

THE ANALYZE OF THE DISCRIMINATION PHENOMENON FROM THE APPLICATIVE, LEGISLATIVE AND INSTITUTIONAL POINT OF VIEW

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Abstract: *The purpose of this article is to analyze the discrimination and tolerance/intolerance problem comparing with the Romanian work market.. In the first part of the article we underlined the perception of the interviewed institutional representatives about the intolerance and discrimination phenomenon. We were interested both of the attitudes as well as the relation behaviors together with the intervention in the fight against discrimination. As concerning the intolerance phenomenon, we analyzed the longitudinal evolution of the specifically intolerance level of the 90's Romania to present, we underlined starting factors of the intolerance situations and the signs for the tolerance phenomenon. As concerning the discrimination phenomenon, we classified the term depending on: the direct/indirect way of discrimination and the perceived differences, we detailed the professional discrimination forms; we underlined the perception of the experts concerning the definition and the manifestation mobbing situations. In the second part of the article we analyzed the perception of the experts that refers to the Romanian legislative and institutional situation with the role in fighting the discrimination phenomenon and mobbing. The legislative anti-discrimination field has some inconveniences, such as: the overwhelmingly bureaucratic juridical actions, the non exact framing of the harassment as a discriminatory act, the non defining of the mobbing and the indulgent sanction system for the discriminatory acts. At a legislative and institutional level , all the forms of discrimination and harassment are covered, but the concerned institutions do not have efficient appliance means for the legislation, because, the solving process is overwhelmingly bureaucratic and the complaints' degree is very low because of the low level of knowledge of the population concerning this field.*

Key words: *discrimination, tolerance, mobbing, legislative and institutional non-discrimination framework.*

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1. Types of approach of the organizations in the diagnosis and fight against discrimination

This article has at its basis the gathered data after the interview of seven specialists with complex activities in the discrimination, tolerance/intolerance field and of the chance equality¹. A large category of organizations were gathered inside the study, such as: a research institute of the Romanian Academy (The Research Institute for the Quality of Life), a firm for the market research (TOTEM Communication) and NGOs with the following types of main activities oriented towards: research and communication (Romania Soros Foundation); advocacy and intervention at the institutions' level (the Partnership Centre for Equality – CPE, Soros Foundation Romania); formation, consultancy and educational intervention (The Education Centre 2000+, CPE); social inhabitation (Habitat for Humanity Romania); communitarian evolution and social inclusion (Soros Foundation Romania, The Agency for Communitarian Evolution “Together”).

As concerning the interviewed institutional representatives profile, they come from scientifically organizational fields/and or applied, hold/held positions of research coordinator, experts on the Roma problems, program managers, director of the research department and concentrate over the discrimination and tolerance/intolerance phenomenon in general terms and Roma problems, of gender and of the socially excluded persons in the specifically terms.

An important predictor for the implication level in the discrimination problem is the overspecialization of the organization/expert. So, the organizations with a powerful focusing on research tend to imply themselves directly in the diagnosis of the phenomenon and founds indirectly activities for fighting against discrimination. The researches in the field take into account the underlining of the reasons and the types of manifestation of the phenomenon, of the discrimination consequences in different parts of the social life, of the way of fighting against the phenomenon and the study of the impact produced by anti-discrimination projects/programs in communication.

We may say that the organizations that put a greater accent on communication, advocacy and institutional intervention in punctual cases tend to attribute themselves a direct approach of fighting the discrimination. This type of implication results into activities such as: the informing and the population's awareness concerning the phenomenon, the promoting of the rights, the signaling of the discrimination cases, to offer juridical/and or institutional help to the discriminated persons. On the other hand, the organizations that mainly focus on training, consultancy and educational

¹ The data were gathered through the research placed by the Association for Socio-Economic Promotion and Evolution CATALACTICA, POSDRU project/97/6.3/S/54973 “Support for the Discriminated Women on the Work Market”

intervention; social inhabitation; communitarian evolving and social inclusion adopt an indirect type of approach in fighting the phenomenon. These kind of actions become attenuation actions of the effects created by discrimination by the empowerment process at an individual level as well as to a communitarian level and in activities such as: a better access to the resources, to value their own potential and the participation support. The difference between the two approaches as concerning the long term effects over the individuals and the communities is in the fact that they are trying to offer them a control over the opportunities to evolve, being a sustainable approach.

Another perspective about the implication is about the idea of strengthening the discriminated categories by motivating extrinsically factors (direct approach) and also intrinsically ones (indirect approach). This perspective defines the direct type of implication as an action with the purpose of reducing the evolution disparities, and the indirect one as a soft method through which there is pursued the deletion of auto-marginalization by "offering alternatives" or "creating models".

"... in the moment when, by example, we enter a school (...), and ask a child: what do you want to become when you will be a grown-up? And he tells me "a priest". Yes, but, says he afterwards, but I don't think I'll become one. Why? Well, have you ever seen a Roma priest? (...) That moment you realize that, as for example, the discrimination that the group suffered of for a long period of time (...) interiorized that much that they got to an auto-marginalization, auto-discrimination. (...) That moment you have to prove, for example to that little child that there is... That there is a Roma priest... and to be able to touch him and cry like Arghezi: there is!" (G. D.)

Comparing with the first perspective, the second one excludes the implication's type that is concentrated over advocacy and institutional intervention that follows the juridical attentioning and support of the discrimination cases. It is started from the idea that these actions are illusory in the attempt of fighting discrimination, as they do not manage to lower the biases and the stereotypes concerning the discriminating categories.

The ONGs focusing as concerning the implication type is facilitated by the participative nature of the non-governmental environment that allows the association with some other organizations that have a high degree of specialization on different fields in the discrimination area. This way there is ensured an as much as possible good implementation of the implementation of the programs/projects.

2. Perceptions of the institutional representatives.

Tolerance – intolerance in the Romanian society

The tolerance is defined by UNESCO through the Declaration of Tolerance's Principles (1995) like a "moral virtue" and "a political and legal need" assumed by

individuals, groups and states concerning: “the appreciation of diversity, the capacity of living and letting the others to live, the capacity to adhere to someone’s beliefs, the capacity to enjoy of his rights and freedoms without stepping over the others”¹. To this concept opposes the intolerance one, which supposes a negative attitude against all that is different.

“... They wanted to bring the water pipe in the Roma community and the Romanians came and said that the water is going to damage, if you give water in the Roma community.” (M.P.)

Between knowledge and tolerance there is a negative determination relation. So, to a high level of intolerance correspond a low level of knowledge of the group about which there are stereotypes and prejudices? According to the experts’ information, some specifically things for the Romanian society are the “*limitations*” determined by the reduced degree of interaction and empathy towards the groups inclined to discrimination acts. “The limitations” are translated by the number of stereotypes and prejudices specifically to a certain category of the population.

We may say that the Romanian society is rather intolerant, but there is also imposed the comparison term. Some of the experts detail the comparison terms taking into account much more levels: the longitudinal evolution, international comparisons on evolution regions and on residence fields. The longitudinal and international evolution of the values of the Romanian society is realized by comparative studies of EVS type, which are realized once in ten years.

“ ... I have worked to many comparative studies that made comparisons both between Romanian and other European countries. And these studies show us that (...) Romania is amongst the most intolerant countries from Europe. There are studies at a longitudinal level that watched what happened in Romania from the 90s to nowadays. The studies prove that the intolerance lowered a lot comparing with the beginning of the 90s for all the minority groups where the intolerance is usually manifested.” (M.V.)

The challenge at the scientific level derives from the underlining of **the shutter factors of the situations of manifesting the society’s “limitations”** and of the way they operate. According to the longitudinal level analyze, the specifically intolerance degree of the Romanian society is subscribed to a decreasing trend since the 90s to the present, but comparing with some other countries from the European

¹ <http://www.unesco.org/new/en/social-and-human-sciences/themes/human-rights/fight-against-discrimination/promoting-tolerance/>

Union we have some more to catch up from the gap we are confronting with. A few factors are implied in this model:

- The life standards, welfare. In the poor societies, the resources that can be distributed are limited, with a direct impact over the competition for resources;

“There was proved that the rich societies are less intolerant than the poor societies. The people from the poor societies fight for their resources and there appears discrimination in a very strong way because each tries to favor the group they are part of and to disadvantage the ones that are out of the group.” (M.V.)

- The population’s opening level;
- The formal and informal population’s education level;
- The level of knowledge, of informing the discriminated categories;
- The direct interaction with these categories.

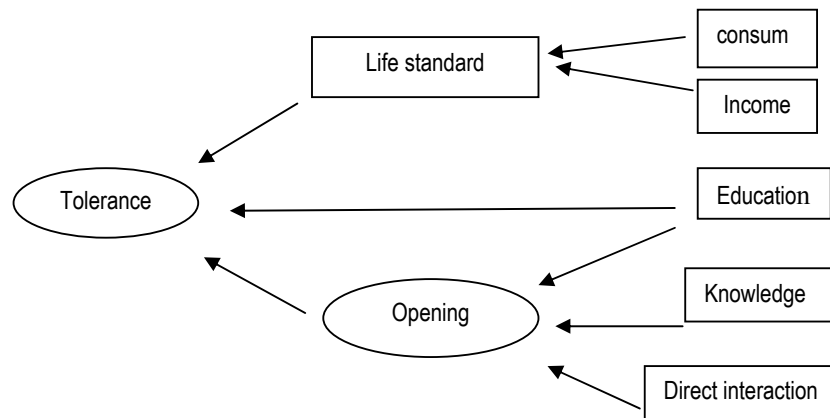
“The researches show that the Transylvanian part of the country is generally more tolerant both in the rural and urban field, just because of the ethnical mixture. While the other parts of the country are more intolerant than the others.” (D.T.)

“Do you know where the biggest intolerance to Romania towards the Hungarians is? In Oltenia! Apparently it doesn’t have any logics. There is actually logic because those people don’t know anything about them.” (M.V.)

Transylvania is the second historical region in the decreasing order of the Local Social Evolution Index (Sandu 2011: pp.1-30)¹ with a medium level of evolution of 76 points while Oltenia is on the second position of IDSL in an increasing order with a score of 64 points. The scores aggregated on the bases of some indexes comparing with the tolerance/intolerance degree underlines at a regional level a link between the factors: education level, aging level, health estate, material situation of the population and tolerance degree against the alter. So, the tolerance level is influenced positively by the higher education level, the younger population with a bigger hope for life and with a better material situation, translated by the holding of some long use goods, the size of a home and the provenience from a big locality.

¹ The index of the local social evolution (IDSL) is created by Sandu Dumitru (2010: p.4) as an aggregate index depending on seven indexes: the educational charge at the community level, the medium age of the persons over 14 years old, life expectancy at birth, cars at a number of 1000 inhabitants, the medium surface for living, the gas consumption per inhabitant and the category of residence-shape of the locality. This index is used to analyze the social disparities in the regional evolution from Romania.

Figure 1
The predictors of the tolerance phenomenon (according to the experts' answers)



According to the upwards affirmations, the intolerance degree specifically to a society is amplified if the society confronts itself with an economical crisis. The 90s were marked by an economical crisis (redundancies, unemployment, privatization, the drastic lowering of the incomes and the reduction of the life standard) on the basis of the social traumas inherited from the communism. That period was characterized by a big intolerance level, following a visibly descendant trend in the 2000s, at the same time with the growth of the living level and the level of opening and information.

The tendency to judge the social situations that refer to the different groups in comparison with ours just on the basis of some attitudes based on the emotional side, such as some stereotypes goes to a possible discriminating behavior. The individuals appeal to prejudices and stereotypes to fundament the values system against what is labeled as **otherness**. At a general level, we can say that the group against there is a high level of intolerance is those that “go to alter”. In most of the cases, takes place the manifestation of hegemony of one of the social categories that takes the shape of a majority. There is about a dominance relation but not in the Marx’ terms but Weber’s. We refer to the society’s stratification on the basis of a market situation; of some consume patterns, life style and political power. The market situation is defined the priority relation, education and abilities (Tufis 2010: p.302-3030). As concerning the groups against which there is manifested the intolerance, the mentioned situations are nuanced in a pejorative way by the criterions on which account is attributed the otherness status.

The majority of the experts rank the groups subject to intolerance positioning the **ethnic**, (Roma) in the first group, **sexual orientation** (homosexuals) in the second

group, **the gender**, referring to women in the third group and the **health state** referring to disabled persons and the HIV/SIDA patients, **the age and the emigration status** in the fourth group.

The intolerance degree concerning the **Roma** in Romania is high. The explanation is about the how to report way to the Roma ethnic on the basis of some generalized stereotypes, by media and inter-generational perpetuation of some negative values that are attributed to them.

“When there is about scandals, of crime, of deviance it is very interesting for the press to let the public know. The positive examples do not matter for anyone so they do not appear anywhere. And this contributes to a vicious circle in which the Roma are in a perpetual way built mentally as being the bad and lazy ones.” (A.I.)

“if you are a Roma it doesn't mean that you are like me but a jerk, thief burglar, dirty person.. All those things together.” (G.D.)

In intolerance's construction against **homosexuals** is made an appeal to the religious belief. The ones with a different sexual orientation are perceived as persons that have as purpose the degradation of the natural-moral order of the humankind. The religious belief postulates the preferences standardization on sexual complementarity's criterions and underlines the relational desirability from the sexual point of view.

“The gay fest holiday (...) appeared in all the press as what it happened there: people with crosses passing by persons that have another sexual orientation and cried: Go away Satan!” (M.P.)

The gender is a transverse variable that frequently appears in multiple discrimination cases. This is why the majority of the experts situate this category before the limited categories on health estate criterions, age, and immigration status. The discrimination against women has stable forms, but it may also appear in combined situations with some other category: Roma as for example, accentuating the intolerance.

The manifestation forms of the intolerance may be represented by:

- To have violent behaviors against these categories;
- The segregation in schools, hospitals even though this practice is banned – it is more often met in the Roma parties;
- The manifestation of “*second hand citizenship*” (G.D.) – more often met in the Roma parties, of the Romanians from the localities/districts with a population predominantly Hungarian or of the immigrants. It consists of no granting equal rights in similar social situations;

- The limitation of the access in the public spaces – more often met in the Roma parties and at the persons with another sexual orientation;
- The improvement of the public spaces such as to allow the accessibility – met in the case of the persons with moving disabilities;
- The limitation of the access to the resources – more often met in the Roma ethnic minorities and to the disabled persons. This form of manifestation generates the situation of “social enclosure”. According to the concept that Frank Parkin elaborated (quoted from Giddens 2000: p.272), the “social enclosure” situation is created by the property relation over the production means and because of the social status differences. The process implies an exclusive control over the resources that is exercised by the majority group and the perpetuation of the stereotypes and prejudices referring to category to which there is limited/ interdicted the access to the resources.
- The limitation of engagement on a certain job;
- A wages’ differentiation for the same activities and for the same obtained results;
- The rejection of the other one to enter your family, in your group of friends, in your group of colleagues from the place of work, and of being your neighbor;
- To hide the valuable goods in the presence of the Roma ethnical minorities;
- Improper jokes /offenses addressed to the persons that are perceived as being different.

The manifestation forms of the intolerance are gathered in discriminatory acts of different intensity. This way there is felt the necessity to define the behavioral spectrum that influences the intolerance degree perceived at the population’s level. According to the Sociology Dictionary, at an attitude level the intolerance is formed by two components: an emotional one defined as a stereotype¹ represented by the person’s beliefs and a cognitive one defined as prejudice², consisting of detrimental value prejudices and which haven’t been researched. The intolerance is a latent variable predicted by stereotypes and prejudices, while the discrimination is in its conceptual structure a form of intolerance manifestation. So the intolerance facilitates the transposing from the attitude area in the behavioral one.

3. Perceptions of the institutional representatives. ████████████████████

Discrimination, harassment, mobbing

The **discrimination** concept may be defined as “*the differentiated treatment applied to a certain group or the differentiated treatment applied to a person on the basis of*

¹ According to the Sociology Dictionary available to <http://www.dictsociologie.netfirms.com/S/Termeni/stereotip.htm>

² According to the Sociology Dictionary available to <http://www.dictsociologie.netfirms.com/P/Termeni/prejudicata.htm>

his or her membership to a certain social category” (M.V.) The discrimination is analyzed from the point of view of the majority. The majority is seen in Shills’ terms as an *“institutional order”* (Zhou 2005: p.94) of ordering the values and beliefs. So, the social logic is invisibly changed by mechanisms of domination acts of the majority against the ones labeled as being different and more than sure form a minority. At the legislative level, in Romania, by G.O. 137/2000 on preventing and sanctioning all forms of discrimination, disadvantaged category is defined as *“that class of persons who either are on an unequal position compared to most citizens due to the majority identity differences or face a behavior of rejection and marginalization”* (art. 4). (Popescu, R., 2011, p. 12)

The discrimination affects persons’ dignity and has influences over what is defined as auto-discrimination. **Auto-discrimination** implies the lack of hope, of a strategically vision as a response to the applied differentiated treatment, to the diminution of the perceived prestige level associated with the social category of membership and to the resignation to the situation.

“One of the definitions of the term of Roma is for example an epithet given to a dark-haired person. Another epithet is given to a person with bad behaviors. (...) But, as concerning my membership to the minority, the moment when you define me from the beginning as an unsocial person, that moment you discriminate me because you affect my dignity. It means that, my child, according to your definition is a dark-haired person with bad habits. From the beginning. Just because... But I, as a legal tutorial give him the Roma identity.” (G.D.)

As concerning the **discrimination methods** exercised at the level of the Romanian society, there were identified two classifications by the interviewed institutional representatives.

A first classification is made on the basis of the way that discrimination is done over a person or a group. It holds the direct and the indirect categories. **The direct discrimination** is a form of discrimination acted obviously in the detriment of a person or a group perceived as being different from a majority. On the other hand, the **indirect** one is a kind of discrimination that manifests against a person using superficial criterions. As for example: *“posters on a club’s door through which they are told there are not allowed to enter the persons that wear a golden chain around their necks. But it is clear that it isn’t a neutral criterion but one that applies to a certain type of population.”* (A.I.)

The second classification is realized on the basis of the discrimination acts, what we define as being different. The classification is made on two levels, the one of the **prescribed differences** and the one of the **perceived ones**. The discrimination depending on the ethnical origin and on the age is manifested on the basis of the prescribed differences, because they are characteristics that can’t be adjusted. In

the case of the ethnical discrimination there can be made use by different personal characteristics, just to label a person as belonging to a certain ethnicity. As for example, to the dark-haired woman that wears a long, large, colored dress can be attributed the status of Roma ethnic minority. The second level, the one of the perceived differences has the discrimination on gender criterions, sexual orientation, physical aspect, provenience social field, the preferences for a certain type of music, the preferences for a certain type of foods, etc.

To be able to analyze **the degree of spreading of the discrimination forms**, we will take into account two criterions: the numerical one and the impact one. The big numerical level takes into account that form of discrimination that is acted over a numerous social category. At this level there is situated also the discrimination on gender criterions because it has an action potential over a social category with a big spreading along the population and because of the fact that the gender is a transverse variable often met in the other forms of manifestation of discrimination: *“if we also talk about multiple discrimination meaning that if you are a woman, Roma, with physical disabilities, gay, you are among the first ones!”* (G.D.)

The significant level or of maximum impact takes into account that form of discrimination that has **social, economical and biological implications of a great effect at the level of the individual or group**. Unanimously, the institutional representatives attributed the maximum impact level to the discrimination form acted on the basis of the ethnical origin. The second position comes to the discrimination form manifested on the basis of a different sexual orientation. In the case of these two forms of manifestation of the discrimination, the persons from the majority group use more superficial criterions such as: the way of dressing, the color of the skin and the physiognomic features.

The ethnical discrimination and the one depending on the disability have economical and social implications which are big enough.

“As concerning the Roma population, The World Bank presented a report at the end of 2010 in which it mentioned that the exclusion of the Roma population from Romania costs annually 900 million euros. Now, maybe this figure doesn't mean that much, but, if you make a summoning of how much the VAT's increasing contributed to the state budget from 19 to 24% and you will notice that the figure is somewhere between 1,2 – 1,4 billions, you will realize that if there were investment in due time, when it should have been done so for the Roma inclusion, we shouldn't increase the VAT with more than 3% or with 2% than 5%. So there is a difference. Well then the VAT increase affected everybody. Any Romanian citizen is affected by the VAT. (...) The fact that we rather chose to keep the disabled persons in an estate of social assistance instead of encouraging all kinds of economical activities with the ones that

can ... or because there are very many that can and wish this thing. Protected workshops and all other possible kinds" (G.D.)

Sexual harassment at the work place is a phenomenon that supposes a power report that is exercised most of the times by a superior of a masculine gender over an employee. The aggressor's profile is painted like: a person with decision power, of masculine gender, that has an emotional disorder (B.P.). The level of public highlighting of this phenomenon is smaller because it is difficult to prove. The border between the sexual harassment and flirtation is differently perceived by the individuals.

The mobbing is a psychic harassment phenomenon that occurs at work. In Romania there is no concrete legislation on mobbing phenomenon but there are certain specifications that can be interpreted and used for this purpose (Gheonea, A.; Ilie, S.; Lambriu, M.; Mihailescu, A.; Negut, A.; Stanciu, M.; Tomescu, C. 2010). This phenomenon is not realized at the population's level, as very often it adopts soft manifestation forms. We couldn't identify in the interviews a profile of the organizations perceived as being inclined to mobbing.

The mobbing is practiced in two situations. Firstly it is used when there is needed the dismissal of a person, a process that is hardened by the advantages that the employee holds giving to the work contract. Secondly, it is used in the organizational restructuring periods.

The profile of the possible victims of mobbing at the workplace is:

- Rather feminine gender employee;
- Rather of Roma ethnicity;
- Rather with some different sexual orientation or religious beliefs;
- Overweight persons (physical aspect);
- The social field's origin (a rural origin for an urban employer, poverty);
- Some other characteristics that make him be different by the rest of the group.

"...the moment you have in your face somebody that comes from a village where he or she lived for a very long time and wants to come to Bucharest and get a job to a position that supposes his or hers acceptance into the group (...), but the moment you have to work with him, to discuss with him, to communicate with him, that moment you see that he or she is different. Talks differently, has some other values, dresses differently like in the country ... then, that moment he is different ... he will be looked at differently, he will be less tolerated, he will be ... rejected in a way or another ... And here the mechanisms, I repeat, are very fine and very mysterious because you can discriminate ... just by not giving him attention, not going out with him for a bear, avoiding to discuss with him." (B.P.)

4. The field legislation

The level of knowledge of the legislation concerning professional discrimination, harassment at the population level, it is reduced. Most of the population doesn't know the legislation:

- The lack of some campaigns to help realize these phenomena or the weak target of such campaigns, the lower level of presentation. The campaigns have to orient towards the identification of the discriminatory acts, to promote the right to initiative and to put into light some authorized institutions;
- The low degree of civic involvement in the Romanian society: "*The involvement in Romania is anyway very low. No matter what you ask them to do, more than 15% do not involve.*" (M.V.) There is inoculated in the Romanian mentality the principle according to which it is good for you to be concerned only for the things that involve you and the ones close to you directly, the problems of the vulnerable groups, the discrimination phenomenon around you aren't your obligation but of some others or of the state. We can explain this value orientation by means of the continuous worry for getting resources, on the basis of the low life standard comparing with the evolved EU countries.

"I was hospitalized together with my baby and I saw a lot of things that weren't ok, I mean that I was in a wing of the hospital where one could see clearly the segregation on ethnical criterion. There were saloons for the Romanian women with their babies and saloons with Roma women and their children. So, I could even see differentiated treatment. In my saloon there two young women with their children and one was of Romanian ethnicity that was complaining on the phone that there are only "crows" in this hospital, and, the other one was of Roma ethnicity but didn't declare herself. And only in the moment that I started to argue and say what is it all about all this "crow" complaining as they are people like all of us etc. she actually told me that she is of a Roma ethnicity but she didn't dare to declare herself. There was an incident and I argued strongly and said that it can't be possible, that they do not have the right to do this. I think that, from all the Romanian and Roma women from that floor I was the noisiest. The Roma mother that didn't dare to declare herself was very surprised and said: well, yes.. That's the way we should behave! When a wrong thing happens we should tell, to argue, for the people to know that it isn't good. I made even a complaint after all these things that happened there, I went forward exactly for the idea that I as a representation of the little persons that realize this problem and also know the legal ways, I have a moral duty. That I who know the field, that work in this field also, I don't do nothing, then the one who doesn't even realize the problem and doesn't even know some of the legal ways, it is obvious that he won't do nothing and then when do we change and how. I think the example's force is the most important. Now, from realizing to even take action there is a big step but at least this is an experience that may create effects in time." (A.I.)

- There isn't a debate in the school about the stereotypes and prejudices concerning the discriminated social categories. The concentration on the young generations that should create the change is important. The actual level of education doesn't support the increase of tolerance by creative activities such as: some debates about some documentaries, contests, discussions with discriminated persons, etc.

"it is obvious that the school is the institution that reproduces the social order and then, maybe I am waiting too much from schools, that will tend to reproduce the dominant order, which means the dominant culture. But in the same time the teachers that attend the pedagogical schools have no orientation towards inclusive education and intercultural. And then we create educators and teachers that behave the same way as their teachers and the change between the generations takes place more slowly than it should." (A.I.)

As concerning **addressability degree** of the discrimination victims, of the sexual harassment towards the authorized institutions, it is very low. The addressability is influenced by the victim's capacity to identify the discriminatory acts; by the notoriety of the authorized institutions; by the knowledge of the legal links that they can use and of the necessary steps. More than this, the addressability degree differs depending on the case: discrimination sexual harassment or mobbing. The sexual harassment is a discriminatory act difficult to prove and there are also stereotypes and prejudices concerning the victim such as her, in a way or another gave a start to it. So, the number of the cases of reported sexual harassment is small, being something that is associated with the moral shame. As concerning the mobbing, its manifestation forms are mentioned legislatively in the number of the harassment possible cases, the addressability being also low. Anyway there isn't a too clear perception at the population's level about the manifestation forms of the mobbing.

The legislative support that the victim of discrimination, sexual harassment and mobbing acts may ask support for is the 137/2000 Ordinance. The institutional links are: the hierarchical superior, the police, The National Council for the Discrimination Control (CNCD), The People's Advocate and the Court. There is practiced the reversal of the burden of the proofs in the Court that consists of bringing the proofs from the accused one, to prove his or her innocence.

Analyzing the perceptions referring to addressability and the example told by the institutional representatives we may say that **the factors that help for the addressability degree** consist of: to have a higher educational level, the tendency of changing the stereotypes and prejudices that exist inside the social level about the social categories frequently subject to discrimination by informal and creative activities even from the school time and to exercise a high civic level. In exchange, **the factors that block the addressability degree** are: the non-awareness of the discriminatory act and the acceptance of the situation without searching into it, to

realize the incapacity of changing the situation, not to be aware of the legal and institutional links that they may use to solve the discrimination case, the lack of trust in the state administration.

“The Romanian has a word that drives me crazy: What can we do, this is it! And then what to do, we keep our heads lowered because the sword doesn’t slay it and we go further the way we were taught to because this is the way the old men do it.” (A.I.)

The non-discrimination legislative field from Romania was implemented in accordance with the European Union’s regulations, covers all the discrimination forms, defines the direct and the indirect forms of discrimination, but it isn’t that clear if the harassment can go to discriminatory acts or in other jurisprudence areas and the mobbing isn’t defined. The problems that it confronts with refer to: the low degree of promoting and information of the population about the legislative area; the high degree of difficulty in solving a discrimination situation without any ONG support in the referral and sending into court process; the low monitoring capacity. The suggestions of improvement of the legislative area targeted the terms for giving the charge meaning bigger charges as period of time which presently are seen rather as being symbolical.

The syndicates’ status in the fight against discrimination is disputed especially in the countless prosecutions of some syndicate leaders for accepting bribery. At a theoretical level the syndicate has an important part in protecting the employees from different abuses and discriminatory acts at an organizational level and to support the acquisition of some rights. The efficiency of their actions is doubtful because the syndicate leaders do not identify themselves with the employee’s interests all the time because of the big sums of money that they get from corrupt acts from inside the system. Moreover, there is still an association between syndicates and the socialist paradigm.

The institutional representatives consider that both the syndicates and the employers do not have any role in defeating discrimination or mobbing unlike the EU countries where the role of the syndicates in supporting the discriminated, harassed persons is more evident.

“...the employers are in the majority of the cases some groups, some entities created to represent the interests of two Gigi persons.” (G.D.)

“By chance I have a relative that lives in Belgium for a very long time and was employed for many years to a patron. That patron played her for years under her qualification level but she didn’t know this thing. More than this he behaved with her uglier and uglier with time. At a certain moment that person that was paying the fees for the syndicate went and made a complaint to the syndicate. And the syndicates did this way: sued the patron covering all the court costs and asked compensation for

the unpaid wages at the level it should have been paid. And the patron paid the behind money for twenty years, as long as he didn't paid her properly, he paid the difference and a compensation for the psychological harassment of the person. So, this is what the syndicate made, without being done something by the syndicate member, without paying anything from its pocket. He just went to the syndicate, advised with them, they took notice and the inquiry started in the court and they won the process.” (M.V.)

In the conditions of changing the Work Code, the role of the syndicates in fighting the discrimination should intensify because the new Work Code offers a bigger flexibility for the employees and a propitious field for abuses and some discriminatory acts that were realized in the old Code also. Theoretically, the role of the work contract was to offer extensive social protection without accepting differentiated payment between the employees for the sake of performance. Although there is needed a Code of Conduct, from the practice point of view the usefulness of this law is doubtful just because it may become a simple document that the employees and the employers sign, but do not apply it but just use it in litigation situations. The state could interfere and ask the employers to make a set of politics to prevent and fight against discrimination and mobbing. Moreover, there should be encouraged the syndicates' and patronages involvement in the prevention and fight process against discrimination and mobbing.

The specifically incongruity **of the relation between the legislative and the institutional field** consists of: holding an *adequate* legislation and some capable institutions for fighting against discrimination, harassment, but of some *inefficient* ways of applying the legislative regulations.

The institutional field specialized in fighting against discrimination, harassment and mobbing is **The National Council for the Discrimination Control (CNCD)**. Its notoriety comes from the fact that it treats all the manifestation forms of the discrimination and is a part of the Parliament's structure. Its efficiency in fighting against discrimination is searched on the basis of the number of complaints, warnings and petitions in comparison with the number of discrimination, harassment and mobbing cases that were identified in the studies. The institutional appliance difficulties for the non-discriminative legislative field consist in excessive bureaucratization of the solving process of the cases and the reduced capacity for self notice. To raise the noticing degree of the discriminatory acts, the concentration on prevention and awareness should be bigger.

The National Agency for Chances Equality between Women and Men (ANES) was till 2010 a governmental structure that didn't deal directly with the fight against discrimination but focused more on awareness and prevention. This institution had complementary activities with the ones of CNCD. The National Agency for the Roma (ANR) is in the same situation.

Other organizations with notable results in fighting, preventing and the awareness of the discrimination acts in the Cehei village, Salaj district. The Cehei community was multiethnic, being formed of Romanians, Hungarians and Roma. Inside this community there was practiced the segregation inside the schools on ethnical criterions and the differences between the Roma and the other groups were visibly manifested. For example, the Romanian and Hungarian children were taught inside the school and had the best teachers and the Roma ones were taught in an annex of the school in miserable conditions. *"The Roma children were taught in an annex of the school that was actually a stable ... with the rats at their legs."* (G.D.) The quality of their teachers was lower and they weren't allowed to drink water from the same source from where Romanians and Hungarians did. In the case of this community, the discrimination was punished, but, only this kind of intervention isn't enough, there is needed the change of the majority's conceptions.

A second example is a positive one: it is about a project concerning the health mediators which was started by CRISS Romanians and then undertaken by the Health Ministry. The purpose of the project is to make a link between the Roma population and the institutions that offer health services. The health mediators were usually Roma ethnic women just to be granted the access inside the communities. At this moment, their status is confused because as a result of the decentralization they will be paid by the Maries.

"it is possible to disappear or to be mentioned as social assistants and they will do a totally different work than they did until now: to go into communities, to talk with the people, to advise them, to coordinate them where to go to solve their problems." (M.P.)

5. Conclusions

In conclusion, at the national level, the intolerance degree specifically to the Romanian society is subscribing to a decreasing trend since 1990 on till present and at an international level we are amongst the intolerant countries from the European Union. The intolerance is correlated with the resources' rarity and the stereotypes and prejudices strengthened by socialization at the collective conscience level. The intolerance as a process itself facilitates the transposition of the stereotypes and prejudices meaning of the attitudes in manifesting discriminatory acts.

The discriminatory acts represent the field of expression for intolerance and may be classified depending on the criteria on which basis they are discriminated and of the model of their application. The most common form of discrimination in the Romanian society from the point of view of the visible effects is the one on the ethnical criterions, concerning mainly the Roma population because their educational level is very low and their identity is built culturally on the basis of some stereotypes and prejudices that were bore from generation to generation.

As concerning the professional discrimination, the access to employment is limited for the Roma, disabled persons or for the persons that have already a certain age. As concerning the promotion, there is identified the discrimination on gender. Living in a paternalistic society, the women is associated with the role of “maid” and the man with the one of a “leader”; moreover, the employers consider that the professional performance of the woman would be affected by the household responsibilities. The mentality, attitude and stereotype factors which still remain in the community and family mean we are not in a position to protect and encourage women’s participation in the labour market (Zamfir, E., 2010, p. 59).

As concerning the layoffs, the affected groups are the Roma, because they provide an unqualified or semi qualified work, the persons that have already a certain age because they are associated with a diminution of their motivation to work in the context of a certain retirement in the near future.

As concerning the addressability of the discrimination, mobbing and harassment victims, this is low enough because the population doesn’t realize where she is subject to discrimination acts, doesn’t know the no-discrimination legislation, has a negative perception concerning the state group and the persons that should solve the situation, do not involve themselves civically and perceive themselves as being unable to change something and this is why there is such a situation. The addressability of the sexual harassment victims is even lower because the victim is associated with a part of the guilt and that she has to confront herself with a feeling of social shame. The mobbing seen as a form of psychological professional harassment isn’t defined in the Romanian legislation as it should and also included in the harassment jurisprudence so, the addressability of its victims is very low.

The non-discrimination legislative field was elaborated in accordance with the regulations of the European Union, gathers all the discrimination and harassment phenomenon but doesn’t mention anything about the mobbing. In exchange, the institutional field covers all the discrimination and harassment forms but doesn’t have the necessary means of applying the legislation. The solving process is too bureaucratized and implicitly last a long time.

The challenge that the institutions and organizations that have cones actions with the discrimination field, tolerance/intolerance and the chances equality should involve themselves in fighting against the causes of discrimination and harassment and mobbing but they do not only for their effects. Moreover, there is needed an evolution of the institutional capacity for the prevention and awareness of the discrimination and mobbing. To dominate the phenomenon there is needed a focusing on a higher level of education, information, evolution and the support of the cultural diversity.

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