INTRODUCTION
Labour market discrimination, particularly against international migrant workers, is an area of great importance for the ILO. The reduction and/or elimination of labour market discrimination has been identified as a major component of ILO’s “Declaration of Fundamental Principles and Right at Work,” and a series of global reports have been published on the topic.1 In these reports, better data on discrimination to measure and monitor the phenomena have been identified as a critical need.

Similarly, ILO has developed a comprehensive report on the trends and conditions of migrant workers.2 “Towards a Fair Deal for Migrant Workers in the Global Economy” states that the world’s 90 million migrant workers are often subjected to unequal treatment/job opportunities, particularly among temporary and irregular migrant workers, who are often excluded from wage protection and social security. Labour migrants tend to be concentrated in low paying, low skilled, dangerous jobs, and face a number of employment restrictions. National policies in industrialized countries of destination favour high skilled labour migrants whose intent is for permanent settlement, while access to labour markets is dependent on the migrant’s country of origin.

International migrants come from different countries, often from different regions of the world, bringing with them diverse cultures, religions, and racial and ethnic composition, which are often different from the general population in their countries of destination. In the context of increasing migration, the absence of effective policies and practices to prevent...

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discrimination and facilitate integration has often resulted in situations of rising hostility by native populations, especially when migrants are of ethnicities visibly different from majority populations. Though “nationality” and “country of birth” are not proxies to measure the racial or ethnic composition of a society, a large proportion of national differences in race and ethnicity composition are a result of immigration, thus there is often a direct relationship between migration and race. This concept paper hopes to show how ILO defines discrimination and international labour migrants, looks at possible indicators to measure discrimination, as well as addressing a number of potential problems related to these methods/indicators.

DEFINITIONS OF DISCRIMINATION

ILO’s Discrimination (Employment and Occupation) Convention of 1958 (No. 111) defines discrimination as “any distinction, exclusion, or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.” Labour market discrimination can occur at any time, either when looking for job, while on the job, or when leaving a job. Discrimination occurs when a qualified member of a certain group (e.g. legal immigrant or descendent of immigrant) receives unjustified differential treatment, such as when denied a job or fired due to group membership.

Discrimination can be direct, indirect, or structural. Direct discrimination is when rules, practices, and/or policies exclude or give preference to certain individuals based on group membership. Indirect discrimination is when apparently neutral norms have a disproportionate effect on one group without justification. Though more difficult to measure than direct discrimination, indirect discrimination includes differential treatment of workers, in terms of inferior social benefits or pay. Differential or inferior conditions of training, shortcomings in education, transport, and other services in neighbourhoods with a large proportion of immigrants, would be considered a form of structural discrimination.

DEFINITIONS OF INTERNATIONAL MIGRANTS

For the purposes of this concept paper, international migrant workers are our population of interest, as there is often a direct link between immigration and racial/ethnic diversity in
immigrant receiving countries. While there is no universally agreed upon definition, long-term international migrants are often defined as any person who has changed his or her country of usual residence. Usual residence is typically defined as having lived, or intending to live, in the country for at least 12 months. Those who have been living or intend to live in the country for less time are not usual residents, thus considered to be short-term or temporary migrants. Irregular migrants are generally those who migrate to a country without legal authorization, or who overstay temporary visas, and can be either long-term or short-term. Please note that these definitions are for statistical purposes and often do not correspond with legal definitions used by some countries (e.g. for temporary migrants, who can be issued visas for a period of time longer than one year).

The number of international migrants in a country at a given time (stock) is normally measured by the number of “foreign born” (country of birth) or the number of “foreigners” (country of citizenship) living in the country. The “Foreign born” are defined as those who were born outside their current country of residence. “Foreigners” are defined as those who do not have the citizenship of their current country of residence and --depending on how international migrants are defined-- it is possible for foreigners to live in their country of birth (non-citizens who have never moved away from their country of birth). People born outside their country of current residence, but who were citizens of this country at birth (e.g. born abroad of national parents), are often excluded from “immigrant” tabulations. Depending on available data sources, some countries collect information on the “foreign born,” some collect information on “foreigners,” while others use a combination of both, to identify international migrants. Children of one or more immigrant parents are often referred to as “second generation” migrants. Given they often belong to a racial or ethnic group different from the population at large, the “second generation” is an important group for the study of labour market discrimination.

International labour migration is a sub-set of international migration, thus their numbers will always be smaller than those of all international migrants. There are several ways to measure and define labour migration, which can yield different results. The broadest definition includes all international migrants who are currently in the labour force (both employed and unemployed) as labour migrants. This method is often used when measuring the total number of labour migrants at a given point in time (stock). A more restrictive definition counts labour migrants as only those who entered a country for the explicit purpose of employment. This
method is often used when measuring the number of labour migrants who entered a country during a defined period of time (flow), such as one year.

WAYS TO MEASURE DISCRIMINATION

ILO’s global report on discrimination recommends two main types of indicators to measure discrimination. The first is to count the number of discrimination complaints/cases/convictions in a given year, while the second is to look at aggregate inequalities in labour market outcomes. Other possible methods of measurement, not mentioned in the global report, include self-reported survey data, as well as behavioural data collected through field experimentation. However, all four of these methods have some drawbacks, as discrimination is an extremely difficult phenomenon to measure.

Number of Discrimination Cases

The first method simply counts the number of discrimination complaints/cases/convictions in a given year. Though fairly straightforward, one major drawback with this method is that these cases only make up a small fraction of the actual amount of discrimination which occurs, especially in countries where rights and legal remedies are limited, enforcement of laws is weak, or informal employment high. Paradoxically, an increase in the number of cases might actually be seen as progress, as this could simply be a reflection of increased knowledge about rights and legal remedies, rather than an actual increase in discriminatory occurrences.

Inequality in Labour Market Outcomes

A second method of measuring discrimination uses national level inequalities in labour market outcomes between mainstream and subordinated groups (e.g., natives and immigrants) as a proxy for discrimination. Examples of labour market outcomes include: labour force participation rates, unemployment rates, employment status (unpaid, self employed, employees), share in managerial positions, and wage differentials. Data on labour market outcomes can come from a number of different sources, but are often survey-based, from sources like population censuses, labour force surveys, wage and income surveys, and other household and employer surveys. Obviously, to make comparisons between immigrants and
non-immigrants, questions which can identify international migrants must be asked, such as country of birth and/or citizenship, or in the case of second generation descendents of immigrants, the same information for parents. When countries use different methods for defining international migrants, or labour market outcomes, international comparisons become difficult.

Labour market outcomes need to be controlled by similar levels of education, work experience, and job types. Additional possible indicators of labour market inequalities between immigrants and non-immigrants could be levels of underemployment (or skill mismatch/skill waste/inadequate employment), the percent in poverty, differences of workers by sector of employment or occupation types, benefits received, access to training, promotion/career advancement, access to health care, number of workers in informal employment, and whether or not workers have legal recourse for action.

One drawback with these types of indicators is that differences between groups are not all necessarily attributable to discrimination. Multivariate analytical techniques can be used to control for differences in sex, education, work experience, accreditation, language skills etc., but even using these methods, all residual differences are not necessarily discrimination. The challenge is to produce effective statistical models which reduce other extraneous factors, which can then be replicated over time, to gauge the progress or lack-there-of in reducing labour market outcome differentials between groups.

Self-Reported Measures of Discrimination

A third method of measuring discrimination is through self-reporting on survey instruments. Using this method, international migrants are directly asked whether or not they have experienced discrimination, for example if they have experienced reduced ability to access employment, reduced benefits compared to non-immigrant workers, etc. When asking these sorts of questions, the survey instrument must be careful to not ask “loaded” questions, that is, questions which presuppose discrimination has taken place.

Below are examples from a recent ILO sponsored survey of migrant workers.

17. **What do you see as the major deterrent to finding a better job in “host country”?**
18. For the type of work you do, how do your wages compare to that of nationals doing similar work?

19. For the type of work you do, how do your work hours and overtime provisions compare with nationals doing similar work?

20. For the type of work you do, how do your workplace conditions compare with nationals doing similar work?

21. How would you categorize your treatment by nationals of this country?

22. **To the extent you feel taken advantage of at work could you indicate why?**

While true of all these questions, numbers 17 & 22 are good examples of “loaded” questions, as they presuppose the migrant worker has been deterred in finding a better job, and that the worker has been taken advantage of at work. Measures of discrimination will be higher with these sorts of questions, compared to ones which ask a filter question on whether or not the migrant worker had any deterrents to finding a job or if they felt taken advantage of at work (yes/no).

There are also other methodological issues related to the measurement of discrimination based on self-reporting, including the desire for socially desirable responses (if asked of employers), whether or not self-reporting creates a systematic distortion of reality inconsistent with objective experiences (reports of discrimination could be higher), or if respondents trust that their responses are truly confidential (which could reduce reporting of discrimination).

**Situation Testing**

A fourth method, developed and used by the ILO since the early 1990s, is field experiments to test actual discriminatory behaviour.\(^3\) Usually at the request of and financed by governments, ILO has conducted national situation testing related to immigrant or immigrant origin worker access to employment. These discrimination field experiments show the extent of discrimination against migrant workers in access to employment on the basis of name representing ethnic origin. Testing has been done in Belgium, France, Germany, Italy, the Netherlands, Spain, Sweden and the United States.

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Tests are carried out through pairs of persons posing as job-seekers (for the same job) whose characteristics are matched except for nationality/national origin. Comparisons are made between legally resident migrants, who have experience in the host country’s labour market, or “second generation” citizens of immigrant origin and national origin workers, with identical skill levels, educational attainment, and employment experience, applying for the same job (low to medium skilled jobs).

The test consists of three stages: 1) voice inquiry/CV submission (where only names differ), 2) the written application, and 3) the job interview. Most discrimination (an employer declares preference for one tester over another) occurred during the first stage, while in the second stage the “immigrant” candidate was often subjected to additional qualifications while the national candidate was not, and at the third stage, if the “immigrant” candidate was offered a job, the terms and conditions of employment tended to be inferior to those offered the national candidate.

While this method provides a good measure showing that discrimination is occurring, cross national comparisons are approximate at best given national differences in, for example, labour market conditions, legal context, and immigration histories. The method does not measure the actual degree of discrimination taking place in the country, thus it has limitations with regard to statistical indicators. Recent testing has controlled for sex, recognizing that both women and men migrants are likely to face discrimination.

ILO MIGRATION MODULE

ILO has developed a series of migration-related questions for attachment to pre-existing household surveys on labour force. Working with a limited number of countries, this project evaluates migration items currently collected, develops questions to add to surveys, tests these questions, evaluates tests, and shares these results with other countries involved in this project. Particular attention is paid to the measurement of migrant remittances. Our goal is to create questions which effectively measure various dimensions of labour migration and can be periodically added to household surveys. A number of questions were tested in both Armenia and Thailand in 2006, while testing has been expanded to three additional countries (Egypt, Senegal, and Ecuador) this year.
The measurement of discrimination against migrant workers was outside the scope of this project, as there were concerns related to question sensitivity/appropriateness for a national labour survey, and the self-reported nature of such questions. However, the questions do allow for the identification of international migrants, as well a number of labour market outcomes, so national comparisons between migrants and non-migrants are improved. See Annex I, for examples of relevant migration module questions.
CONCLUSION

In conclusion, discrimination is very difficult to measure with a predefined set of indicators, since it is a very malleable phenomenon. One indicator or one set of indicators will not necessarily work under different contexts. ILO uses four different methods to measure discrimination: the number of reported cases, national comparisons of labour force outcome data between different groups, self-reported experiences, and testing of actual discriminatory behaviour. All four methods have their limitations, but comparisons of labour force outcomes are the easiest to convert into statistical indicators. However, the choice and use of different approaches to measuring discrimination should take into account the diversity of needs for data, as well as different policy formulation and evaluation applications. For example, while differential outcome data may be particularly useful to design indicators needed for specific legislation and practical measures to address discrimination, the media coverage resulting from situation testing has proven to be a powerful incentive in changing public perceptions and political discourse in several countries. Regardless, much work still needs to be done to determine which specific indicators and models best measure discrimination.

International comparisons are difficult, as even with international migration, different countries use different definitions, though progress has been made on this front. To measure discrimination of labour migrants, labour migrants must first be identifiable on data sources, which is what the ILO migration module tries to accomplish. Irregular migrants are particularly difficult to measure, as their non-response to surveys is high, they often fall outside the sampling framework of surveys, and they are often afraid to answer questions for fear of deportation or being reported to authorities. This makes it doubly difficult to measure discrimination amongst a group who are extremely likely to be discriminated against.

Finally, labour market outcomes need to be consistently measured, and then comparisons between migrants and non-migrants (and descendents) need to be made over time. Privacy protections and ideological and political barriers need to be overcome as well. Many challenges await, and much work is still left to be done with regards to the improvement of discrimination and international labour migrant data.
ANNEX I: ILO MIGRATION MODULE QUESTIONS TO IDENTIFY MIGRANTS AND LABOUR MARKET OUTCOMES

COUNTRY OF BIRTH AND CITIZENSHIP

1.3.2. Where were you born? *use current national borders* 
(here, elsewhere: name of city/town/village/rural area, state, country)

1.3.3. Are you currently a citizen of COUNTRY OF RESIDENCE? (yes,no) 
(if YES)

1.3.4. Were you a citizen of COUNTRY at birth? (yes, no)  
(If no)

1.3.5. When did you become a citizen of COUNTRY? (month/year) 

1.3.6. What was your country of citizenship at birth? X

(if NO)

1.3.7. What is your country of citizenship?  Y

1.3.8. Are you currently also a citizen of a country(ies) other than (COUNTRY or Y)? 
(y,n)

1.3.9 (if yes) What country (ies)?

1.3.10. What is (was) the country of citizenship of your father/mother? (country of citizenship for each) 

1.3.11. In what country(ies) were your father/mother born? (country of birth for each)  
*use current national boundaries*

LANGUAGE

2.3.34. What is your mother tongue/native language? (open ended) 

2.3.35. How well do you speak and understand the language(s) of this country? (if more than one official language, “an official language”)
(native language/fluent, well, somewhat, not well, not at all)

2.3.36. How well did you speak the main (regional) language of this country when you first moved to live here? (native language/fluent, well, somewhat, not well, not at all)

LABOUR MARKET OUTCOMES
2.3.48. Since moving to this country, have you ever received any on-the-job training? (y/n)

2.3.49. (if yes) What kind of training was that (Please describe)

2.3.68. Some employers provide their employees with certain benefits, such as retirement programs, health insurance, housing, etc. Do you receive any benefits like these from your current employer? (y/n)

2.3.69. (if yes) What benefits do you receive?
   - Health Insurance, Medical care (y,n)
   - Retirement pension (y,n)
   - Unemployment insurance (y,n)
   - Housing (y,n)
   - Subsidized food, or other consumer goods (y,n)
   - Other, specify

2.3.71. What is your work status?
   - Long-term (permanent) employee with a written contract
   - Long-term (permanent) employee without a written contract
   - Temporary employee with a written contract
   - Temporary employee without a written contract
   - Day labourer, casual work
   - Apprentice, paid
   - Apprentice, unpaid, other unpaid worker
   - Tenant (work on farm, pay rent)
   - Sharecropper (work on farm, pay part of production to owner)
   - Other, specify

2.3.72. How many months have you worked in the past 12 months? (months)

2.3.73. How many days do you usually work per week? (days)

2.3.74. How many hours per day do you usually work in a typical week? (hours)

2.3.75. How much are you paid for this work? (per hour, day, week, month, or year)

2.3.76. Do you get paid for working overtime? (y,n)

2.3.77. Do you receive paid days off?