure that the recruitment team is trained and aware of their biases. All people have biases about certain groups, especially those perceived as more different from them. Our biases are often present in the recruitment process, preventing us from making fair and unbiased decisions. Conducting practical interviews without prior access to curriculum is still possible in many functions and can be an important strategy, along with the aforementioned training.

Recruit by simulation

Whenever possible, the use of simulations in interviews is a tool that should be considered. In this case, the entities promote a practical interview where the activities to be carried out on a daily basis by the person to be hired are simulated. SODEXO⁴⁰, in Luxembourg, carried out a recruitment process⁴¹ entirely based only on the willingness of people to apply for it: the add mentioned only the title of the job and asked for just a phone number! People were all called in for a practical interview in a kitchen and asked to carry out tasks that they will do on a day-to-day basis. In this way, it was possible to overcome many biases present in the recruitment process and even avoid prioritising only those with formal experience in their CV and evaluating people for what really matters: their competence.

Provide conditions for equal evaluation

The behavioural profile assessment is one of the most assertive techniques in recruitment, as it allows the team responsible for the selection to choose the person that most resembles the requirements identified in the job description. Such assessment is usually done through personality tests, group interviews, and moral challenges.

40 Video “[Diversity Awards 2015 - Sodexo](#)”

41 For more information, see [RECRUTEMENT SANS CV : MÉTHODE DE RECRUTEMENT PAR SIMULATION \(MRS\)](#).

Ensure that the assessment conditions are accessible to everyone, considering issues such as mother tongue, religion, culture, etc.

Inform yourself!

In addition, **invest in legal knowledge about hiring migrant people**, partner with local bodies, associations and cooperatives, which can facilitate communication between the migrant population and your organisation, channel people, support the process and even carry out awareness-raising actions. Inform migrant people around you of their rights. The leaflet designed by RPCI, which is a summarised version of this document, can be found on the website and is available in several languages: Portuguese, English, French, Arabic, Nepali, Bengali and Farsi.

6. AFTER THE CONTRACT

After hiring, it is essential that the organisation creates an inclusive environment and always pays attention to the needs of the people hired, especially with regard to their arrival and the process of adaptation and integration in the new job. For this, some actions can be taken by employers:

- **Partner** with language schools and/or hire language teaching professionals to encourage new hires who do not originate from Portuguese-speaking countries to improve communication with colleagues, customers and supplier entities.
- Value differences and **encourage integration and active exchange of experiences between people**. Some ideas are: monthly happy hours, themed lunches or dinners, internal communication with suggestions for music, movies, programs with different themes, tourist tips, among others. Mainly, make the message very clear that what each person brings is an asset, valuing and encouraging different points of view and contributions from all people. Ask people how (and if) they want to celebrate their origins.
- Promote **anti-discrimination campaigns inside and outside the organization**. Unfortunately, there are still many prejudices in our society. Some are more expressed, others are through “pranks or jokes”. The organization should be aware of these behaviours, promoting awareness sessions and creating “zero tolerance” policies for discrimination.
- Have a career progression program, with prizes and incentives, where everyone in the company can participate. The promotion criteria and career plan must be well established and must be based on experience, attendance and quality of work, so that all people have access to the same opportunities in the company, regardless of their origin.
- If possible, have a **compliance program**, as this is a tool widely used in some countries and aims to ensure that the company complies with both internal and external rules.

It will only be possible to know if the organisation is achieving the inclusion goal if there is a follow-up process. Therefore, **defining metrics for evaluation** is very important, but remember that in addition to objective criteria, subjective ones are also very important, such as the fact that a person is producing less because of a family problem or even because they are feeling themselves displaced within the company. Ensure that the persons have everything they need to do their job and that you give each person a fair assessment. You can start by asking: How do you feel? What do you need? How can we ensure your welcome?

7. DISCOVER OTHER PRACTISES, ESTABLISH PARTNERSHIPS AND BE INSPIRED!

Many employers already implement very inspiring practises at this level. Several companies start, for example, by providing **mandatory training** for everyone on the subject of unconscious biases, prejudices, stereotypes and discrimination. A great example of this is **Altice Portugal** - in partnership with the **Aga Khan Foundation Portugal**, they have been raising awareness among all the people who work there through an online course (also available in Blended Learning⁴² format) and promoting awareness-raising actions for all managers.

Another example is **IKEA** - a multinational company, where equality, diversity and inclusion are at the heart of the company's business and part of its culture and values. At IKEA they believe that everyone is entitled to the same opportunities and should be treated equally, regardless of gender, ethnicity, origin, or any other dimension of their identity. Respecting the rights and characteristics of all people is part of the company's culture and way of working. For IKEA "being inclusive means giving equal opportunities to everyone", therefore, the company guarantees, for example, that all vacancies are always open internally, allowing equal access to them.

In addition, the theme of Equality, Diversity and Inclusion is very present throughout the year within the organisation, not only through the celebration of commemorative dates such as International Women's Day, IDAHOT, among others, but also in activities such as the Podcast "Likewise", the Equality, Diversity and Inclusion Week, or even in their Leadership Programs.

IKEA Portugal also has an Employability Program for Refugees⁴³. The main objective of this initiative is to create a better daily life for most people, by developing the skills of refugees in order to contribute to an easier integration into the Portuguese labour market. This program consists of professional internships established between the participants and IKEA, with a particular focus on development and integration. During this period, participants attend Portuguese classes, sociocultural integration sessions and On-the-job training, in different departments and geographies of IKEA Portugal.

For IKEA, guaranteeing an inclusive work environment is a continuous work, which implies keeping the themes of Equality, Diversity and Inclusion present, through the involvement and awareness of all the people who work in the organisation. The advice that IKEA gives to companies that are thinking of implementing initiatives in this area is to "Start!" In their perspective, it is important to be aware that "progress is made by everyone...every day...together". It is a path that must be taken with openness and humility, learning from different experiences. Valuing individual differences and encouraging co-workers to be themselves is fundamental, "because the uniqueness of each individual makes IKEA better".

Other companies carry out recruitment actions aimed at different audiences, as a way to balance access to opportunities, specific projects to enhance and accelerate people's experiences and knowledge.

An example of an organisation that carries out this practice is the **Portugália Group** (restaurant chain). For the Group, diversity has been a focus of work for some time and is something that has become natural and is celebrated. The topic of Diversity was still not much talked about in Portugal and the Portugália Group was already starting to work on it, having signed in 2016 the Portuguese Diversity Charter and formalised its "Diversity Policy". At the same time, when the recruitment and selection department was created in 2016, they took into account all social issues related to Diversity and Social Inclusion when creating their initiatives.

⁴² For more information: [DIVERSITY AND INCLUSION](#) | Aga Khan Foundation Portugal

⁴³ For more information: [IKEA supports refugee integration by 2022 - IKEA](#)

The company does not feel the need to “prepare” the team to receive new people when hired, as all teams are multicultural, and there are currently around 21 different nationalities. The people who arrive know that this is the reality of the organisation and each person, upon entering the organisation, goes through a Welcome Session. Respect for other people must be the common point in all teams, including respect for Diversity.

Recruitment teams are aligned with the company’s Diversity Policy and embrace this theme. Recruitment is carried out with a focus on the person, who must have motivation to work, availability and, depending on the function, experience. Everything else can be worked on later, as Portugália promotes training for the function. In addition, the recruitment teams have the sensitivity and ability to understand the profile and place each new person in a specific store, which will be easier to adapt to.

Cities can be important partners in this process too, playing a crucial role in fostering inclusive employment.

The vast majority have community support offices, including support for labour inclusion, work closely with third-sector entities that support various groups and carry out partnership actions in close proximity to the local business fabric.

For example, in **Oeiras**, on the initiative of the municipality itself, brought together all local partners working in the employability area in a employability network entitled “Oeiras +” which regularly gathers, articulates responses and creates joint initiatives and projects, such as: recruitment campaigns, training courses in partnership with the the Job Services and local employers, events and training for technicians. This type of solution, already tried out in Sintra, Lisbon, Barreiro-Moita and Cascais, has shown many advantages, due to the union of efforts and the ability to provide quick and effective responses that match people’s interests with the specific needs of the local labour market. In addition, the municipality created a local employment page on its website, facilitating access to proximity offers by the population and better dissemination by employers in the city. Find out more: **Oeiras+**.

In **Loures**, the city carries out awareness-raising activities for local employers about the importance of Diversity and Inclusion, encouraging entities to carry out training on the topic and promoting local partnerships with a view to the inclusion of publics at a disadvantage in the labour market, such actions are provided for in the Municipal Plan for the Integration of Migrants.

The city of **Amadora** manages its own employment office and works in partnership with several local entities and employers. Through a voluntary system, the “mentors for migrants” program supports migrants in various integration needs, including labour integration.

7.1 TO FIND OUT MORE ABOUT INCLUSIVE RECRUITMENT:

APPDI - Portuguese Association for Diversity and Inclusion, in the Guide for an Inclusive Recruitment⁴⁴ describes the inclusive recruitment process in five phases, where phase zero is the phase for the preparation of the recruitment process, phase one concerns the recruitment, phase two talks about onboarding, phase three talks about monitoring people in the organisation; and the last, phase four, portrays the moment the person leaves the company - it can be another resource to foster diversity in your company.

44 Available in [Guide to Inclusive Recruitment](#).

8. IF YOU ARE LOOKING FOR A JOB:

Looking for work is not always an easy task, especially for those arriving in a new country. So if you are looking for a job it is important to follow some recommendations.

Also, if you are a migrant, note that you have rights and duties under the law, but it is almost always possible to be hired if an organisation is willing to do so. Find out above about your rights and the alternatives organisations have to offer you a contract!

- Have a **curriculum that is always up to date** and different for each specialty area and specify your objective when applying for the position;
- It is important to **pay attention to the information regarding your contacts**, so that the company when viewing your resume can contact you without difficulty, include only essential contact information such as, full name, email and phone number;
- **Focus on your personal and professional skills**, , that is, objectively describe your skills and make a brief summary of them and qualifications and previous experiences that make sense for the vacancy in question, always from the most recent to the oldest;
- **It is not necessary to include a photo**;
- **Describe your training**, with the name of each course, period in which it was held, completion date. Mention other courses and activities that make sense for what you are looking for, value informally acquired experiences, such as volunteering or hobbies that show who you are;
- Prepare for the interview, **study the company**, the business area in which they work, type of activity they carry out;
- **Re-read your resume** so that you don't miss any details;
- If possible, **rehearse the interview** with someone or in front of a mirror;
- Prepare yourself for some **questions that may be asked in the interview**, such as: Tell us a little about yourself. What are your professional goals? What most catches your attention in this job? What do you identify the most with in this organisation? What do you consider to be the skills that set you apart from the other candidates? Talk about your strengths and areas of improvement;
- When you go to the interview, **research in advance where the interview will be located** so that you're prepared for any unforeseen events or delays. See the distance, which transport you will use and how much each journey will cost;
- With regard to personal presentation, there is no standard to follow. It is important to research the dress code of each organisation, some are more formal than others;
- When you're at the interview, **stay calm**, look directly at the person you're talking to;
- Understand that the person interviewing you wants to get to know the person in front of them, so **answer questions honestly about yourself and about your professional experiences**, valuing those that are closest to the job profile you are applying for;
- **Show interest in the position in question**: ask questions, and be impartial when talking about organisations you previously worked for;
- **If you have any questions, ask** and write it down or ask the person conducting the interview to write it down for you.

Okay, now just enjoy the information and good luck!

8.1 SOME USEFUL LINKS:

JOB SEARCH:

- [Indeed](#)
- [Net Jobs](#)
- [Sapo employment](#)
- [Linkedin](#): We recommend creating a profile on the LinkedIn platform, where many employers are currently recruiting. This platform is essential for looking for qualified employment (secondary education and higher)
- [IEFP](#) (state employment services) - To enrol in IEFP, you must make an appointment at the service desk.
- [GIP](#) (Professional Insertion Office)
- [Refujobs](#): platform jobs for refugees and migrants.

SUPPORT FOR MIGRANT PERSONS:

- [“Ready to Work”](#) project: The “Ready to Work” project created a small course aimed at migrants and refugees on various topics, including employment, some of the topics were: lexicon related to different types of job; how to make a CV; where you can go to find a job; how to use public transport/ cars to travel to the workplace and also created an e-learning course on the topic “Search for Jobs and Personal Skills”.
- [RPCI Welcome Guide](#): You can also find guides to support inclusion in work in Portugal.
- [CLAIM Contacts](#) (Local Support Centres for the Integration of Migrants).

9. ACKNOWLEDGEMENTS

The theme of Diversity and Inclusion has become increasingly urgent in our society and access to decent and egalitarian working conditions, regardless of race, gender, sexuality, religion or nationality, is one of the best and most effective ways to achieve this a more inclusive society.

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