

DISCRIMINATION AND DISCOURSE: AN EXPERT INTERVIEWING APPROACH

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Abstract: *The present study holds the discourse of eight scientists that are fighting against tolerance discrimination, of the discrimination and mobbing inside the Romanian society. Using as research method the half structured interview for generating the necessary knowledge we got a series of discursive and narrative reconstructions about the daily discrimination acts at the work place as well as representations of the interviewed experts concerning the institutional regulated structure.*

Keywords: *expert discourse, ethnic discrimination, Roma, gender, discrimination, was mobbing.*

1. Introduction

The purpose of this article is to catch the discourse's characteristics concerning the discrimination inside the Romanian society at the field expertise level. I will try to answer through this material to the following questions:

- How do the institutional represented discuss about minorities and discrimination from the institutional and personal point of view?
- Which are the prejudices and social constructions about ethnic groups and other minority ones, as they are understood from the showed discourses?
- Which are the official discourses concerning the discrimination presentation and how they reflect the link between the legislative part and the existing discriminating practices?

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2. Methodology

The method used in research¹ was the half structured interview with a number of eight experts that activate in the discriminated area on different criteria: ethnic, sexual orientation, gender, disabilities. For the experts' selection we used a conceptual reference field that defines the experts as key informers that have access to a specifically, internal knowledge of the structures, procedures and organizations that they worked into. Those are accessible only by contacted them themselves (Litting, 2009). An extensive definition of the expert that is useful for understanding his part inside the research is the following:

“An expert holds a technical process and interpretative knowledge that refers to a specific field of action by virtue of the fact that the expert acts in a relevant way (for example, in a particular organisational field or the expert's own professional area.). In this respect, expert knowledge consist of not only systematised, reflexively accessible knowledge relating to a specialised subject of field, but also has, to a considerable extent the character of practical or action knowledge, which incorporates a range of quite disparate maxims for actions, individual rules of decision, collective orientations, and patterns of social interpretation. An expert's knowledge, his/her action orientations etc., also (and this is decisive) point to the fact that s/he may become hegemonic in terms of practice in his/her field of action. In other words, the possibility exists that the expert may be able to get his/her orientations enforced (at least in part). As the expert's knowledge has an effect on practice, it structures the conditions of action of other actors in the expert's field in a relevant way” (Bogner & Metz, 2009, pp. 54-55).

The interview had as a start point a set of structured questions on the following discussion topics: tolerance and discrimination in the Romanian society, discrimination when employing, the relevant experience of the expert concerning the problem of discrimination, the mobbing effect inside the Romanian society, the policies inside the discrimination problem and the Romanian legislation (opinions and recommendations) and ways of educating the population concerning the discriminatory practices and of the anti-discriminatory practices.

The researches' limits were firstly offered by the discursive impossibility of the experts in concentrating on the large field of discrimination, in the discussions that took place with the researcher. Each expert, belonging to a specifically organization and having a specifically educational and professional course, generated narrative

¹ The data presented in this article were gathered inside the qualitative component of research about discrimination and mobbing in Romania, a research guided by The Association for Socio-Economical Promoting and Evolving CATALACTICA, inside the project POSDRU/97/6.3/S/54973 “Support for the discriminated women on the work market”.

examples and arguments that were rather based on real elements of experience and less referring to a general discourse about discrimination. Because of this, there were difficulties now and then in finding the common points in the ideas expressed by the eight interviewed experts which we tried to compensate by the use methods of the data generated by these interviews.

The analysis methods were the following:

1. An interpretative approach through which we tried to catch the meaning that the experts give to some phenomena, acts or processes referring to the discussed themes as well as the significance that they offered to the specifically examples that they chose during the discourse to underline some ideas;
2. The approaching to the discourse line by means of which we tried to identify how the official discourse of the experts alternate against the personal opinions, the later ones relevant especially from the perspective of experimenting the discriminatory acts as observers, mediators or consultants. The discourse is the interest element in the present research because the used method and the interviewed persons position (by experts) offer data that are significant, characterized by some using ways of the language, of the symbols and of the visual images (Fairclough, 1992). The discourse analysis is a method of analyzing the texts and the discussions about the social sciences that allows the formation of inferences concerning the social perceptions of the discourse's authors (Van Dijk, 1995; 2001), in this case the discourse concerning the discrimination.

3. The organizations' profile and of the interviewed experts ■■■

The interviewed organizations are the ones that have direct activity in the anti-discrimination area, characterizing themselves rather by the segment over which they act: legislative, educational or militant. From the seven organizations, four of them are ONGs that activate in the Roma discrimination area, so, the perceptions about the ethnical discrimination may be overrepresented in the present analysis. The other three are: a superior teaching institution (The Faculty of Sociology and Social Assistance, Bucharest University), an independent platform that fights against gender discrimination (Romania Womanhood), an organization that represent the rights of the persons that represent the rights of the persons with disabilities from Romania (The National Organization Federation of the Disabled Persons from Romania).

Nevo Parudimos, Sastipen, Roma Education Fund, and Policy Center for Roma and Minorities are the associates, the ONGs or think-thanks that are concentrated on the support of chances equality of the Roma ethnic persons (by changing the negative attitudes and the social inclusion of the Roma), taking action especially by means of supporting the education (formal and non-formal). The National Organization of the

Disabled Persons from Romania is a nongovernmental organization with a federation status, with a general plan of action that promotes the persons with disabilities from Romania at all the communitarian life levels: social, professional, educational, cultural etc. The *Womanhood in Romania* Platform is a members association that have an academic interest in this area that evolve online pointed analysis projects of the gender presentations and of the discrimination on the gender and sexual orientation criterions.

From all the eight institutional represented seven of them worked in decisive positions, with managerial project positions, vice-president, director or programs coordinator. The interviewed persons had in their field proposals for legislative changing that were accepted, the others activated mainly in the area of projects implementation and of antidiscrimination programs.

4. Experts' perceptions and their attitude about tolerance and discrimination in the Romanian society

The tolerance is considered by a part of the interviewed ones as creating unequal relations: somebody is tolerating and somebody else is tolerated. So, the meaning of the concept expresses the power of one of the parts to the other.

"Tolerance... I don't know why I attribute it some meanings a little negative, I mean it seems inappropriate to me to tolerate somebody. I don't want to be tolerated, I want to be accepted." (S.V.)

"You don't have to both tolerate somebody, and to feel yourself tolerated. You are an equal member of the society with the same virtues and defects probably." (V.U.)

We get more easily appreciations by indirect references concerning extended concepts as "the social status of the vulnerable groups" rather than a trenchant position concerning the intolerance degree of the Romanian society. A meaningful and critical underlining concerning the Romanian's society level of intolerance is offered by one of the interviewed persons through the following:

"If there could be possible for the heterosexuals, arisen, orthodoxies, it would be great." (V.U.)

An example of a situation represented by one of the interviewed ones as *an indicator of inclusion disposal* (tolerance) is the case of the affirmative measures from teaching (the seats kept for the Roma minorities). The reaction of the majority group was of rejection, the brought justification being wrongly the one of loosing their own seats in the teaching system. On the other hand, although, the initial rejection lowered and there even appeared a form of supporting the access to study for the

Roma ethnic, the supporting method is considered as being a guide of the discussion in terms of tolerance:

"You do them a favor (...). So the non-minority person attributes himself a sort of a superiority position by which invites the minority persons to go to school." (V.U.)

5. Discrimination in the Romanian society

The discrimination supposes an organization component of the advantages of the majority group and of differentiation with it of the minority group and it often includes a negative behavior for a certain group. One of the institutional represented examples insists upon the economical relevance of segregation:

"I'm selling field in a certain village, a peaceful village without Roma inhabitants. This was the mention that the seller published, in order to get probably a better price on that field, and to get more possible buyers, from which to select and sell with a better price." (M. M.)

Meanwhile, there are discussed two types of discrimination: voluntary and involuntary. It is less serious if you make discriminations without purpose, although the consequences may be the same serious.

Another definition insists upon the discrimination as a bidirectional process which is not concentrated on the power disparity by means of the majority and minority group. Discrimination is rather an organization of identities that alternate between the social actor that is discriminated and the one that discriminates:

"I think there is a little misunderstanding from our part too and theirs also. On the other hand, they want to be treated equally, on the other hand they want to be treated differently. So, this is a sort of treat us different but don't do this anyway." (S.V.)

The ethnic discrimination is considered to be the most common form of discrimination in Romania, which is supported by mass - media also. Some of the interviewed ones appreciate that less visible than the ethnical discrimination but at the same level is the L.G.B.T.¹:

"It isn't that visible because usually, the gay persons, lesbians don't go to claim this to the court because they want to be socially anonymous that offers them a minimum of social comfort in the society predominantly homophobes." (V.U.)

The discrimination is presented by most of the institutional represented as a differentiated treatment to certain groups. There is a summary idea of "reasonable

¹ Lesbian, Gay, Bisexual, Transsexual.

justifications and objectives" (M. M.) that are missing the moment the discrimination appears. The experts' discourse refers to the objective criteria that may underline the lack of discrimination in a certain social context. The reliability by which the criteria may be identified is actually a less debated aspect in the actual discussions. This way, the justifications may become possible links that hide real discriminatory reasons.

"For example, if on the respective job, one of the criterions is to be a doctorate bachelor, and you are one but I'm not, then, I couldn't say that because of my ethnic you didn't give me the job, but because of the fact that I haven't accomplished an objective criterion." (M. M.)

The difficulty of identifying an act as being discriminatory is accentuated by the alternative parts that the discriminated one performs in different situations. So, the discriminated person may adapt his or hers identity depending on the actor they interact with, so, the evaluation of the level and gravity of discrimination is difficult to appreciate:

"I think that it would be interesting to research which could be their answers depending on who is asking: if the question comes from the European Commission or if some ONGs ask them or some other Roma...how could these answers be different." (S.V.)

So, to realize the fact that they are part of the groups that are named as being discriminated, that are and have to be supported, may determine them to have a different behavior in different situations of identity proposition.

The discrimination may appear at an institutional level, reproduced by social accepted justifications. An example offered by the interviewed persons is suggestive from this point of view: a policeman charged with violence against some persons of Roma ethnic wrote in the justifying report: *"the Roma society are a problem, that's the way they are genetically programmed."* (M. M.)

An interesting problem is represented by the auto recognition of the ethnic origin. The example of the one that is "hiding" or "avoiding" his ethnic appearance is used to illustrate the high degree of discrimination to which the Roma persons are exposed to. We may even say that, in the discourse of the expert's appear rating appreciations concerning the ways of identifying the ethnic or the membership to a minority that sustains the majority groups.

The gender discrimination is a different problem of discrimination, being sometimes a subtle situation as presence and visibility. According with Zamfir E. (2010, p. 88), in Romanian society the economic crisis, doubled by the financial and social crises, has brought many additional threats to women. It is a type of framed discrimination to *"general global discrimination forms"* (L.V.) where the effects of an anti-discrimination policy seem to be difficult to identify.

The increasing number of the firms in the leadership position may indicate a lowering of gender inequalities, but , such a reality may hide more subtle forms of keeping these types of inequalities to go on. Some experts appreciate that the formal position in some of the organizations do not give them the right to an accentuated power in the hierarchy, the decisions being taken rather by some other entities, they being only the promoters of some decisions with reduced importance.

“I have seen some data, and the women were really big in number, for example in the non-governmental organizations in the leadership positions, in the middle and big enterprises, in certain industries. But not in the big games.” (L.V.)

A rarely mentioned discrimination form but appreciated as being strong just because of its subtle forms of manifestation and of its reduced visibility is the discrimination of the disabled persons. This form of discrimination is firstly at a legislative level, where the type of discrimination study is one rather medical (he or she is individually victimized for the disability that he has and treated as unequal, necessitating social protection), but not socially (the disability is considered an obstacle in the way of evolution and the society is responsible for the integration effort, he doesn't need special protection individually but of social protection). The story of the disabled person that takes part to a conference just in the specific field and is in the situation of not being able to use the ramp for moving because such a ramp doesn't exist in the hotel he or she is staying, is exemplary for the existing disorders concerning the protection and equality chances promoting for these kind of persons.

6. Discrimination at the workplace

The manly jobs (policy, IT) are subject for the discourse just to support more subtle forms of gender discrimination in the work field, forms that feel present at an institutionalized level:

„Even the week before there were ideas about introducing ratios in the parties, a minimum percentage of women to candidate, this relay tells something, maybe it is an indicator of the fact that they aren't represented in the political life. It isn't hard to say and notice if there are two parliamentary women or how many they are and not because of the fact that they are not capable and because these are fields of work completely masculine.” (S.V.)

The interviewed ones recognize the presence of a representation at the population level concerning some professions as being rather “for women” or rather “for men”. The cause is attributed mostly to the women's or men's incapacity to offer services in certain fields of work.

The following story gives us the proof of the representations' structure about the feminine work and the masculine one as being culturally built:

“As for example, when I made an announcement for employing a secretary I wrote: «l’employ secretary», which is not ok because a man may as well come for this job as a secretary.” (G.A.)

The story of the citizen with a “light complexion” and of the one of the Roma ethnic with a rather “dark complexion” (M. M.) that tried to subscribe for the bricklayer job shows us one of the discrimination forms when employing, where on the basis of some external criterions, that don’t depend on the eventually employed person’s competences, the employer benefits one of the social category more than the other. So, to the person with a “light complexion” he told that there are places of work as a bricklayer but *“it is rather hard for you to be a bricklayer, and we have the other kind of job, you may be the manager’s driver”* (M. M.), while the other candidate, although he applied before the other one, got a negative answer.

Another example from the personal experience of the interviewed persons concerning discrimination for employment indicates the social conception about the ethnic created on the visual indicators. The story of the M. M. expert can be considered a test of this vision: when he tries to get a job to a washing car center and he shows himself before the interview by calling to the employer the discussion with the candidate is positively perceived. Afterwards, after the visual contact with the employer, he is taken out of the washing machine center without any explanation.

The ways of employing disabled persons are seen as being real discriminatory acts, reflecting culturally the reduced level of agreeing inside the society of these persons. Otherwise, there is doubt about the legitimate of the protected units:

“Why just to the protected unit? Because at the protected unit the conditions, so it is to be thought, are favorable from the point of view of the access, of the relations etc. Well, but why not in another unit? I have the right to work according to my professional studies, to get a corresponding wages. What do I need there? The access to the workplace and a workplace minimum adapted to my needs and to work at the same rhythm with other people. Not really only in the area of the protected unit.” (M.R.)

So, the support measures for employing such persons, measures that predict the framing of the protected unit may be appreciated as being discriminatory because they start from the premise that the disabled persons need special and separated places.

The discrimination about promoting is differentiating appreciated in the private field and in the public field. The private field is perceived as being rather more correct in comparison with the public one, where the criterions of employment are rather the nepotism. The correctness supposes, in the experts’ presentation, an appreciation of the work on the account of results and performances. The promoting inside the

public institutions is appreciated with humor and resignation by one of the interviewed persons:

“Well, there are also the things imposed by their own regulation, that I advance at every five years and there everybody is included.. I see it as a compensation for the unhappy ones. Anyway, I advance at every five years but the situation isn't that pink because they advance and have bigger wages although their capacities and competences are more often weaker than of the one that is new...” (G.A.)

The discrimination in women promoting is justified by a relation of multiple causes between different factors: the employers' prejudices, the profession's male aspect, the women's availability for competition. Culturally, women are represented as being less wishing to compete, and this pattern is susceptible to be reproduced in the organizational field, in the moment of an eventual promoting:

“Not just the fact that the employer doesn't want or wants to keep them on the same job for a longer time but even them, having the competition level less pronounced often indulge themselves, (...) they situate themselves on the position of subordinate.” (S.V.)

Being played less than a man may become something naturally accepted:

“She doesn't discuss the problem because she doesn't consider that she deserves more, seeing as something normal to be badly played than others. (...) Also from the women should start the awareness of the difference, to understand in what way they are discriminated, to understand how they can gather and ask for their rights?” (R.B.)

The discrimination in the organizational field is appreciated as being favoured by the deficient of individual responsibility, then when only the organization receives the sanction, not even the person that creates the discriminatory act. In the lack of precision in identifying the author of the discrimination, the possibility of reproducing the discrimination is available. Moreover, if the financial sanction has a small quantum it is felt just as a formality. Furthermore, the financial sanction is seen as representing rather the formal position of the institution that applied it (ex. CNCD), and not as a population's attitude.

Another factor that stops the reaction to the discriminatory act is the minimalisation of the act itself by the environment, the reference group, colleagues, friends that do not see it as prejudicial, but as being rather something normal. So, the perception of a discrimination at the workplace is more often in the beginning phase as unjustified and unjustified, the work mates from the same hierarchy being the main contributors to such a representation:

“Whether for the first time you would talk with the friends or with somebody and.. what are you told? «Bare some more» or «Well, it just seems to you», I means there

is a tendency to minimize this psychological comfort somehow ... something of the kind «You are having a job, what else do you want?»» (S.V.)

This kind of behaviors look like being normal by the representation of the work place as being associated with the stress and difficulty rather than with something pleasant. So, the normality of some unpleasant choirs is extended over the acceptance of being something normal as an existing conflict and tensioned field at the workplace and, implicitly the taking into consideration of some mobbing actions as being part of the work:

“Now that those guys from the office or wherever you work give you some hard times is part of the job, so it has to be hard and to accept it” (S.V.)

In the case of redundancy, the perceptions concerning the applied criterions show us a high level of subjectivity, expressions such as *“I do not have a set of objective rules”* recently appear in argumentations. The differences' representation between the public space and the private one as work fields make some experts to sustain that in the private fields the discrimination may act in the case of redundancy more because of the sector's autonomy: *“it is a private institution so it does as it wishes, as it is mine, the property is mine and I do what I want.” (M. M.)*

The characteristics of the one that is to be discriminated or mobilized are “different” or “fragile”, ambiguous enough semantic attributes to reflect the difficulty of the identification of some measurable characteristics. To be “different” (newly employed or different from some other criterion) and to be discriminated supposes an implicit pressure towards normality, the way it is built in the work field (and which normality may be binding concerning the different characteristics of a person with the purpose of integrating him or her in the group):

“Newly entered person in an organization. Dropped in a certain context, with no kind of problems, may become the victim of such a behavior. And your fragility comes merely from the fact that you are new in the organization, that you haven't done yourself the support network yet.” (LV)

The social categories considered as being inclined to redundancy are the ones without professional formal studies, the ones with no experience, the new ones in the field of work and the old persons. Moreover, the ones that presented a discriminatory behavior are among the most susceptible to be discriminated also.

As factors that contribute to the stereotypes hardening and to the discrimination incidence rising are mentioned the ignorance, the lack of systematic interactions between groups, the misunderstanding of the differences, vulnerabilities defined by low education, reduced access to information, low incomes.

7. *The harassment at the workplace and the mobbing*

European research on mobbing began in Scandinavia in 1980 and expanded in the '90s in other European countries. The central element in any definition of "mobbing practices," or "bullying's" most Anglo-Saxon countries, is the repeated nature and duration of negative behavior which it is exposed to the target (Gheonea A. et al, 2010, p. 117).

The mobbing¹ seems to be less known with this naming by the interviewed ones, their discourse replacing constantly the word "mobbing" with "harassment". The definition explained by the interviewer, is recognized as being the correspondent of an action met recurrently in the adjacent area for discrimination, but the term itself is not used. Moreover, we meet in our research experts that worked in projects addressed to the mobbing that admit that they didn't have any knowledge about the previous actions of the projects they took part in.

The study of the mobbing can't be in the public agenda as the concept is peripheral; it isn't *"on all the Romanians' lips"*. (V.U.) The discourse of the institutional represented interviewed is concentrated rather on using the terms and the concepts from the discrimination area and less from the one of the mobbing.

The mobbing is framed by one of the interviewed experts as a way of undermining the competitiveness of the organization it appears in. Explaining by profit logic, *"we accept the fact that such a behavior creates problems at productivity and competitiveness level, and then, there has to be done something."* (L.V.) So, there where there are such kinds of tensions and conflicts that lead to the mobbing, the professional performance lowers drastically.

Analyzing the situations that can determine the appearance of the mobbing, the interviewed persons appreciate that they may appear then when the victim's identity is different by the one generally accepted in the work group. The next example is used illustratively by one of the experts: the colleague belonging to the religious

¹ "The mobbing to the work place is a psychical aggression, applied for a few months by one or many colleagues against another, by a series of actions that have as purpose to isolate the concerned person. Actually, the part of the employed in the firm and his professional capacity are underappreciated on purpose by means of different discrediting, humiliations, rumors, with the purpose of removing that concerned person. The mobbing victims end by designating in most of the cases, as they can't fight with the pressures and the negative atmosphere any more. The repercussions are psycho-social and with health problems: the lowering of the trust in their own professional competencies, the stress, the damaging of the relations inside their own families because of the stress, depression, health problems." (Tomescu, C., Cace, S., 2010, pp.11)

orientation Jehovah's Witnesses, he doesn't celebrate the birth days and he doesn't give any presents, these being some of the cult's rules.

If the organizational culture of the firm where he works put a value on these concepts as being desirable and inclusive for the members of the organization in the work group, he risks to be excluded because of the inconsistency between the personal values and the organizational ones. These differences are gathered by the respondents to fragility and susceptibility of an individual of being discriminated and mobilized.

Another case is the one of the young homosexual man employed to a supermarket, harassed and physically abused by his colleagues till he gives up and leaves the organization. (V.U.)

The organizational culture based on supporting limited groups with no possibility of opening, is one of the reasons that creates the mobbing.

"The Romanian society is very divided, no cohesive and no matter the place of work I had, you identify the second or no later than the third day the gangs or there isn't any collective." (N.U.)

The significations of a gang is in its aggressive potential that it gives to the persons that aren't part of it, the collective has a meaning based on cohesion, understanding and acceptance, mutual support.

8. The addressability of the discrimination victims and the knowledge of the legislation by the population

The agreeability's problem as it is explained by the interviewed ones refers to the relations between the victims, not that much between the victims and the institutions they are complaining to but to the lack of association of the victims, an association that can offer them support. So, the low level of the discrimination and mobbing victims' associations contributes to the low visibility and to the lack of voice as needing to be heard.

"I haven't heard about victims associated. I really haven't. It was a point that I wanted to find more about during the research, to the National Council for Discrimination Control, the victims come individually although the law let them, and they may associate (...). Or they may come with represented, union members. I haven't seen any complaint written by a syndicate leader and say look: our worker, Vasilica... there isn't such a thing. It isn't ok." (L. V.)

One of the institutions' that fight against discrimination vulnerable point is the low degree of addressability of the victims. As for example, CNCD is seen as being incapable of giving special assistance to some of the discrimination victims because

of the bureaucratic procedures that were regulated according to the European way by means of which the victim may ask the Council's services:

"How many keys do you have to button to get to talk with someone? And if you confuse the department, you actually have to take it over the beginning, don't you? Well... We can do this thing now if you want to. Just watch it: "Push key no.1, push key no.0, if you want to talk to I don't know who, if you want to..." A very complex menu! And then, if a person from the Roma community who doesn't have any studies wishes to call to this institution's services that functions according to the European rules, it is said, what does he have to do? Sorry? It is hard for me to understand their menu." (M. M.)

The legislative field is very little known even for the ones that activate in the anti-discrimination area, being rather partial or segmented knowledge. Implicitly, the existence of a professional augmented evaluation of this legislation is lacking in the most of the cases. On the other hand, the discourse of the interviewed ones is concentrated not only on detailed appreciations but on generally suitable evaluations and opinions.

The sanctions' application is into discussion referring to the financial punishment and modified for the discrimination cases (by CNCD) or the fines for the prostitutes:

"Nobody from the coordination of this country hasn't even thought to a simple thing: if you want to finish with prostitution you give fines to the client. You keep prostitution illegally but you fine the client. Not the woman that is usually the trafficked person, and does this because she is starving." (R.B.)

Moreover, some of the interviewed ones consider as being wrong the laws' structure:

"From the legislative point of view, there were created in Romania institutions and structures, but most of them were created because of the external pressures and the majority of the laws about discrimination are things like these, do not have a punitive side or they stop to the level of giving. Scolding's or recommendations or sanctions." (G.A.)

The reduced punitive measures, the institutional and social plan ones are appreciated as being a factor that contributes to the repetition of the same behavioral models.

The discrimination to the workplace and the dysfunctional, conflict situations that could lead to mobbing are possible to be solved by appealing to a certain instance, external to the conflict, the *ombudsperson*. Some interviewed peoples' experience with this kind of instance is rather a formal one and the appreciation of its activity stays as one at the level of a theoretical discourse:

"It was only on the paper and you didn't want to ask the ombudsperson help because if you did so it was a bad sign for you as an employee. It means that you didn't know to be sufficiently careful and sufficiently open for dialogue to solve your problems." (V.U.)

So, the responsibility of solving the conflict is one situated to an individual level and less to the institutional level, the failure in its solving takes the shape of the public opprobrium associated with your inefficiency as member of the certain organization to solve your problems.

9. The legislative stated principles and the institutions' functioning practice

Some of the stories reflect at a micro-social level the resolving of some obvious cases of discrimination on the ethnic criterion of the Romans: a patron that posted a paper in his own shop in which mentions that the Romans won't be served was punished by the Consumer's Protection, but for some hygiene problems not also for his affirmations. The example indicates the weak functioning of the legal laws concerning the discriminatory acts, illustrating a negotiated solving of the situation.

The discrimination in the educational field is signaled by some of the institutional represented that were interviewed. The more known examples are for the segregation of the Roma in separate schools, the lack of an intercultural education inside the schools and the lack of some orientations in the legislative field:

Now we have access to all kinds of information, we may travel anywhere in the world and you go and see a Muslim that he kneels in the middle of the day and prays and you are asking yourself "what's wrong with him?" and he makes it five times a day ... or, you see an Indian that doesn't eat any beef "but why? beef is tasty" and you can't understand certain things or you can't explain them to yourself culturally.. these should be known ... at least if we haven't had the opportunity to learn about them, we should try and teach our children, if not at home, from school then." (G.A.)

Having a personal history about the anti-discriminating lobbies, some of the respondents underline the difference between the stated principles and the institutional practice by the impossibility of applying these legislative measures and the lack of trust in their observing:

"It was said like this, that, the person who doesn't observe the announcement, will be applied some punishments from the teacher's status. And you can realize, with commissions of disciplinary research, these kinds of stories, nobody got to be punished. But it was anyway a first step that the Ministry has done: it manifested its interest for such situations." (M.M.)

10. The perception of the institutions' efficiency in the fight against the discrimination phenomenon

The active ONGs in promoting anti discrimination reflect as evolution the tolerance level of the society concerning some social groups. An example given by an

interviewed person illustrates this idea. The association's activities ACCEPT seem to be considered "not very lively" this reflecting:

"A society like ours, orthodox but also democratic and with a level of education a little more... I think the things are in their good normality, meaning there is a lot of work to be done until the tolerance area will extend before it will accept something different as concerning the sexual orientation." (L.V.)

A case of inefficiency of the police section concerning the discriminatory acts is represented by the documentation papers with insertions of stereotypes and wrong conceptions about the Roma population. According to the experience of one of the interviewed persons, there is the need of guiding the police in the field of the human rights. On the other hand, the press services of the police inspectorates and of the police sections in general should be more careful in the writing press releases and not to mention the ethnic. The effort from this point of view is demonstrated by the existence of some special programs of orientation for the persons from the police services: anti-discrimination classes in partnership with CNCD and the ONGs.

Another example of institutional incapacity signaled by the interviewed persons is represented by the actual impossibility of correcting the moral prejudice brought to the discrimination victim. The signaled discrimination cases are punished financially that go the state budget, and the victim doesn't get any reward for the suffered act itself. Moreover, the excessive time needed for solving the complaints (2-3 years) is another vulnerable point at the anti-discrimination institutions' functioning. This has as effect a bigger lack of trust of the victim both in the regulation system as well as with the solicited ONGs for solving the discrimination case, that represent the person existent in the discrimination situation.

11. Institutional success and failure *in the experts' presentations*

The application of anti-discrimination policies and of the legislation is hitting against the socio-cultural factors. The example of the homosexual teacher, who, although he won the process against the school, couldn't go back to work because of too strong social pressures, it relevant that:

"He sewed the school that dismissed him anyway, won the law suit and he still didn't go back to the same place of work. It isn't only a juridical problem, there is about a more ample problem of acceptance. And the organizations, probably, are extremely cautious. The school itself seems to be an extremely conservative institution in Romania." (L.V.)

The discrepancy between the stated principles and the practice doesn't depend that much on the legislation's identification as being dedicatory but rather on the lack of training for a good practice, in other words, that intermediary level of formation. A

recommendation that is considered *sine qua non* is the introduction in the package of good practices of the managers and leaders “of the elements that represent a good climate, free of any kind of discrimination. The syndicates seemed to me very low trained for this problem.” (L.V.) The gaps aren’t because of the fact that they do not know the legislation but because of some necessary links for evolving some assimilation structures of the legislation.

The syndicates are rather considered as being active in obviously “turbulent” situations and less active constantly, for sustaining the employees’ rights. Their role is rather peripheral and they are appreciated as being low trained concerning the formation and knowing of the legislation for the discrimination problems.

A problem that was identified as an institutional failure factor is the lack of a precise identity of the specialized institutions in anti-discrimination. We refer to the super positioning in attributions between the different institutions and to the confused solving of the demands. Just because of this super positioning:

“It seemed to me that there is an extraordinary stepping on each others’ feet. (...) For example, The National Council for Discrimination Control, with the Agency for Equality. At a certain moment the difference was very subtle. I mean you should enter with the pen in your hand and make effectively and analyze, just to realize who is doing what. In the interviews they mentioned that they are disturbed because of the fact that they do not have any precise identity.” (L.V.)

The Agency for Chances Equality appears in a confuse way in the declaration of the interviewed ones existing an inaccurate in establishing what were its attributions, what was the impact of the measures and recommendations of the Agency and what was the level of its visibility. Such an uncertainty may indicate the lack of an institutional identity and implicitly the diffusion of responsibility towards other institutions. The organization is often considered as being redundant or, an institution that is super positioned with some others concerning the attributions, moreover, being also affected to a general level of generality about the discrimination criteria against which it acted in a way that ambiguity appeared in the addressability ways of the population towards the Agency. A general level of attributions induces also an inefficiency of the real discrimination cases’ solving:

“The European historical of the institutions about discrimination is that the Europeans from the European Union realized first a discrimination criterion and then all of a sudden put it up, as they put it up they created a structure to manage with that criterion. A tremendous exception in this case is the fact that in Romania, the institution for fighting the discrimination was created from the beginning covering the entire discrimination criterion and then it should have been efficient to solve each discriminations criterion apart.” (V.U.)

Comparing with the creation moment CNCD is appreciated as having made progresses by the visibility it proved in the case of some discrimination situations (ex. Tariceanu, Basescu) warning the mass-media. On the other part, the institution's vulnerability is given by the way of choosing of the college's director members rather on political criterion, with no consulting with the nongovernmental organizations or with the vulnerable communities.

The activity of such organizations is appreciated as being rather efficient legislatively, by proposing or modifying laws and less visible by interventions and useful sanctions. The need of a powerful link between the mechanisms: legislative, practical and social appears constantly in the interviewed persons' discourse.

The organization of the resources for the anti-discrimination formation is appreciated as being dedicatory. The workshops and the seminars (for formation or dissemination) are seen as being fragile elements, inconsistent and peripheral in the education against discrimination. The resources' allotment should be oriented towards the managers' education, where the changing possibility is higher and in the public field where the discrimination is accentuated:

"Also from the made studies (...) is understood that the most predisposed areas from Romania to the mobbing are areas from the public sector and not from the private one. The social services as for example hold the teaching. This thing makes you think a little to its consistency." (L.V.)

As concerning the adjustment at a practical level of the tensions and conflicts owed to the prejudices and stereotypes there may be said that the constant interactions between the minority and majority groups (no matter the nature of the criterion on which account there is justified the discrimination) facilitate the lowering of discrimination. This way, the represented of the analyzed ONGs sustain together with the institutional adaptation suggestions even the projects that suppose such interactions between the groups.

Also, in the organizational work field, the position of the interviewed persons concerning the strict changes is nuanced. On the other hand, the changes are necessary to pick the attention over the right that the employees have, on the other hand, the very strict regulations may represent abuse links for the ones that consider that they are unjustly subject to a mobbing action. Most of the experts insisted upon the combination of the informal level of the regulations with the formal one: the existence of a mediator, of the interior order regulation, or of some other documents.

12. Conclusions

Discrimination is a difficult concept to expose in all its possibilities of manifestation. The perceptions over its content are linked by the experiences the institutional interviewed represented had and by the ways in which they themselves contextualized and interpreted this experience.

The most visible forms of discrimination are the ones that talk about the ethnic minorities. Less visible but appreciated as being spread also are: the discrimination on sexual criterions and of the disabled persons. The LGBT discrimination determines them to wish to keep the social anonymity inside the Romanian society that has a high level of homophony. The disabled persons do not get necessary facilities just to be able to make their daily activities and this is why they usually don't appear in public, choosing isolation.

The control by education is the most recommended method of fighting by the experts. No matter if it is about the primary or secondary level of schooling (by introducing the anti-discrimination components in the civically culture classes or the creation of special intercultural education modules), either by training the public and private institutions' managers (classes of anti-discrimination legislation in training the managers and the leaders of an organization), to prevent the formation of some prejudices that will lead to discriminative behaviors is also essential. At an organizational level the existence of the formal regulations is needed to be doubled by the trained organizational culture of anti-discrimination both by formation and by the existence of an objective instance that, in conflict situations to be able to intervene as a mediator (*Ombudsperson*).

The abilities institutions for fighting against discrimination (such as The National Council for Discrimination Control or the ex Agency for Chances Equality) gave minor punishments, which underlines the fact that their actions are actually failed.

In terms of financial allocation funds allocated in fighting discrimination, it highlights the importance of assessing social purpose and sustainable development in socially isolated communities – as priority targets in support of social inclusion policies (Neamtu G., 2009, p. 125). Another example is the social economy that offers solutions to reduce social exclusion by increasing employment for vulnerable and creating mechanisms to help these people (Arpinte D., Cace S., Cojocaru ed., 2010, p. 66).

Bibliography

- Arpinte D., Cace S., Cojocaru Ş. (2010), Social economy in Romania. Preliminary approach, in *Review of Research and Social Intervention*, Iaşi, vol. 31, pp. 64-79
- Bogner, A., Menz, W., 2009, *The Theory - Generating Expert Interview: Epistemological Interest, Forms of Knowledge, Interaction*. In Bogner, A., B. & Menz, W., *Interviewing Experts. Research Methods Series*, pp. 43-80, Palgrave Macmillan, UK.
- Fairclough, N., 1992, *Discourse and Social Change*, Polity Press, Cambridge.

- Gheonea A., Ilie S., Lambru M., Mihailescu A., Negut A., Stanciu M., Tomescu C (2010), Specific phenomena of discrimination at work-place: in *Quality of Life Journal*, Bucharest, No. 1-2/2010.
- Litting, B., 2009, *Interviewing the Elite-Interviewing Experts. Is there a Difference?* In Bogner A., Litting, B., & Menz, W., *Interviewing Experts. Research Methods Series*, pp. 98-113, Palgrave Macmillan, UK.
- Neamțu G. (2009), Development opportunities for the isolated communities, în *Revista de cercetare și intervenție socială*, 2009, vol. 27, pp. 112-126
- Tomescu, C., Cace, S., 2010, *A Study Over the Phenomenon of Mobbing and of Some Discrimination Forms at the Workplace in Romania*, Expert Expenditure, Bucharest.
- Van Dijk, T., 1995, *Elite Discourse and the Reproduction of Racism*, In Slayden, R. K. & Slayden D., (Eds.), *Hate Speech*, pp. 1-27, Sage, Newbury Park.
- Van Dijk, T., 2001, *Critical Discourse Analysis*, In Tannen, D., Schiffrin, D. & Hamilton, H. (Eds.), *Handbook of Discourse Analysis*, pp. 352-371, Blackwell, Oxford.
- Zamfir E. (2010), Gender perspective in the national reform programme for employment in *Quality of Life Journal*, Bucharest, No. 1-2/2010, pp. 87-112