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**COMBATING DISCRIMINATION AGAINST
MIGRANT WORKERS AND
ETHNIC MINORITIES
IN THE WORLD OF
WORK**

INFORMATION BULLETIN

No. 1

August 1992

INTERNATIONAL LABOUR OFFICE, GENEVA

THE INFORMATION BULLETIN

The purpose of this Information Bulletin is to keep donors, researchers and other interested parties informed about developments in respect of the ILO project "Combating Discrimination against Migrant Workers and Ethnic Minorities in the World of Work". The Information Bulletin is to be published on a quarterly basis. The Information Bulletin will report on the four main project activities, country by country.

This first issue of the Information Bulletin provides a summary of the June 1992 meeting of the project's donors in Geneva. It thus gives an overview of where the project stands at this point in time. The statements recorded in following sections should not be interpreted as binding commitments on the part of non-governmental donors, governmental or international authorities.

ACTIVITY 1: **EMPIRICAL DOCUMENTATION OF DISCRIMINATION**

To address questions concerning the methodology to be used in the project's first activity, Prof. Dr. Frank Bovenkerk, an expert on "practice tests" from the Willem Pompe Institute for Criminal Sciences, Utrecht, The Netherlands, had been engaged by the ILO and invited to this meeting.

Before elaborating on the standard methodology to be applied in the project, he discussed "practice tests" in general as a means of documenting the occurrence of discrimination in access to employment. Prof. Bovenkerk made it clear that past research on inequalities between migrants and members of the host country's society had mainly focussed on the characteristics of migrants and less on the immigrant society. Where the important role played by the host country's society had been recognised in the past, attitude testing was done primarily. Practice tests have an advantage over attitude testing in that they focus on actual behaviour rather than on subjective statements. Whereas attitude tests tend to underscore the amount of discrimination, practice tests carried out with persons whose characteristics were matched except for nationality or ethnicity are close to reality. Test-outcomes cannot be influenced by socially desirable answers, as the employers tested are not aware of the experiment. Prof. Bovenkerk cited examples from the United Kingdom and the Netherlands where practice tests have influenced public opinion and led to the adoption of legal provisions in favour of migrants.

With regard to the standard methodology to be used in all countries covered by the project, Prof. Bovenkerk suggested that discrimination should be tested at the entry level of the labour market only. The practice tests should cover both jobs that require no specific skills but also higher level jobs. Newcomers among the migrants could be expected to compete for low-skilled jobs, whereas migrants of the second and third generation who went through the host country's school system will likely seek higher level positions. The tests should take place in all sectors of the economy, but it would be unrealistic to expect non-discrimination in positions reserved to nationals by the law, nor would it make sense to run tests in sections of the labour market which were clearly dominated by foreign labour. In certain countries involved in the project it might be of interest to compare the employment chances of different groups of immigrants. Prof. Bovenkerk underlined that the research manual he worked on was to ensure a maximum of similarity in the different countries, so as to make the results of the practice tests comparable. He would call upon national resource persons in each of the countries to enquire about country specific needs to be taken into account and to assess the applicability of the general methodology to individual countries.

AUSTRALIA

Mr. W. de Jong, representing the Australian government, expressed his conviction that Australia could benefit from the project. With regard to the funding of the practice tests, he reiterated that the Australian Commissioner for Race Discrimination was prepared to contribute 50,000 A\$, available for this financial year (1992/93) as already conveyed in a letter to the ILO. He stated that there was a need to broaden the knowledge of the project in Australia so as to expand the funding basis. In order to do so he would contact the Office for Multicultural Affairs and the Ministry of Labour.

BELGIUM

Mr. P. Heyman of the Permanent Mission of Belgium regretted that his country had not been able to participate in the first meeting of donors held in March. He stressed the interest now shown in Belgium for the project and was sure that Belgian participation would be welcomed by the responsible ministries in Brussels. However, he saw difficulties in raising funds for 1993, given the fact that Belgium had only just become associated with the project.

GERMANY

Dr. G. Linne underlined the interest of the Hans Böckler Foundation in the practice tests. She could as of now not state the exact amount the Hans Böckler Foundation might contribute. An ILO project proposal, addressed directly to the Foundation, reflecting why the project is of importance for trade unions and giving an insight in other countries' funding possibilities would be needed to bring about a more concrete commitment on behalf of the Foundation's board of directors. Dr. W. Ohndorf of the Permanent Mission of Germany expressed concern about the purpose of practice tests. Mr. W.R. Böhning of the ILO assured him and the other participants of the meeting that the aim of practice tests was not to rank countries by "degree of discrimination" but to document discrimination whose existence was frequently denied.

SWEDEN

Mr. E. Bergman from the Swedish Council for Social Research declared that the Swedish government was prepared to provide seed money to give an opportunity to Swedish researchers to develop a research proposal for practice tests in Sweden. In the near future, different research councils are to decide on the feasibility of the various proposals. Mr. Bergman considered the seed money a good indication for further funding possibilities by the Swedish government. According to Mr. Bergman, different parties involved in the project in Sweden currently struggle over a problem of ethics related to the practice tests, namely the fact that the employers tested do not know that they are the subjects of research. Prof. Bovenkerk commented that the purpose of the practice tests

was not to identify the employers who discriminate but to demonstrate the structural aspects of inequalities. In the Netherlands research had been carried out with the consent of the association of private manpower agencies. Mr. Bergman expressed his hope that the Swedish doubts with regard to the moral justification of practice tests could indeed soon be eliminated.

SPAIN

Ms. A. Alvarez, a representative of the Ministry of Labour and Social Security, who co-ordinates the efforts of donors in Spain and who had arranged for a national donors' meeting, made clear that the financing of the practice tests in Spain was in the process of being resolved and that she would continue to oversee developments in Spain and to gather funds. She stressed that the practice tests would be of particular usefulness and importance for Spain because, for the time being, Spanish employers clearly prefer Spaniards over migrants while there is no awareness of discrimination.

UNITED KINGDOM

The ILO project will not cover the United Kingdom with regard to practice tests, as a series of successful tests has already been carried out in that country. During the June 1992 meeting, Ms. M. Coussey from the UK Commission for Racial Equality supported Prof. Bovenkerk's view that it is more important to test actual behaviour than attitudes and pointed to the positive effects practice tests have had on the development of the law in the United Kingdom. Practice tests had convinced people that there was widespread discrimination and resulted in a set of new legislation improving the migrants'/ethnic minorities' situation.

UNITED STATES OF AMERICA

Practice tests have also been carried out in the United States. Mr. E. Wanner, President of the Russell Sage Foundation therefore declared that his Foundation was not prepared to fund additional tests. By contrast, he was greatly interested in the results of the research to be undertaken in other countries. He also drew attention to related research, currently being undertaken in the US in relation to employers' behaviour under the 1986 Immigration Reform and Control Act, which the ILO project might be able to make use of.

ACTIVITY 2: **RESEARCH INTO LEGISLATIVE REDRESS AND MEASURES**

THE NETHERLANDS, SWEDEN, UNITED KINGDOM

The ILO has already carried out research to assess the scope and efficacy of anti-discrimination legislation and specific measures to combat discrimination in the above mentioned countries (See: Roger Zegers de Beijl, ALTHOUGH EQUAL BEFORE THE LAW...The scope of anti-discrimination legislation and its effects on labour market discrimination against migrant workers in the United Kingdom, the Netherlands and Sweden, Geneva, ILO, October 1991, World Employment Programme working paper no.56)*. It was agreed during the second meeting of donors that no further studies should be undertaken unless major changes in legislations or institutions occurred. The representatives of the countries concerned promised to keep the project's participants and especially the co-ordinating staff informed about any such future changes.

BELGIUM

Mr. Heyman expressed his conviction that Belgium would participate in activity 2 of the project.

GERMANY

Germany does not possess anti-discrimination legislation at the federal level. It would be interesting to assess initiatives at the local level as well as the institution of the Federal Commissioner for the Interests of Foreigners (Beauftragte der Bundesregierung für die Belange der Ausländer). Dr. W. Ohndorf from the Permanent Mission of Germany, stated that he was willing to provide the responsible researcher(s) with the relevant legal regulations to facilitate the project work under activity 2. Ms. N. Bicakoglu-Murzik, representative of the Federal Commissioner for the Interests of Foreigners, welcomed activity 2 of the project. She offered to make available the know-how and contacts of her institution. From the funding point of view, the Hans Böckler Foundation's representative, Dr. Linne, said that her donor organisation would look favourably at this activity, too, but it should be submitted for funding separately at the appropriate time.

* Also published in French (Roger Zegers de Beijl, BIEN QU' EGAUX DEVANT LA LOI...La portée de la législation antidiscriminatoire et ses répercussions sur la discrimination, dans le marché du travail, à l'encontre des travailleurs migrants au Royaume-Uni, aux Pays-Bas et en Suède, Genève, OIT, Janvier 1992, Programme Mondial de l'Emploi, Document de travail, no.56 F) and in German (Roger Zegers de Beijl, WENN AUCH GLEICH VOR DEM GESETZ...Der Geltungsbereich des gesetzlichen Diskriminierungsverbots und seine Wirkung auf die Diskriminierung der Wanderarbeitnehmer auf dem Arbeitsmarkt des Vereinigten Königreichs, der Niederlande und Schwedens, Genf, IAO, Februar 1992, World Employment Programme working paper, Nr.56 D)

SPAIN

In Spain it is planned to assess institutions such as the Defensor del Pueblo. Ms. Alvarez emphasized the particular interest activity 2 presented for Spain, given the fact that her country only recently became an immigration country. According to her, none of the Spanish donors had any doubt about the importance of this part of the project for Spain. The funds required for this 1993 activity were likely to be available, she said.

UNITED STATES OF AMERICA

Mr. Wanner commented with regard to activity 2 in the United States that it would be of interest to take account of the role of law enforcement and of locally and historically varied experiences in assessing the scope and efficacy of legislative measures. Financially, either the Rockefeller Foundation or the Russell Sage Foundation would fund activity 2, although an assessment of locally and historically varied experiences would probably cost more than the envisaged US \$ 10,000.

ACTIVITY 3: INVENTORY AND IMPACT EVALUATION OF COURSES, TRAINING AND METHODS

The inventory and evaluation of training and education in anti-discrimination was widely accepted as the most important part of the project by the participants of the June 1992 meeting. It was agreed that a standard methodology be established. Once this standard methodology was formulated, it would be sent in draft form to the project's participants and could be discussed at the next donors' meeting, approximately scheduled for September 1993. It was underlined by several participants of the meeting that in choosing training programmes to be evaluated, one should select a useful cross-section of training efforts and come up with a strategic sample of training programmes. To do so would be important for the success of activity 3 and the project as a whole as the aim was precisely to learn from success stories and to spread information on how to proceed successfully with regard to anti-discrimination training.

AUSTRALIA, BELGIUM, GERMANY, SWEDEN, SPAIN

Representatives of the above mentioned countries expressed their interest in activity 3 of the project. Dr. Ohndorf indicated that this activity was possibly of most interest to his government. Statements on possible funding were not made, as activity 3 is not immediately to be launched in any of these countries.

UNITED KINGDOM

Ms. Coussey saw no major problems with regard to the funding of the third project activity in the United Kingdom. She stated that the Commission for Racial Equality might finance one third of the activity's cost and that the Department of Employment might support this work also. The details, especially the question of what training efforts to assess in Great Britain, still needed to be discussed with the project's co-ordinating staff and the people who would carry out activity 3 in the United Kingdom.

UNITED STATES OF AMERICA

Mr. Wanner stressed that the first step with regard to the project's third activity in the United States was to take an inventory of anti-discrimination training efforts. He recalled that, given the size and heterogeneity of the United States, such an inventory would probably be representative but incomplete. Both the Russell Sage Foundation and the Rockefeller Foundation were very interested in participating in activity 3 and would like to work out a standard methodology with the ILO. A strong proposal could then be brought to the attention of the Foundations' boards, making the required funds available.

ACTIVITY 4: SEMINARS

Mr. Böhning pointed out that one should stay as flexible as possible with regard to the seminars. It should not yet be decided how many and which countries should participate in the same seminars. One should keep in mind that the main aim of the seminars is to learn from success stories. The composition of the seminars should be made dependent on the results emerging from previous project activities.

EUROPEAN COMMUNITIES

Ms. A. Bosscher from the Commission of the European Communities informed the meeting's participants about the willingness of the EC to support seminars relating to EC member states. She also offered to hold a future donors' meeting in Brussels.

UNITED STATES OF AMERICA

Mr. Böhning recalled that the financing of seminars is also favourably considered by the Rockefeller Foundation, which disposes of appropriate facilities, as mentioned in the March 1992 meeting by Mr. A. Romero.

OPERATIONAL QUESTIONS

RUNNING COSTS OF THE PROJECT

The participants of the June 1992 meeting agreed that it was extremely important to have a responsible ILO person to co-ordinate the various project activities throughout the world. Such a person would be needed to ensure coherence and quality control, the subsequent cross-fertilization of ideas and experiences as well as the translation and dissemination of research reports to the participating countries. No doubt was left about the fact that the project's running costs had to be seen as an integral part of the project. Ms. Alvarez suggested that the running costs be not treated apart from the four main activities. Donors suggested that they would inform the ILO whether they would like to see the running costs as a separate item on their project budget or whether these costs should be incorporated in items such as research costs.

RESEARCH

Questions arose concerning the research to be undertaken in the framework of the project. Mr. Böhning assured that the ILO would set up the terms of reference for the research launched and would exercise quality control. Copyright would be vested in the ILO. The ILO would usually have no objections to release of copyright as the dissemination of the project's results was in the Organisation's interest. Co-publishing was also sometimes done; this could possibly be a way to incorporate the American results on practice tests into the project. National bidding procedures for suitable researchers could be shortened or facilitated by charging the ILO with the selection and designation of collaborators. According to ILO rules, it is possible to designate researchers who can be trusted without going through a major competition as long as the contracts do not exceed a certain sum of money. Formal bidding is only necessary where large amounts are involved. From a content point of view, it was underlined during the donors' meeting that the research was to be practice-oriented. It was intended to improve the knowledge base and the understanding of governments, employers, trade unionists, people in charge of anti-discrimination training, etc. It was not a purely academic exercise.

FINANCIAL AGREEMENTS

Support by private donors or governments for specific ILO activities such as this project could usually be negotiated on a bilateral basis, i.e. between the donor or government on one side and the ILO on the other.

Mr. O. Olsen, Chief in charge of the ILO's multi-bilateral activities, explained possible forms of financial arrangements between outside donors and the ILO:

- The donor's simple recognition of the ILO's general financial rules and regulations is sufficient from the ILO's point of view; in the event of such a recognition, there is no need for any additional legal agreement. The general rules provide for a detailed annual account by the ILO to the donor.
- A donor's financial contribution can also be treated as a gift which then has to be announced to the ILO's Governing Body and dedicated to a specific activity. In case of a gift, the ILO does not give a financial account to the donor. A gift is thus a means of avoiding bureaucracy and seems especially appropriate if small amounts are involved.
- The donor can choose a specific agreement, setting out the subject matter, the funding arrangement and the accounting procedure. An exchange of letters between the ILO and the donor or their signatures will serve to legalize such an agreement.

Mr. Olsen handed out a standard agreement to the participants of the meeting, stressing that modifications can be introduced to that model according to the specific wishes of each individual donor. In particular, paragraph 6 could contain a limiting clause, making increases in costs conditional upon consultations between the ILO and the donor.

Mr. Böhning precised with regard to paragraph 6, that the case of unspent funds returned to donors occurred more often than that of increased costs. He added that donors had the possibility of specifying that they wanted to fund activities in countries other than their own, an option not mentioned in the model. He recalled that other than stated in the model agreement under paragraph 3, the "Combating discrimination..." project involved no fellowships and equipment needs.

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**Combating Discrimination against
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Information Bulletin

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The Information Bulletin

The purpose of this Information Bulletin is to keep donors, researchers and other interested parties informed about developments in respect of the ILO project "Combating Discrimination against (Im)migrant Workers and Ethnic Minorities in the World of Work".

As signalled in a previous issue, the Information Bulletin reports on the four main project activities/phases, country by country.

This issue of the Bulletin provides a summary of the January 1994 meeting of the project's donors in Geneva (for list of participants see Annex 1). It thus gives an overview of where the project stands at this point in time. The statements recorded in following sections should not be interpreted as binding commitments on the part of non-governmental donors, governmental or international authorities.

Opening of the donors' meeting

The meeting of 17 January 1994 opened with a welcome by Mr. Juhani Lönnroth, Director, Employment and Development Department of the ILO. He stressed that the treatment of migrant workers is among the key elements of ILO activity and that the "discrimination project" is directly related to all three objectives which the Organization has set itself for its 75th anniversary in 1994: democratization, fight against poverty and protection of working people. Mr. Lönnroth also pointed to the economic and social context in which the "discrimination project" is to take place: the world economy in recession for the fifth consecutive year, an estimated 120 million unemployed if one considers the formal sector alone, and a substantial number of new entrants to the labour force every year. If people find no way into the labour market of their country, they have few options. They can turn to the informal sector or chose to migrate. Migrants are by definition the outsiders of a society and face rejection in times of recession more than in times of economic boom. Mr. Lönnroth therefore underlined how important the "discrimination project" is under current world economic conditions and asked the participants of the meeting to consider these circumstances in assessing their project participation.

The opening continued with a presentation by Mr. Roger Böhning, Chief, Migration and Population Branch, who gave an overview of recent developments concerning the project. He took the opportunity to thank the Governments of the Netherlands, Spain and the United Kingdom as well as the German Hans Böckler Foundation and the US Russell Sage Foundation for support already granted to the project. For those present who were not yet familiar with the aims and strategy of the project, he also reviewed the rationale of the project, its four major activities and expected multiplier effects (see Annex 2).

Activity 1:

Empirical Documentation of Discrimination

Preliminary research findings

Prof. Dr. Frank Bovenkerk, University of Utrecht, The Netherlands, who had elaborated the standard methodology for carrying out the project's first phase, presented preliminary research findings on the empirical documentation of discrimination in the Netherlands. First practice tests have been launched in November 1993, at the level of both qualified and semiskilled jobs. For qualified jobs, correspondence testing is being done, with black Surinamese as the reference group. For semiskilled jobs, the tests start out with telephone applications; the reference group here being Moroccans. The tests so far reveal net discrimination rates of 4 % for qualified jobs and of 43 % for semiskilled jobs. However, these results were only used by Prof. Bovenkerk to illustrate the methodology used: 175 'useable applications' are needed for both kinds of jobs to make a definitive statement on the occurrence of discrimination; for the time being only 26 and 46 respectively are available. For details on how the calculations are done please refer to the tables presented in Annex 3. Prof. Bovenkerk gave several examples of concrete tests and cited some typical reactions of employers with which testers are confronted in the case of discrimination. He drew the audience's attention to the problem that the Dutch labour market has dramatically tightened during 1993 which has important implications for the research: the project's testers have a large number of competitors from the outside, in some cases up to 200 for one job offer. The Dutch team of researchers has dealt with this problem by "making" both their applicants very qualified, much better than the average candidate.

First practice tests have also been launched in Germany. Dr. Goldberg, Zentrum für Türkeistudien, Essen, presented initial results and particularities of the German experience. In Germany, the reference group are Turkish nationals, who are second generation migrants, for both semiskilled and qualified jobs. The tests are limited to the private sector. They are done in various branches of the economy. They can include part-time jobs and even a limited number of training positions. The tests take place in the Rhine-Ruhr area. The 201 tests carried out so far were for semiskilled jobs. 104 of them provided 'useable applications' and the research has revealed a net discrimination rate of 24 % up to now, differing substantially according to the sector of the economy under consideration. Again, one has to stress the preliminary nature of this result.

Discussion of / comments on the research findings and the methodology used

Mr. D.U. Stroband, Head, Sector Licences and International Affairs, Central Employment Board, The Netherlands, wondered how one could assure international comparability, given slight methodological variations in carrying out the tests in different countries, such as became apparent in the presentations on the Dutch and German tests. Prof. Bovenkerk made clear that a *functional comparability* was sought and that adaptations to individual country settings were needed in order to provide meaningful results.

Ms. Heide-Marie Fenzl, Federal Ministry of the Interior, Austria, and Mr. Lutz-Rüdiger Vogt, Federal Ministry of Labour and Social Affairs, Germany, both wanted to know whether the employers had been informed about the experiment, had been confronted with the results and whether there had been any enquiries about the reasons for their behaviour. The answer was no. Prof. Bovenkerk explained that the aim of practice tests is not to research the motives for a certain behaviour but its effects; the research question is: are people excluded from the labour market ? The tests do not go any further than that.

Mr. Vogt feared that the tests in Germany could be biased due to the fact that Turks were taken as the only reference group while foreigners of many different nationalities lived and worked in Germany. In response, Prof. Bovenkerk stressed that the tests are not meant to be representative but that the aim of the project is to research whether a pattern of discrimination occurs. Turks being a well established migrant group in Germany, one would find a large number of the second generation migrants among them, assuring the comparability with other countries. Mr. Vogt was also worried about the geographical limitation of the tests in Germany. To his mind, the level of discrimination is a function of the economic setting, so that tests in Bavaria or Baden-Württemberg would not yield the same results as in the Rhine-Ruhr area, the former regions being less hit by economic recession. Mr. Böhning pointed out that financial constraints were the reason for the geographical limitation to the Rhine-Ruhr area. Additional funds are being sought to expand the testing to other areas.

Possibilities of participation in Activity 1

Austria

Austria being for the first time represented at a donors' meeting, Ms. Fenzl was not in a position to commit her Government to participation. She would report back to the Ministry of Interior and proposed also to contact the Ministry of Labour.

Belgium

Belgium's participation in phase 1 of the "discrimination project" is currently discussed within that country. Mr. Marcel Etienne from the Centre for Equal Opportunities and the Fight against Racism, informed the participants of the donors' meeting that there was a high probability that a consensus among the various actors would be reached shortly. The Centre would take a coordinating role within Belgium. Mr. Etienne explained that it was planned to set up three teams of researchers who would cover the three Belgian regions: Brussels, Flanders and Wallonia. Most likely, the Ministry for Scientific Research would play a major role in financing the practice tests in Belgium, in cooperation with the regions.

Canada

The Canadian Government was represented by Mr. Hector Cowan, Permanent Mission of

Canada, who declared that his role at the meeting was to note any new developments with regard to the project and to report back to his capital. He regretted not having to convey any further instructions and expressed his hope of a more active Canadian participation at a later stage.

Mr. Böhning drew the participants' attention to the fact that a study on de facto discrimination in Canada had already been carried out within the framework of the "discrimination project", so that a certain knowledge base on discrimination in access to employment had already been laid.

Finland

Mr. Risto Laakkonen from the Ministry of Labour was optimistic about a Finnish participation in the "discrimination project". Although the internal focus had been on activities 2 and 3, he did not exclude practice tests to be carried out in Finland. Details had still to be worked out among the different Finnish actors. It also had to be checked whether internal economies of scale could be gained by discussing the project in the same framework as other migration related international projects in which Finland had recently become involved.

France

While underlining the importance of the project for France and expressing his strong hope that France would eventually join, Mr. Patrick Mony, GISTI, regretted that the French Government was not able to attend the meeting; he could obviously not take any commitment on their behalf. He would continue looking for project support in his country as his own organization could not offer any financial support, lacking the means.

Germany

Practice tests in Germany have been launched at the end of 1993 and are presently undertaken thanks to financial support from the Hans Böckler Foundation, represented at the meeting by Ms. Gudrun Linne. For an account please refer above.

Italy

With regard to activity 1, Mr. Antonio Caracciolo from the Ministry of Labour stressed the importance of a standard methodology in order to obtain comparable results. He emphasized the fact that Italy had only recently turned from an emigration into an immigration country and that second generation migrants could not be found in Italy yet. His country could potentially learn from the experience of others and avoid their mistakes. He stated that his role in the meeting was essentially to gather additional information on the project and hoped that he would be able to transmit convincing arguments in favour of the project to his Government. He could not yet say whether Italy would participate in the project.

The Netherlands

The Dutch Ministries of the Interior and of Justice, both represented at the meeting by Mr. H. L. Wattel, have, by their funding, made it possible to carry out practice tests in the Netherlands. For details on the state of the research please refer above.

Norway

Ms. Grete Brochmann from the Institute for Social Research deduced from the fact that the Norwegian Government has recently financed a pilot study on immigration and the labour market, a serious interest of the Government in the field and saw chances for a Norwegian participation in the "discrimination project". As her Institute would be interested in cooperating, she would report back to her Government.

Spain

Spain was not represented at the donors' meeting but Mr. Böhning reported that Spain's participation in activity 1 had been secured. Final details had to be worked out in that country before practice tests could be launched, presumably in the spring of 1994.

Switzerland

Ms. Marielouise Stoffel, OFIAMT, considered a Swiss participation in the "discrimination project" as unlikely given the highly federal structure of that country which has led to great cantonal differences not only in the policies towards foreigners but also in actual practices in day to day life of Swiss nationals with foreigners. However, Ms. Stoffel did not want to exclude a participation and suggested that the Ministry of Justice, dealing with integration issues, be contacted. The Ministry of Labour, to which she was attached, could not be expected to participate.

United Kingdom

It had not been planned to cover the United Kingdom with regard to practice tests in the framework of the "discrimination project", as a series of successful tests had already been carried out in that country. Those tests had convinced people that there was widespread discrimination and resulted in a set of new legislation improving the migrants'/ethnic minorities' situation. Mr. Stephen Ward, Vice President, Equal Opportunities, Institute of Personnel Management and Director of Management and Personnel, Birmingham City Council, therefore underlined that he would like to see the project move on as quickly as possible to activities which will actually combat discrimination.

United States of America

Practice tests have also been carried out in the United States. For the "discrimination project", an assessment of various test series has been funded by the Russell Sage Foundation, represented at the meeting by its President, Mr. Eric Wanner.

Activity 2: Research into legislative redress and measures

Activity 2 was not extensively discussed at the meeting. Some results are already available. Mr. Roger Zegers de Beijl, Migration and Population Branch, ILO, has carried out a study covering the Netherlands, Sweden and the United Kingdom. The US legislation has been reviewed by Prof. George Rutherglen, thanks to funding by the Russell Sage Foundation. The subject has partially been studied in ILO working papers on Australia and Canada ; a more detailed assessment of the Canadian legislation is currently being undertaken. The ILO will attempt to ensure that more European countries will be covered. It will be possible to base the comparative conclusions at the end of activity 2 on research into anti-discrimination legislation and redress mechanisms of at least the following countries : Australia, Belgium, Canada, Finland, France, Germany, Italy, the Netherlands, Spain, Sweden, The United Kingdom and the United States.

Activity 3: Inventory and impact evaluation of courses, training and methods

Presentation of the research methodology

Drs. John Wrench and Paul Taylor, University of Warwick, had been engaged by the ILO to elaborate a standard methodology to be used in carrying out phase 3 of the "discrimination project". They presented this methodology at the meeting. A summary of their presentation can be found in Annex 4 of this Bulletin.

Possibilities of participation in Activity 3

Austria, Canada, France, Italy, Norway, Switzerland

The representatives of the above mentioned countries reiterated their intention to report back to their respective Government/Research Institution, to help with identifying researchers who could carry out this phase of the project in their countries and to inform

the ILO about any decision that might be taken by their Governments with regard to activity 3.

Belgium

Mr. Etienne declared that the Centre for Equal Opportunities and the Fight against Racism was very interested in this part of the project, particularly since the Centre was already involved in related activities in Belgium. He was confident that an arrangement similar to the one for activity 1 could be found for phase 3 of the project, securing a participation of all three Belgian regions.

Finland

Mr. Laakkonen was optimistic that activity 3 would take place in Finland, even if on a relatively small scale because the number of anti-discrimination training courses was limited in Finland. Some hesitations on the part of the employers' organizations still had to be dealt with as the Government made participation conditional on their agreement. The exact amount of financial contribution from the Government was also still unclear.

Germany

Mr. Vogt was under the impression that phase 3 was exclusively a research activity. Both Dr. Wrench and Mr. Böhning explained that phase 3 of the project is not conceived as an academic exercise, which is reflected in the manual describing the standard methodology to be used. The aim of the activity is to distil which training programmes are best when and for whom, so that specific training courses for specific enterprises and institutions can be developed. The paper produced at the end of the activity would include examples of concrete courses which have been successful, which can serve as a mould for new courses or from which ideas can be drawn for the development of new courses. Mr. Vogt stated that he would need more information about these practical implications of activity 3. He saw a possibility for a participation of the German Government in activity 3.

Mr. Michael Schlikker, Office of the Federal Commissioner for the Interests of Foreigners, said that there were relatively few anti-discrimination training courses available in Germany, so that the experience of other countries would be much appreciated. Dr. Wrench, in response to this comment, pointed to the fact that the manual provides for a "reserve strategy" in case of lack of courses to be evaluated: key informants should be interviewed on why there is little or no anti-discrimination training. Mr. Böhning mentioned a training programme imparted to officials in placement offices which could be evaluated in the course of the project.

The Netherlands

Mr. Stroband stated that, already in 1992, the Government of the Netherlands had

committed itself in principle to take part in activity 3. Its participation would however be conditional on two points: other countries would also have to participate, so as to make the comparative aspect of the project meaningful; and a budget for the Netherlands would have to be made available.

United Kingdom

Ms. Gillian Smith, Department of Employment, and Mr. Ward both expressed their hope that phase 3 of the project would be carried out in the United Kingdom. The Employment Department had made available funds needed to produce the standard methodology for phase 3 and Ms. Smith believed that her Department could make no further contributions. She would, however, be ready to help identifying other potential funders and proposed that the ILO contact a number of UK foundations. Mr. Böhning mentioned that the Commission for Racial Equality had already indicated its willingness to share in the funding of phase 3 in the United Kingdom.

United States of America

Mr. Wanner was confident that the Board of Governors of the Russell Sage Foundation would be agreeable to funding activity 3 of the "discrimination project" in the US. He developed first ideas on how this project phase could be carried out in his country, introducing differentiations according to firm size and sector of the economy and also identifying what are the successful approaches towards training.

European Union

Ms. Bosscher, Head of Division, Directorate General V of the European Commission, doubted that the Commission could make a direct financial contribution to phase 3 of the project but suggested that some of the member states of the European Union address themselves to the European Social Fund which is dealing, inter alia, with training. They might obtain support from this Fund. Ms. Bosscher also stated that the Commission would be willing to support the final activity of the project, the international seminars at which the findings of the previous activities would be presented and discussed.

Closure of the donors' meeting

The donors' meeting closed with a summary, by Mr. Böhning, of the statements made during the day. He also briefly explained in what ways donors can cooperate with the ILO, for example through letters of agreement established according to ILO's financial rules and regulations. Mr. Böhning thanked the participants for their interest in the project. He hoped that further contacts and cooperation would result from the meeting and promised to keep the participants informed about any new developments with regard to the "discrimination project".

**MEETING OF DONORS on the ILO's project
COMBATING DISCRIMINATION AGAINST MIGRANT WORKERS
AND ETHNIC MINORITIES IN THE WORLD OF WORK**

ILO, Geneva, 17 January 1994

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**MEETING OF DONORS on the ILO's project
COMBATING DISCRIMINATION AGAINST MIGRANT WORKERS
AND ETHNIC MINORITIES IN THE WORLD OF WORK**

ILO, Geneva, 17 January 1994

**Recent developments concerning the Project
and its future**

W.R.Böhning, ILO,
Chief, International Migration and Population Branch

Introduction

I should like to welcome you to the ILO and to this Meeting of Donors of the ILO's project "Combating Discrimination Against (Im)migrant Workers and Ethnic Minorities in the World of Work".

I am most grateful for the trouble you took to come to the ILO and for your interest in our activities aimed at combating discrimination. While some of you are already familiar with our activities, others are here today for the first time. Therefore, I think it would be useful if I were to present to you an overview of what we refer to, for short, as the "Discrimination Project".

The rationale of the Project

As regards the substance of our activities, equality of opportunity and treatment are of prime importance for the integration of migrants and minorities in the societies of the countries they live in. *Yet, the integration policies pursued in virtually all receiving countries, have little chance of success if people are unable to obtain employment or fill positions corresponding to their abilities.* Migrants face numerous problems on the labour market. Some of these problems are connected with objective handicaps such as inadequate education and training, non-recognition of qualifications gained abroad or inadequate command of the host country's language. Other problems derive from discriminatory behaviour by receiving countries' employers, civil servants or private citizens.

Discrimination occurs when - in spite of comparable education, qualifications or experience - migrants are accorded inferior treatment relative to nationals. This is a common phenomenon in fields such as access to jobs and training opportunities, work allocation, promotion within enterprises and conditions of employment. Discrimination impedes migrants' integration in the receiving countries' labour market and thus into society as a whole. Moreover, it results in economic losses because the workers' potential is not, or not fully, used. The long-term costs of the resulting social exclusion

society as a whole. Moreover, it results in economic losses because the workers' potential is not, or not fully, used. The long-term costs of the resulting social exclusion and the social tensions to which this may give rise are incalculable. Combating discrimination is bound to be an important concern in countries where significant migrant or minority populations exist.

Subjects such as access to employment and training are covered in a normative way by ILO standards. Even though ILO standards and, indeed, national laws and regulations proscribe discrimination, the preliminary research carried out by the ILO has made it clear that discrimination not only continues in practice, but that it is widespread and pervasive. *Legislation alone cannot eliminate discrimination.* It needs to be tackled by a combination of measures that include legislation, education, economic incentives and information.

Several countries have enacted anti-discrimination legislation, and numerous training and educational activities relating to equal opportunities and treatment are being carried out. By comparing different countries' methods and experiences in the fight against discrimination, our Project aims to distil the most effective ways and means of improving equality of opportunity and treatment - for the benefit of countries in need of such information. As an international organization, the ILO is ideally placed to foster such international cross-fertilization.

Put in a nutshell, *the Discrimination Project aims at increasing equality of opportunity and treatment for (im)migrant workers by informing policymakers, employers, workers and trainers engaged in anti-discrimination training on how legislative measures and training activities can be rendered more effective, based on an international comparative evaluation of the impact of existing measures and activities.*

The Project's different activities are described in the paper summarizing it which you will have found in front of you. May I now give an outline of what we are doing and what we hope to be doing in the future - depending on the outcome of today's meeting.

The four major activities

The *first major activity* is designed to find out whether or not discrimination takes place in the crucial area of access to employment. By carrying out so-called practice tests, the Project is able to provide policy-makers with objective evidence as to what happens in real decision-making situations. This may be very different from what people say they do when asked for their views in public or in private. We engaged Prof. Frank Bovenkerk of the University of Utrecht to develop a standard methodology of practice tests which, taking due account of different national circumstances, can be applied in any interested country. How are practice tests conceived? Equally qualified applicants of national and migrant origin apply for advertised vacancies. Differences in their acceptability to employers are examined to see whether they represent a pattern or practice. By testing migrants' and minority

members' chances in numerous application procedures for unskilled as well as highly skilled jobs, the Project's first major activity can provide incontrovertible evidence as to whether or not discrimination occurs, and whether it is marginal or widespread.

Providing irrefutable documentation of discrimination is an indispensable step to tackling it. This is actually the experience of the United Kingdom, where practice tests were first undertaken in the 1960s.

The governments of the Netherlands and Spain, as well as the Hans Böckler Foundation of Germany, generously supported the carrying out of the Project's first phase in their respective countries. In the United States, where the existence of discrimination is not in dispute, the Russell Sage Foundation provided support for the assessment of the numerous practice tests already carried out there. Other countries, some of whom are represented here today, have indicated their interest in participating in this initial phase. Later this morning, Prof. Bovenkerk and his team of researchers of the University of Utrecht, and Dr. Goldberg of the University of Essen, will present the preliminary findings from their research. It is foreseen that the ILO will publish the outcomes of these research activities as from the summer of 1994. Copies of the resulting papers will, of course, be sent to everyone affiliated with the project.

The *second main activity* of the Project comprises research to assess the scope and efficacy of anti-discrimination legislation and specific redress mechanisms. A study covering the experience of the United States was financed by the Russell Sage Foundation. The resulting report by Prof. George Rutherglen was produced a week or so ago and has been put on your table. The ILO financed a study, carried out by my colleague Roger Zegers de Beijl, covering the Netherlands, Sweden and the United Kingdom. Recently, we commissioned a study on the Canadian legislation, which is foreseen to appear by September this year. Resources permitting, we hope to be able to assess also the legislative experiences of Germany, France, Italy and Spain. As we estimate that it will be possible for the ILO to carry most of the costs of the research on the efficacy of anti-discrimination legislation, we considered it to be unnecessary to put this part of the Project on today's agenda.

The *third main activity* consists of making an inventory and evaluation of anti-discrimination training activities. A financial contribution by the Government of the United Kingdom enabled us to ask Dr. John Wrench and Dr. Paul Taylor, both of the Centre for Research in Ethnic Relations of the University of Warwick, to develop a standard methodology for documenting and evaluating equal opportunity training that is imparted to personnel managers, trade union officials and civil servants working in labour exchanges. The authors' research manual was already sent to you and additional copies are available in this room. The ILO is in the process of translating this manual into French and German. After the lunch break, Drs. Wrench and Taylor will give a presentation on the methodology developed. Following this, we would like to consider with you the possibilities that you might have to support this research in your country.

The results of the evaluations of anti-discrimination legislation, training and educational courses will be presented on the occasion of international seminars, which constitute the *fourth main activity* of the Project. These seminars will bring together policy-makers, trainers, researchers, representatives of employers' and workers' organizations and the Project's donors. Findings will be presented with the aim of discussing what improvements may be helpful in existing legislation and anti-discrimination training.

Multiplier effects

The seminars are the final activity of the Project. But through its research and publications, it will certainly have multiplier effects. The studies will build up awareness of what is wrong and why. The research into anti-discrimination legislation will show the way to the most effective means of combating discrimination through the law. The evaluations of training will do the same for educational efforts to overcome discriminatory behaviour. Moreover, the evaluations will provide a methodology and an incentive for repeated use in future years, as well as an inspiration for countries not yet covered by the Project. The seminars will help to spread the message of the modalities for reducing discrimination against (im)migrants and ethnic minorities at the workplace and in life at large.

After the Project has come to an end, its research, evaluation and seminar findings will be condensed for elements to be included in an ILO Handbook or similar document. This Handbook will supplement existing ILO Conventions and will map out policies and procedures to inspire policy-makers, civil servants, employers and personnel managers, etc. It will provide a permanent encouragement, model and yardstick to promote improved relations between nationals, (im)migrants and minorities.

The purposes of today's meeting

The ILO is, unfortunately, unable by itself to bear the costs for all of the Discrimination Project's activities. That is why we have approached donors in several countries who might be interested in taking part in this Project. Several donors attended previous meetings held in 1992. The aims of today's meeting are twofold. Firstly, we would like briefly to render account of Project's activities carried out thus far. Secondly, we would like to solicit support for Project activities not yet covered financially.

We are greatly pleased with your interest in the ILO's plans. Although I am aware of the fact that some of you are not necessarily in a position today formally to commit funds to this Project, we would have made progress if by the end of the deliberations you could give us some indication of the proposals you might wish to present to your respective Governments or Boards of Trustees. The details, the funding agreements between the ILO and your Government or Foundation, as well as the reporting procedures you might wish to see followed, can be specified later in "bilateral" contacts between you and the ILO. We will have to lay down in writing any

agreements that we may reach with you, which would normally be done through an exchange of letters. If you, on your part, require additional monitoring or reporting on how the money has been spent, we are very willing to accommodate any such wishes you might have, subject to the ILO's financial regulations.

CORRESPONDENCE TESTING FOR QUALIFIED JOBS

VALID APPLICATIONS:	39
NEITHER INVITED:	13
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USABLE APPLICATIONS:	26
BOTH INVITED AT THE SAME TIME:	11
ONLY DUTCH INVITED:	7
ONLY SURINAMESE INVITED:	3
FIRST SURINAMESE INVITED, THEN DUTCH:	3
<hr/>	
NET DISCRIMINATION AGAINST SURINAMESE:	1
NET DISCRIMINATION IN %:	4%

AUDIT TESTING FOR SEMISKILLED JOBS

APPLICATION BY TELEPHONE

VALID APPLICATIONS:	68
NEITHER APPLICATION ACCEPTED:	22

USABLE APPLICATIONS:	46
BOTH APPLICATIONS ACCEPTED:	34
ONLY DUTCH APPLICATION ACCEPTED :	12
ONLY MOROCCAN APPLICATION ACCEPTED :	0

NET DISCRIMINATION AGAINST MOROCCAN:	12
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RESULT OF APPLICATION BY TELEPHONE:

BOTH APPLICATIONS ACCEPTED:	34
NEITHER INVITED FOR INTERVIEW:	9
BOTH INVITED FOR INTERVIEW:	15
ONLY DUTCH INVITED FOR INTERVIEW:	7
ONLY MOROCCAN INVITED FOR INTERVIEW:	1
JOB OFFER TO DUTCH:	1
JOB OFFER TO MOROCCAN:	1

NET DISCRIMINATION AGAINST MOROCCAN:	6
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INTERVIEW

BOTH INVITED FOR INTERVIEW:	15
EQUAL INTERVIEW, NO JOB OFFER:	4
NON-EQUAL INTERVIEW, IN FAVOUR OF DUTCH:	1
NON-EQUAL INTERVIEW, IN FAVOUR OF MOROCCAN:	1
EQUAL INTERVIEW, JOB OFFER TO DUTCH ONLY:	2
EQUAL INTERVIEW, JOB OFFER TO MOROCCAN ONLY:	0

NET DISCRIMINATION AGAINST MOROCCAN:	2
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CUMULATIVE NET DISCRIMINATION:	20
CUMULATIVE NET DISCRIMINATION IN % (20:46x100):	43%

A RESEARCH MANUAL ON THE EVALUATION OF ANTI-DISCRIMINATION TRAINING ACTIVITIES

A SUMMARY

This manual forms part of a four and a half year initiative by the Migration and Population Branch of the International Labour Office (ILO). Already this initiative has instituted research to document the major forms, extent and severity of discrimination against (im)migrant workers and ethnic minorities in a number of (im)migrant-receiving countries. This has been followed by an evaluation of the efficacy of anti-discrimination measures in these countries. The manual constitutes the first step of the next stage, which is to examine the extent, content and impact of anti-discrimination training and education activities in major (im)migrant-receiving countries.

The Aim of the Study

There are good reasons for seeing employment as the key sector when considering those factors which aid or hinder the successful social integration of (im)migrants and minorities. It seems that in some countries education and training programmes to combat discrimination in employment are well established; in others one only has initial impressions of some limited activity which may or may not be confirmed by this study; and in others one has no knowledge of any training at all.

The aim of this ILO study is to document and evaluate in different countries the anti-discrimination training and education activity where such training is imparted to people who have a part to play in access to the labour market. In the same way that the previous discrimination testing stage of the ILO's project focused on exposing discrimination at the entry level of jobs, so this stage is concerned with training directed at those who hire personnel or have some role in the allocation of individuals to opportunities within the labour market.

The research is concerned with training directed at three target groups: personnel and line managers in both the private and public sector; civil servants and officials in labour exchanges and employment agencies; and trade union full-time officials and shop stewards. In other words, it will be primarily concerned with training directed at "gatekeepers" who have a role to play in the access of minorities to employment, and who may also have an influence on employment careers within an organisation.

National researchers in each of the participating countries will be required to take stock of the different training approaches that exist, and evaluate their impact. Based on these

country reports, the project will distil conclusions with respect to the most effective approach for employers, governments or trade unions.

The Role of the Manual

The role of this research manual is to give instructions to these researchers on what to look for when documenting the nature and extent of training in their respective countries, and what methodology to use when evaluating the effectiveness of different training approaches. A standardised research methodology is described, so as to enable researchers to produce comparable research results.

This research will be primarily concerned with *anti-discrimination* training which is based on the assumption that the most important way to facilitate the fair treatment and labour market integration of (im)migrants and minorities is to tackle the discrimination - direct and indirect - which is operated knowingly or unknowingly by gatekeepers and organisations.

Therefore it will not consider, for example, training which is directed at the (im)migrants and ethnic minorities themselves, such as training in the language of the receiving country, or occupational skills training. Although this type of provision can be very important in facilitating the successful social integration of (im)migrants, it is not the sort of *anti-discrimination* training that the ILO is concerned with here. Moreover, as (im)migrant communities over the passage of time become settled ethnic minority populations, and as second and third generations are born in the "host" country, such training is likely to become increasingly unnecessary.

Types of Anti-Discrimination Training

One of the aims of the research is to come to conclusions about which sort of training approach is most effective for which client group under which circumstances. There are a number of very different types of anti-discrimination training which are all seen by their proponents as useful for countering discriminating behaviour by gatekeepers. To aid researchers in the documentation and classification of anti-discrimination training in different countries the Manual sets out the major different training approaches. By "approaches" are meant the underlying philosophies and assumptions of such training, and the corresponding methodologies and training content implied by these.

The main training approaches are categorised as follows:

(1) Information Training

In many migrant-receiving countries there exist programmes to encourage inter-cultural awareness and promote better communication and understanding, training directed at those dealing with the integration of (im)migrants which provides demographic facts and figures on (im)migrants, their countries of origin, their current employment patterns, and so on.

(2) Cultural Awareness Training

This not only provides cultural information, but actively engages trainees in exercises to change their attitudes; for example, role play exercises, or intensive group discussions. Courses of cultural awareness might include material on the majority culture of the trainees on the grounds that thinking critically about their own culture will help in understanding others better. Courses on the theme of "living/working together with foreigners/(im)migrants" will often fall under this heading.

(3) Racism Awareness Training

The premise of Racism Awareness Training is that racism is located in white people and operates to their interests; it is therefore their responsibility to tackle it. White people need to be made aware of their own racism as a precondition of being able to tackle the problem in their own lives. The methods are generally techniques to induce self-awareness in a group setting, with trainers sometimes using confrontational techniques, along with role-play and other self-awareness exercises.

(4) Equalities Training

In complete contrast to Racism Awareness Training which seeks to change attitudes, Equalities Training refers to training which is designed primarily to affect behaviour. The training seeks to side-step attitudes by seeing them as private and irrelevant to the job, and simply aims to instruct the trainees in legally or professionally appropriate behaviour. This is defined as precisely as possible in terms of the appropriate norms and behaviour, and the required skills.

(5) Anti-Racism Training

The premise of this approach is that racism cannot be simply reduced to a problem of (white) individuals, and yet neither can it be tackled purely in terms of discriminatory behaviour without addressing the level of personal attitudes and awareness. The goal is to secure the support of individuals in challenging the racism which is endemic in the culture and institutions of the society. Training exercises are geared to developing both self-awareness and job performance.

(6) Diversity Training

This is best typified by "Managing Diversity" programmes in the United States, seen by some to be the logical next step after measures such as equal opportunities initiatives have broken down barriers to the employment of minorities, producing a more diverse workforce. Diversity management is seen as a strategy of fully tapping the resources within an organisation, getting people to perform to their potential. The training, which is mainly directed at managers, emphasises the importance of valuing difference. Fairness is not seen as treating people equally but treating people appropriately.

THE RESEARCH STAGES

The following are the stages of the research to be carried out in each of the countries participating in the ILO project:

The Introductory Stages

Stage 1: Initial Contact with Key Informants Using key informants, the researcher identifies training providers and consumers who could be approached as potential participants in the research. A directory of up to 100 names and addresses is compiled.

Stage 2: Literature Survey Existing publications and documents on anti-discrimination training are collected and summarised.

The Documentation Process

Stage 3: Questionnaire Interviews with Training Providers A sample of 60 trainers is selected from the Stage 1 directory, roughly equal to the three main target groups of "gatekeepers": personnel and line managers, trade union officials and shop stewards, and staff of job centres and employment agencies.

Stage 4: Constructing Profiles of Training Activity The information from the 60 questionnaires is transferred in summary form onto five Profile Sheets, providing a factual picture of anti-discrimination training provision.

Stage 5: Overview of Training Provision Discussion and interpretation of the Stage 4 information is combined with other general and contextual information gathered during Stages 1 and 2.

The Evaluation Process

Stage 6: Selecting a Sample of Courses for Evaluation A sample of 21 training courses is selected to be case studies for the evaluation process. These case studies are spread equally between the three main target groups of "gatekeepers".

Stage 7: The Evaluation Interviews with Trainers, Clients and Trainees Semi-structured interviews of trainers and clients, and up to five trainees per course, are carried out. These provide qualitative detail on the 21 case studies with regard to the realisation of the aims of training, and identification of the problems and barriers to effectiveness.

Stage 8: The Evaluation Analysis: (i) case studies (ii) generalised overview Using the factual information from Stage 3 and the qualitative material from Stage 7, 21 individual case studies are produced, giving a description of each training course in terms of its successes and failures. Then a generalised overview draws together the evidence of the 21 case studies, making overall observations about what factors and conditions are associated with the most successful (and unsuccessful) experiences of training.

The Concluding Stages

The Reserve Strategy: In countries where there is insufficient experience of anti-discrimination training to allow the target samples to be reached, a Reserve Strategy is adopted. The researcher seeks opinions from key informants on the main arguments against or barriers to the broader adoption of anti-discrimination training.

Stage 9: Summary and Conclusions of the Research Finally, the researcher will bring together the evidence and findings from all the different stages of the research, together with the overall conclusions on the circumstances and conditions which are associated with the most successful examples of anti-discrimination training.

The Need for Research

Current information on the state of training and educational activity in different countries is based simply on impressions of what is available, rather than on rigorous enquiry. It is clear that in such a rapidly changing field there is a need for proper research investigation. In many of the (im)migrant-receiving countries the need to give some sort of priority on the social policy agenda to issues of migration has been a relatively recent phenomenon. New training initiatives are likely to mushroom over the next few years. The danger is that this will proceed without adequate reflection.

There is, therefore, an urgent need for investigation, comparison and evaluation so that training providers in one country can learn from the experiences of those in another, can clarify their conceptual tools and the underlying assumptions of different approaches, and will therefore be less likely to repeat the mistakes of those who have already been through the process.

The Research Manual was prepared for the ILO by John Wrench and Paul Taylor, of the Centre for Research in Ethnic Relations, University of Warwick, United Kingdom.

The carrying out of the actual research activity in various countries will be coordinated by the Migration and Population Branch at the ILO headquarters in Geneva.

The manual is available in English, French and German. Further copies can be obtained from the ILO at the following address:

International Labour Office
Migration and Population Branch
4 route des Morillons
CH-1211 Geneva 22

Combating discrimination against (im)migrant workers and ethnic minorities in the world of work

Publications already available

Activity 1:

Bovenkerk, F.: Testing discrimination in natural experiments: A manual for international comparative research on discrimination on the grounds of "race" and ethnic origin (Geneva, ILO, 1992).

Activity 2:

Foster, L., Marshall, A. and Williams L.: Discrimination against immigrant workers in Australia (Geneva, ILO, 1991).

Raskin, C.: De facto discrimination, immigrant workers and ethnic minorities: A Canadian overview (Geneva, ILO, 1993).

Rutherglen, G.: Protecting aliens, immigrants and ethnic minorities from discrimination in employment: the experience in the United States (Geneva, ILO, 1993).

Zegers de Beijl, R.: Although equal before the law... The scope of anti-discrimination legislation and its effects on labour market discrimination against migrant workers in the United Kingdom, the Netherlands and Sweden (Geneva, ILO, 1992). Also in French and German.

Activity 3:

Wrench, J. and Taylor, P.: A research manual on the evaluation of anti-discrimination training activities (Geneva, ILO, 1993).

Other:

Dex, S.: The cost of discriminating against migrant workers: an international review (Geneva, ILO, 1992).

Torrealba, R.: Discrimination against migrant workers in Venezuela (Geneva, ILO, 1993). Also in Spanish.

Zegers de Beijl, R.: Discrimination of migrant workers in western Europe (Geneva, ILO, 1990).

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**Combating Discrimination against
(Im)Migrant Workers and
Ethnic Minorities
in the World
of Work**

Information Bulletin

No. 3

January 1996



**International Labour Office
Geneva**

The Information Bulletin

This Information Bulletin aims at keeping donors, researchers and other interested parties informed about developments in respect of the ILO project 'Combating Discrimination Against (Im)migrant Workers and Ethnic Minorities in the World of Work'. As such, it constitutes a report on the progress made in implementing the project.

As signalled in previous issues of the Information Bulletin, the information is grouped around the four major activities of the project, on a country by country basis. These major activities are i) empirical documentation of discrimination; ii) research to assess the scope and efficacy of legislative measures to combat discrimination; iii) inventory and impact evaluation of training and education in anti-discrimination or equal treatment; and iv) seminars to disseminate and draw conclusions from the research findings.

1. Introduction

This Bulletin summarizes the progress made in implementing the ILO project since the meeting of project donors, held in Geneva, 17 January 1994. After a slow and difficult start, the project is now in full swing and covers activities in eleven industrialized, (im)migrant receiving countries. The project is supported by grants from numerous governmental and non-governmental agencies and organizations in all participating countries. A list of these donors is provided in Annex 1. Without their gracious support it would have not been possible to carry out the project on its present scale, nor would its impact have been what it is today.

2. First activity: The empirical documentation of discrimination

As regards the first phase of the umbrella project, the situation is as follows. Following the elaboration by Prof. Dr. Bovenkerk of the methodology for the documentation of discrimination¹, project documents have been developed and submitted to donors in Australia, Belgium, Canada, Denmark, Germany, France, the Netherlands and Spain. The project documents covering Belgium, Germany, the Netherlands and Spain have been approved by their respective donors and the donors' contributions have been received by the ILO. Contracts for the carrying out of the research have been issued to researchers in these countries and the actual

¹ F. Bovenkerk: Testing discrimination in natural experiments: A manual for international comparative research on discrimination on the grounds of "race" and ethnic origin (Geneva, ILO, 1992).

practice tests have been launched in the course of 1994 and 1995, respectively. The ILO-based project coordinator has undertaken various monitoring missions to these countries in order to assess the progress of the research activities.

The research has been concluded in Germany, the Netherlands and Spain and the resulting reports have been published.² An assessment of the numerous practice tests already carried out in the United States is being funded by a private foundation in that country. The results of this research will become available by February 1996.³ Reports on Belgium and Denmark are expected to be published by the end of 1996. The participation of Italy in this activity is still under negotiation with the Italian Government.

All reports convincingly show discrimination in access to employment to be a phenomenon of considerable and significant importance. Net discrimination rates of up to 35 per cent were not uncommon, meaning that in at least one out of three application procedures unlawful discrimination against migrant applicants occurred. In interpreting these results, it should be kept in mind that, as a consequence of the rigorous research methodology, the discrimination rates uncovered by the project must be assumed to be conservative estimates of what is happening in reality. Thus, discrimination constitutes a serious impediment for migrants' chances of finding employment. Or, as stated in the report on the Netherlands: "The findings (...) strongly suggest that the possibility of actually getting a job is almost zero for the Moroccan applicant" (Bovenkerk et al., 1995, p. 52).

The findings of the report on the Netherlands - discrimination in access to jobs was found to be rampant - gave rise to a wide press, TV and radio coverage as well as a news conference by concerned ministries, and questions in Parliament. The Government indicated that it was very concerned with the report's findings and that it will launch an assessment of the efficacy of recently introduced anti-discrimination legislation as well as specific measures aimed at improving the labour market situation of migrant and ethnic minority workers. The findings of these evaluations as well as those of the research carried out by the ILO are planned to be presented on the occasion of a national seminar on combating employment-related discrimination.

² F. Bovenkerk, M. Gras and D. Ramsoedh: Discrimination against migrant workers and ethnic minorities in access to employment in the Netherlands (Geneva, ILO, 1995); A. Goldberg, D. Mourinho: 'Empirischer Nachweis von Diskriminierung gegenüber ausländischen Arbeitnehmern beim Zugang zum Arbeitsmarkt', in: A. Goldberg, D. Mourinho und U. Kulke: Arbeitsmarkt-Diskriminierung gegenüber Ausländischen Arbeitnehmern in Deutschland (Geneva, ILO, 1995); Colectivo IOE: 'Discriminación contra trabajadores marroquíes en el acceso al empleo: Informe sobre España', in: Colectivo IOE y R. Pérez Molina: La discriminación laboral a los trabajadores inmigrantes en España (Geneva, ILO, 1995).

³ M. Bendick jr.: Discrimination against immigrant and ethnic minority workers in access to employment in the United States (Geneva, ILO, forthcoming).

3. Second activity: Research into legislative redress mechanisms and related measures

Although efforts have concentrated on getting the project's first phase under way, progress with respect to the next phases has also been made. Studies on the efficacy of anti-discrimination legislation - the project's second phase - were carried out in Canada, Germany, The Netherlands, Spain, Sweden, the United Kingdom and the United States.⁴ An assessment of the Australian legislation is under way, and evaluations of Belgian and Finnish legislation will be launched in 1996.

Preliminary findings point to the limited utility of penal code provisions in providing redress to victims of unlawful discrimination. Comprehensive civil legislation appears to offer more possibilities for victims of discrimination to claim their legal right to equality of treatment. To facilitate application, such a legislation should not only clearly outlaw both direct and indirect discrimination, it should also contain definitions of both types of discriminatory acts. To be of relevance for the types of discrimination commonly encountered by (im)migrant workers, nationality, colour, religion, race and ethnic origin should be among the grounds of discrimination covered in such a comprehensive statute.

In order to obtain information with respect to the efficacy of anti-discrimination statutes, experience in several countries has shown that mandatory monitoring and reporting by employers on the composition of their workforce according to nationality, ethnic group, and any other ground of discrimination and/or minority group status as specified in the law, are extremely useful tools. Legislative provisions which exclude companies that were convicted for discriminatory acts from the awarding of governmental contracts for the provision of goods and services ('contract compliance'), as well as requirements to adopt positive action programmes so as to actively promote (im)migrants' equal participation appear to be equally indispensable.

⁴ R. Zegers de Beijl: Although equal before the law... The scope of anti-discrimination legislation and its effects on labour market discrimination against migrant workers in the United Kingdom, the Netherlands and Sweden (Geneva, ILO, 1991); G. Rutherglen: Protecting aliens, immigrants and ethnic minorities from discrimination in employment: the experience in the United States (Geneva, ILO, 1993); C. Ventura: From outlawing discrimination to promoting equality: Canada's experience with anti-discrimination legislation (Geneva, ILO, 1995); W.R. Böhring and R. Zegers de Beijl: The integration of migrant workers in the labour market: Policies and their impact (Geneva, ILO, 1995); U. Kulke: 'Schutz der Arbeitsmigranten im Bereich der Beschäftigung: Rechtliche Möglichkeiten und deren Verbesserung', in: A. Goldberg, D. Mourinho und U. Kulke: Arbeitsmarkt-Diskriminierung gegenüber ausländischen Arbeitnehmern in Deutschland (ILO, Geneva, 1995); R. Perez Molina: 'La protección contra la discriminación a los inmigrantes en España: Del papel mojado a una legislación efectiva', in: Colectivo IOE y R. Pérez Molina: La discriminación laboral a los trabajadores inmigrantes en España (Geneva, ILO, 1995).

4. **Third activity: Inventory and impact assessment of anti-discrimination training activities**

A standard methodology for documenting and evaluating training courses in non-discriminatory behaviour - the project's third phase - has been developed.⁵ Based on this standardized evaluation methodology, the governments of Belgium, Finland, the Netherlands, Spain and the United Kingdom, as well as a private foundation in the United States, have committed themselves to funding the evaluation activities in their respective countries. The research in the Netherlands, Spain and the United Kingdom is well under way. Finland, where the research was launched by means of a seminar on labour-market discrimination, followed by the end of 1995, whereas Belgium and the United States will follow in 1996. Participation of Canada in this activity is under negotiation with the Canadian Government.

5. **Fourth activity: Seminars**

An international seminar aimed at disseminating the project's research findings will be organized in 1997. Prior to these international seminars, donor support will be sought to organize seminars in each country separately, with the aim of feeding the project findings into the national policy making process. Belgium, Finland and Spain have already agreed to the holding of such national seminars. The Spanish seminar will be held in Madrid, Spring 1996, with participants from the Government, Parliament, political parties, workers' and employers' organizations, universities, non-governmental organizations and other interest groups. The Belgian and Finnish national seminars are planned to take place in 1997. The organization of a national seminar in the Netherlands, tentatively planned for the autumn of 1996, is under discussion with the Dutch Government.

The international seminar aims at comparing the project findings for the different participating countries, and would draw conclusions as to how to improve the efficacy of measures aimed at combating discrimination. This seminar is tentatively planned to take place in Brussels, December 1997. The European Commission has confirmed that it would provide support for organizing this seminar.

⁵ John Wrench and Paul Taylor: A research manual on the evaluation of anti-discrimination training activities (Geneva, ILO, 1993).

6. Impact

The wide range of project activities have resulted in the ILO having gained recognition as one of the lead agencies in fighting discrimination against (im)migrant and ethnic minority workers. This has been evidenced in the Office being invited to participate - and the project coordinator to act as a resource person - in numerous national and international meetings on the subject of discrimination against (im)migrant workers. Notably, close working relations were established with the Council of Europe and the European Commission with the aim to cross-fertilize the work of these institutions and the ILO, while at the same time avoiding any duplication of work and thus wasting of scarce donor resources. The ILO has provided inputs to several work items and declarations adopted by European Ministers responsible for Migration under the aegis of the Council of Europe. Also, the project manager was invited to participate in the steering committee of a programme aimed at fighting racism at the workplace instituted by the European Foundation for the Improvement of Living and Working Conditions. This programme resulted in the Joint Declaration on the Prevention of Racial Discrimination and Xenophobia and Promotion of Equal Treatment at the Workplace, adopted by the European Social Partners, October 1995.

At the international level contacts have been established with the United Nations' Centre for Human Rights. The yearly meetings of the Commission on Human Rights, as well as of its Sub-Commission on Prevention of Discrimination and Protection of Minorities are attended on a regular basis. Contributions on the specific subject of labour market discrimination against (im)migrant and ethnic minority workers are made through the ILO's regular reports to these bodies, and direct interventions are made occasionally. The project findings are also fed into the work of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance as well as into the Committee overseeing the application of the International Convention on the Elimination of Racial Discrimination.

Apart from developing and managing the overall project, overseeing individual research activities in participating countries and disseminating the project findings in national, regional and international fora, the Geneva-based project coordinator has been engaged in directing the project's publication programme. Publications pertaining to specific project activities are referred to in footnotes throughout this Bulletin. A full list of official project publications and translations which are already available is presented in Annex 2, whereas Annex 3 provides an overview of conference papers and articles deriving from these publications. Annex 4 contains a list of the researchers associated with the project.

7. Conclusion

The ILO project 'Combating discrimination against (im)migrants and ethnic minorities in the world of work' is in full progress. Despite the politically sensitive nature of the subject of discrimination, the project has been well received in all participating countries. Research findings have convincingly shown that discrimination in the world of work is widespread and persistent. The project therefore, was launched not only very timely but it also covers an essential requirement for participating countries, i.e. the question of how to combat discrimination more effectively and thus, how to improve the (im)migrants integration in the labour market and society at large.

The countries covered by the project include Australia, Belgium, Canada, Denmark, Finland, Germany, the Netherlands, Spain, Sweden, the United Kingdom and the United States. Participation is still under negotiation with the governments and/or private donors in France and Italy. This wide and significant coverage means that the main objective of the project will be met, i.e. the international comparison of the efficacy of the ways and means to combat labour market discrimination against (im)migrants and ethnic minorities. The seminars scheduled for the second half of 1997 constitute the last series of activities of this major international effort. They will provide elements to enable countries to learn from the experience in other countries and to draw conclusions as to how to improve the efficacy of measures aimed at combating discrimination.

Annex 1

Project donors⁶

Activity 1:

The Federal Office for Scientific, Technical and Cultural Affairs, Brussels, Belgium.
South Jutland University, Esbjerg, Denmark
The Hans Böckler Foundation, Düsseldorf, Germany
The Centre for Turkish Studies, Essen, Germany
The Ministry of the Interior, The Hague, The Netherlands
The Ministry of Justice, The Hague, The Netherlands
The Ministry of Social Affairs, Madrid, Spain
The Regional Government of Andalucía, Sevilla, Spain
The Jaume Bofill Foundation, Barcelona, Spain
The Paulino Torras Domenèch Foundation, Barcelona, Spain
The Russell Sage Foundation, New York, The United States

Activity 2:

Jyväskylä University, Jyväskylä, Finland
The Federal Office for Scientific, Technical and Cultural Affairs, Brussels, Belgium.
The Ministry of Social Affairs, Madrid, Spain
The Regional Government of Andalucía, Sevilla, Spain
The Jaume Bofill Foundation, Barcelona, Spain
The Paulino Torras Domenèch Foundation, Barcelona, Spain
The Russell Sage Foundation, New York, The United States

Activity 3:

The Federal Office for Scientific, Technical and Cultural Affairs, Brussels, Belgium.
The Ministry of Labour, Helsinki, Finland
Jyväskylä University, Jyväskylä, Finland
The Ministry of Social Affairs and Employment, The Hague, The Netherlands
The Central Employment Board, Rijswijk, The Netherlands
The Ministry of Social Affairs, Madrid, Spain
The Regional Government of Andalucía, Sevilla, Spain
The Jaume Bofill Foundation, Barcelona, Spain

⁶ Additional funds for developing the project were obtained from the Directorate General for Technical Cooperation, Ministry of Foreign Affairs, The Hague, The Netherlands.

The Paulino Torras Domenèch Foundation, Barcelona, Spain
The Department for Education and Employment, London, The United Kingdom
The University of Warwick, Coventry, The United Kingdom
The Russell Sage Foundation, New York, The United States

Activity 4:

The Federal Office for Scientific, Technical and Cultural Affairs, Brussels, Belgium.
The Ministry of Labour, Helsinki, Finland
The Ministry of Social Affairs, Madrid, Spain
The European Commission, Brussels, Belgium

Annex 2

Project publications already available

Activity 1:

F. Bovenkerk Testing discrimination in natural experiments: A manual for international comparative research on discrimination on the grounds of "race" and ethnic origin (Geneva, ILO, 1992).

F. Bovenkerk, M. Gras and D. Ramsoedh Discrimination against migrant workers and ethnic minorities in access to employment in the Netherlands (Geneva, ILO, 1995).

Colectivo IOE 'Discriminación contra trabajadores marroquíes en el acceso al empleo: Informe sobre España' in: Colectivo IOE y R. Pérez Molina: La discriminación laboral a los trabajadores inmigrantes en España (Geneva, ILO, 1995).

English translation forthcoming.

A. Goldberg und D. Mourinho 'Empirischer Nachweis von Diskriminierung gegenüber ausländischen Arbeitnehmern beim Zugang zum Arbeitsmarkt: Erfahrungsbericht für Deutschland' in: A. Goldberg, D. Mourinho und U. Kulke Arbeitsmarkt-Diskriminierung gegenüber ausländischen Arbeitnehmern in Deutschland (Geneva, ILO, 1995).

English translation forthcoming.

Activity 2:

U. Kulke 'Schutz der Arbeitsmigranten im Bereich der Beschäftigung: Rechtliche Möglichkeiten und deren Verbesserung' in: A. Goldberg, D. Mourinho und U. Kulke Arbeitsmarkt-Diskriminierung gegenüber ausländischen Arbeitnehmern in Deutschland (Geneva, ILO, 1995).

English translation forthcoming.

R. Pérez Molina 'La protección contra la discriminación a los inmigrantes en España: Del papel mojado a una legislación efectiva' in: Colectivo IOE y R. Pérez Molina: La discriminación laboral a los trabajadores inmigrantes en España (Geneva, ILO, 1995).

English translation forthcoming.

G. Rutherglen Protecting aliens, immigrants and ethnic minorities from discrimination in employment: The experience in the United States (Geneva, ILO, 1993).

C. Ventura From outlawing discrimination to promoting equality: Canada's experience with anti-discrimination legislation (Geneva, ILO, 1995).

R. Zegers de Beijl Although equal before the law... The scope of anti-discrimination legislation and its effects on labour market discrimination against migrant workers in the United Kingdom, the Netherlands and Sweden (Geneva, ILO, 1991).

Also in French and German.

R. Zegers de Beijl 'Labour market integration and legislative measures to combat discrimination against migrant workers' in: W.R: Böhning and R. Zegers de Beijl The integration of migrant workers in the labour market: Policies and their impact (Geneva, ILO, 1995).

Activity 3:

J. Wrench and P. Taylor A research manual on the evaluation of anti-discrimination training activities (Geneva, ILO, 1993).

Also in German.

Other:

Dex, S. The cost of discriminating against migrant workers: An international review (Geneva, ILO, 1992).

Foster, L., Marshall, A. and Williams, L. Discrimination against immigrant workers in Australia (Geneva, ILO, 1991).

Raskin, C. De facto discrimination, immigrant workers and ethnic minorities: A Canadian overview (Geneva, ILO, 1993).

Torrealba, R. Discrimination against migrant workers in Venezuela (Geneva, ILO, 1993).

Also in Spanish

Zegers de Beijl, R. Discrimination of migrant workers in Western Europe (Geneva, ILO, 1990).

Annex 3

Conference papers and other publications related to the ILO project 'Combating discrimination against (im)migrant workers and ethnic minorities in the world of work'

'Human Resources in the EC: A wider perspective', paper presented at Centre for European Policy Studies (CEPS) Seminar on Human Resources in the EC, Brussels, 7 November 1990.

'New strategies to combat discrimination against migrant workers', Social and Labour Bulletin (Geneva), No. 4, 1992, pp. 476-479.

'Les travailleurs migrants et le multiculturalisme', Culture, éducation et travail (Dossier d'information pour la célébration de la Journée mondiale du développement culturel 1993), Paris, UNESCO, 1993, pp. 35-39. (Also published in English and Spanish).

'Wenn auch gleich vor dem Gesetz...', In: Ulrike Haupt and Jörn Rohwer (eds.), Schutzgesetze gegen ethnische Diskriminierung, Berlin, Verwaltungsdruckerei, 1993, pp. 65-115.

'Gegen Diskriminierung von ausländischen Arbeitnehmern und ethnischen Minderheiten in der Arbeitswelt', paper presented at Conference on Political and Juridical Measures to Counter Discrimination Against Foreigners, Mülheim, 8-10 October 1993.

'Eliminating discrimination against migrant workers: the need for new strategies', paper presented at Meeting of Experts on the Role of Management and Trade Unions in Promoting Equal Opportunities in Employment, Council of Europe, Strasbourg, 8-10 December 1993.

'Wie echt wil, die kan... Integratie- en anti-discriminatiebeleid ten behoeve van migranten op de arbeidsmarkt', LBR Bulletin (Utrecht), Vol. 9, No. 6, 1993, pp. 3-16 (co-authored by Ronald Berghuys).

'Combating discrimination against migrant workers: the role of the social partners', In: European Foundation for the Improvement of Living and Working Conditions, European Conference on Migration and the Social Partners, Dublin, 9-10 December 1993 - Proceedings, Luxembourg,

Office for Official Publications of the European Communities, 1994, pp. 67-77.

'Combating discrimination against migrant workers: International labour standards and operational activities of the ILO', paper presented at the CSCE Human Dimension Seminar on Migrant Workers, Warsaw, 21-25 March 1994, (co-authored by Roger Böhning).

'Combating discrimination against migrant workers: An ILO initiative', paper presented at European Seminar on Preventing Racism at the Workplace, Brussels, 4 May 1994.

'Combating discrimination against migrant workers: A prerequisite for the effective management of a multi-cultural workforce', paper presented at the Association of Christian Employers and Business Executives VKW Seminar on Managing Diversity, Brussels, 20 October 1994.

International migration, economic development and human rights. Brussels, Churches Commission for Migrants in Europe, 1994 (co-authored by Jan Niessen)

'International labour migration: Policy options for sending and receiving countries', Etudes Migrations, Vol. XX, No. 2, 1995 (co-authored by Christiane Kuptsch).

'Migrant workers: International labour standards and operational activities of the ILO', paper presented to a meeting of Public Services International, Geneva, 3-4 May 1995.

'Combating discrimination against migrant workers: The need to go beyond standard setting', paper presented at the Friedrich Ebert Foundation Seminar on International Social and Development Policies, Geneva, 12-17 June 1995.

'Governments, employers' and workers' organizations: Partners in combating labour market discrimination', paper presented at the European Conference on Preventing Racism at the Workplace, Madrid, 15-16 November 1995.

Annex 4

**Researchers affiliated with the ILO project
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**Combatting Discrimination against
(Im)Migrant Workers and
Ethnic Minorities
in the World
of Work**

Information Bulletin

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The Information Bulletin

This Information Bulletin aims at keeping donors, researchers and other interested parties informed about developments in respect of the ILO project 'Combating Discrimination Against (Im)migrant Workers and Ethnic Minorities in the World of Work'. As such, it constitutes a report on the progress made in implementing the project.

As signalled in previous issues of the Information Bulletin, the information is grouped around the four major activities of the project, on a country by country basis. These major activities are i) empirical documentation of discrimination; ii) research to assess the scope and efficacy of legislative measures to combat discrimination; iii) inventory and impact evaluation of training in anti-discrimination or equal treatment; and iv) seminars to disseminate and draw conclusions from the research findings.

1. Introduction

This Bulletin summarizes the progress made in implementing the ILO project since January 1996, when the previous issue of the Information Bulletin was published. The project covers activities in ten industrialized, (im)migrant receiving countries. The project is supported by grants from numerous governmental and non-governmental agencies and organizations in participating countries. A list of these donors is provided in Annex 1. Without their gracious support it would have not been possible to carry out the project on its present scale, nor would its impact have been what it is today.

2. First activity: The empirical documentation of discrimination

Following the elaboration by Prof. Dr. Frank Bovenkerk of the methodology for the documentation of discrimination¹, research to document the occurrence of discrimination in access to employment has been carried out Belgium, Germany, Denmark, the Netherlands, Spain and the United States. The ILO-based project coordinator has undertaken various monitoring missions to these countries in order to assess the progress of the research activities and to ensure that the research methodology was implemented correctly.

Research reports covering Germany, the Netherlands, Spain and the United States

¹F. Bovenkerk: *Testing discrimination in natural experiments: A manual for international comparative research on discrimination on the grounds of "race" and ethnic origin*, ILO, Geneva, 1992.

have been published², the reports on Belgium and Denmark are envisaged to be published later in 1997.

The methodology prescribes in detail how to document whether or not migrants are discriminated against when trying to find a job. In these so-called 'practice tests', equally qualified (im)migrant/minority and national candidates apply for advertised vacancies and their acceptability is examined. By testing migrants' chances in numerous application procedures for different sorts of jobs comprising a cross-section of the labour market, the programme documented the incidence of discrimination against these workers in different sections of the labour market.

The programme's findings show discrimination in access to employment to be a phenomenon of considerable and significant importance. Overall net-discrimination rates of up to 35 per cent are not uncommon, meaning that in at least one out of three application procedures migrants are discriminated against. In interpreting these results, it should be kept in mind that, as a consequence of the rigorous research methodology, the discrimination rates uncovered by the project must be assumed to be conservative estimates of what is happening in reality. Thus, discrimination constitutes a serious impediment for migrants' chances of finding employment.

By far most instances of flagrant discrimination occur in the first contact with the employer when the migrant applicant tries to present his/her candidacy. Blatant, direct discrimination results in migrants not even being able to present their credentials. Often the migrant applicant was simply being told that the vacancy was already filled, whereas the national applicant was invited for an application interview. In other instances the migrant candidate - identifiable by his/her foreign name - was immediately told that foreigners were not wanted. If both testers were invited to the application interview, there were a considerable number of cases where the migrant candidate was subjected to additional qualification requirements while the national candidate was not. Finally, if the migrant candidate was offered a job, the terms and conditions tended to be inferior to those offered to the national applicant. Above average discrimination rates were detected particularly in privately owned small and medium sized enterprises in the services sector, especially for jobs which involve direct contact with clients. This is all the more troubling as it is notably the services sector in which demand for labour is relatively high and new jobs are being created. In other words, employment growth does not benefit migrant workers proportionally, thus adding further to their disadvantaged position on the labour markets of receiving countries.

² See F. Bovenkerk, M. Gras and D. Ramsoedh: *Discrimination against migrant workers and ethnic minorities in access to employment in the Netherlands*, ILO, Geneva, 1995; A. Goldberg, D. Mourinho: 'Empirical proof of discrimination against foreign workers in labour market access', in: A. Goldberg, D. Mourinho and U. Kulke: *Labour market discrimination against foreign workers in Germany*, ILO, Geneva, 1996; Colectivo IOE: 'Discrimination against Moroccan workers in access to employment', in: Colectivo IOE and R. Pérez Molina: *Labour market discrimination against migrant workers in Spain*, ILO, Geneva, 1996; M. Bendick Jr.: *Discrimination against racial/ethnic minorities in access to employment in the United States: Empirical findings from situation testing*, ILO, Geneva, 1997.

3. Second activity: Research into legislative redress mechanisms and related measures

Studies on the efficacy of anti-discrimination legislation - the project's second phase - have been carried out in Canada, Finland, Germany, The Netherlands, Spain, Sweden, the United Kingdom and the United States.³ An evaluation of the Belgian and Danish legislation will be finalised later in 1997.

Preliminary findings point to the limited utility of penal code provisions in providing redress to victims of unlawful discrimination in employment. Comprehensive civil legislation appears to provide victims of employment-related discrimination with more possibilities to claim their legal rights to equality of opportunity and treatment. To facilitate application, such legislation should not only clearly outlaw both direct and indirect discrimination, it should also contain straightforward definitions of both types of discriminatory acts. To be of relevance for non-national migrant workers, nationality, colour, religion, 'race' and ethnic origin should be among the grounds of discrimination covered in such a comprehensive statute. Given the substantial difficulties of proving discriminatory practices, civil anti-discrimination legislation should contain provisions to place the burden of proof on the person against whom discrimination is alleged. He/she should be required to prove that the disadvantageous treatment was not based on any of the prohibited grounds when the complainant has produced plausible or prima facie evidence of discrimination.

In order to obtain information with respect to the efficacy of anti-discrimination statutes, experience in several countries has shown that mandatory monitoring and reporting by employers on the composition of their workforce according to nationality, ethnic group, and any other ground of discrimination and/or minority group status as specified in the law, are extremely useful tools. Requirements to adopt positive action programmes so as actively to promote migrants' equal participation in employment, as well as provisions which exclude companies proven to engage in discrimination from the awarding of governmental contracts for the provision of goods and services ('contract

³ See R. Zegers de Beijl: *Although equal before the law... The scope of anti-discrimination legislation and its effect on labour market discrimination against migrant workers in the United Kingdom, the Netherlands and Sweden*, ILO, Geneva, 1991; G. Rutherglen: *Protecting aliens, immigrants and ethnic minorities from discrimination in employment: The experience in the United States*, ILO, Geneva, 1993; C. Ventura: *From outlawing discrimination to promoting equality: Canada's experience with anti-discrimination legislation*, ILO, Geneva, 1995; R. Zegers de Beijl: 'Labour market integration and legislative measures to combat discrimination against migrant workers', in: W. R. Böhning and R. Zegers de Beijl: *The integration of migrant workers in the labour market: Policies and their impact*, ILO, Geneva, 1995; U. Kulke: 'Employment protection of migrant workers: Legal facilities and their improvement', in: A. Goldberg, D. Mourinho and U. Kulke: *Op. cit.*; R. Pérez Molina: 'Discrimination against immigrant workers in access to employment in Spain: From worthless paper to effective legislation', in Colectivo IOE and R. Pérez Molina: *Op. cit.*; K. Vuori: *Protecting (im)migrants and ethnic minorities from discrimination in employment: Finnish and Swedish experiences*, ILO, Geneva, 1996.

compliance') appear to be equally indispensable.⁴

As regards the crucial issue of law enforcement, the findings clearly demonstrate that a specialised institution in the field of equality of treatment and non-discrimination provides the most effective way of guaranteeing efficacious enforcement and promotion of anti-discrimination legislation. Such an institution should handle all individual allegations of discriminatory treatment and try to arrive at a mediated solution. To be fully effective, the institution should have wide investigative powers. Should mediation fail, the agency should be empowered to issue 'cease and desist' orders aimed at obliging the discriminator to cease the practice and to put equal opportunities policies in place. It also ought to have the power to bring cases to court. As discrimination is rarely an one-off act, provisions which allow for group complaints would also enhance the impact of anti-discrimination legislation.⁵

To give concrete shape to the discrimination project's findings, a proposal for a German law was elaborated and presented during a press conference in Bonn, 16 April 1996. At this press conference the findings of the German 'practice tests' were presented as well, resulting in wide media coverage. Project staff has been invited to various meetings organized by *Länder* Commissioners for Foreigners to explain this proposal for a German anti-discrimination law.

4. Third activity: Inventory and impact assessment of anti-discrimination training activities

The programme's third activity consists of making inventories and evaluations of training in equal opportunity and treatment or non-discriminatory behaviour, the training material used and its effects on trainees. Here too, a standard methodology has been developed.⁶ Based on this standardized evaluation methodology, research has been carried out in Finland, the Netherlands, Spain and the United Kingdom. The report on Spain has already been published and those on Finland, the Netherlands and the United Kingdom are envisaged to be issued shortly.⁷ Research is still underway in Belgium and the United States.

⁴ For similar recommendations see ILO: *Equality in employment and occupation*, Report III (part 4B), Geneva, 1996; Consultative Commission on Racism and Xenophobia: *Final report*, European Commission, Brussels, 1995.

⁵ For more details, see R. Zegers de Beijl: 'Labour market integration and legislative measures to combat discrimination against migrant workers', in: W.R. Böhning and R. Zegers de Beijl, *Op. cit.*

⁶ John Wrench and Paul Taylor: *A research manual on the evaluation of anti-discrimination training activities*, ILO, Geneva, 1993.

⁷ Colectivo IOE: *Anti-discrimination training activities in Spain*, ILO, Geneva, 1996.

This research covers the efficacy of anti-discrimination training where such training is imparted to persons involved in hiring decisions, the so-called 'gate-keepers' of the labour market. This group of persons comprises personnel managers, trade union officials, staff of public and private employment placement services, etc., who all share the basic characteristic that their decisions have far reaching effects on the employment prospects and careers of workers. As the ILO programme has already documented the ugly, widespread and pervasive nature of discrimination in the world of work, it was only natural, apart from formulating recommendations with a view to improving the legislative framework, to examine the possibilities of tackling discrimination through voluntary measures, notably training. In a number of countries equal opportunities and anti-discrimination training activities have been developed. However, little is known about the content, methodology and, most importantly, the effects of these various training efforts. Therefore, the programme aims at taking stock of different training approaches that exist and at measuring their impact.

Preliminary results point to the limited utility of training approaches which aim to provide information on the backgrounds to international migration and the migrants' culture. The assumption behind this approach, that correct and balanced information will automatically yield non-discriminatory behaviour, are not borne out by the evaluations. Similarly, training which aims to change trainees' attitudes does not appear to be effective in changing actual behaviour and resulted, in several occasions, even in achieving a contrary effect. By contrast, training which combines information provision, focussing more on statutory obligations with respect to equal treatment and wider governmental and company policies as opposed to stressing cultural differences, with concrete exercises based on real-life, work-floor related situations in order to achieve a change in trainees' behaviour in day to day contact with migrant workers, appears to be successful in instilling an awareness among individual trainees of discriminatory aspects in their behaviour and in providing them with sufficiently concrete advice on how to change this. For this type of training to be successful in changing behaviour of employees throughout an organisation, it appears to be imperative that all employees are trained, that it is part of wider equal opportunities policies and that these policies are actively promoted by the organisation's top-management. It is notably with respect to these conditions relating to the environment in which training takes place that much needs to be improved. This issue will be further developed as the results from the documentation and evaluation of anti-discrimination training activities in different countries become available.

5. Fourth activity: Seminars

An international seminar aimed at disseminating the project's research findings is foreseen to be organized in 1998. Prior to this international seminar, donor support has been sought to organize seminars in each country separately, with the aim of feeding the project findings into the national policy making process. Belgium, Finland, Spain and The United Kingdom have already agreed to the holding of such national seminars. In addition, in

Belgium and Spain, seminars will also be organised at the regional level. The first of these regional seminars was held in Barcelona, Catalonia, on 12 May 1997. The United Kingdom national seminar took place in London on 19 May 1997. Reports covering these seminars will be issued shortly. The organization of national seminars in Denmark, The Netherlands and the United States is still under negotiation with donors in these respective countries.

The international seminar aims at comparing the project findings for the different participating countries, and would draw conclusions as to how to improve the efficacy of measures aimed at combatting discrimination. At this seminar, the ILO will submit for discussion elements to be included in an ILO Manual on Combatting Discrimination Against (Im)migrant workers. This manual, which will constitute the final output of the ILO project, is not only intended to serve as an awareness raising tool on the subject of discrimination in the world of work, it is also meant to exemplify concrete measures that have proved to be effective in remedying it. This seminar is tentatively planned for June 1998. The European Commission has confirmed that it would co-sponsor this seminar.

6. Impact

The wide range of project activities have considerably contributed to raising awareness, both at the level of participating countries as well as internationally, on the problem of discrimination against (im)migrant workers, its extent and severity and its negative implications on society as a whole.

The ILO has gained recognition as one of the lead agencies in fighting discrimination against (im)migrant and ethnic minority workers. This has been evidenced in the ILO being invited to participate - and the project coordinator to act as a resource person - in numerous national and international meetings on the subject of discrimination against (im)migrant workers. Notably, close working relations were established with the Council of Europe and the European Commission with the aim of cross-fertilizing the work of these institutions and the ILO, while at the same time avoiding any duplication of work and thus wasting of scarce donor resources. The ILO has provided inputs to several work items and declarations adopted by European Ministers responsible for Migration under the aegis of the Council of Europe. Also, the project manager was invited to participate in the steering committee of a programme aimed at fighting racism at the work floor instituted by the European Foundation for the Improvement of Living and Working Conditions. This programme resulted in the Joint Declaration on the Prevention of Racial Discrimination and Xenophobia and Promotion of Equal Treatment at the Workplace, adopted by the European Social Partners, October 1995. This declaration was one of the inputs to the 1997 European Year Against Racism, in the Opening Conference of which the ILO participated. Participation in several of the year's activities at the level of the EU's Member States are foreseen.

At the global level, contacts have been established with the United Nations' Centre for Human Rights. The yearly meetings of the Commission on Human Rights, as well as of its Sub-Commission on Prevention of Discrimination and Protection of Minorities are attended on a regular basis. Contributions on the specific subject of labour market discrimination against (im)migrant and ethnic minority workers are made through the ILO's regular reports to these bodies, and direct interventions are made whenever they are deemed useful. The project findings have also been fed into the work of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance as well as into the Committee overseeing the application of the International Convention on the Elimination of Racial Discrimination. In May 1997, the ILO provided inputs to the Centre for Human Rights' Seminar on Immigration, Racism and Racial Discrimination, held in Geneva, 5-9 May.

Apart from developing and managing the overall project, overseeing individual research activities in participating countries and disseminating the project findings in national, regional and international fora, the Geneva-based project coordinator has been engaged in directing the project's publication programme. Publications pertaining to specific project activities are referred to in footnotes throughout this Bulletin. A full list of official project publications and translations which are already available is presented in Annex 2, while Annex 3 provides an overview of conference papers and articles deriving from these publications.

7. Conclusion

The ILO project 'Combatting discrimination against (im)migrants and ethnic minorities in the world of work' is in full progress. Despite the politically sensitive nature of the subject of discrimination, the project has generally been well received in participating countries. Research findings have convincingly shown that discrimination in the world of work is widespread and persistent. The launching of the project was therefore not only very timely, but also addressed an essential issue for participating countries, i.e. how to combat discrimination more effectively and, thus, how to improve (im)migrants integration in the labour market and society at large.

The countries covered by the project include Belgium, Canada, Denmark, Finland, Germany, the Netherlands, Spain, Sweden, the United Kingdom and the United States. Coverage of major industrialized migrant-receiving countries means that the main objective of the project will be met, i.e. the international comparison of the efficacy of the ways and means to combat labour market discrimination against (im)migrants and ethnic minorities. The seminars scheduled for 1997 and the first half of 1998 constitute the last series of activities of this major international effort. They will provide elements to enable countries to learn from the experience in other countries and to draw conclusions as to how to improve the efficacy of measures aimed at combatting discrimination.

Annex 1

Project donors⁸

Activity 1:

The Federal Office for Scientific, Technical and Cultural Affairs, Brussels, Belgium
South Jutland University, Esbjerg, Denmark
The Hans Böckler Foundation, Düsseldorf, Germany
The Centre for Turkish Studies, Essen, Germany
The Ministry of the Interior, The Hague, The Netherlands
The Ministry of Justice, The Hague, The Netherlands
The Ministry of Labour and Social Affairs, Madrid, Spain
The Regional Government of Andalucía, Sevilla, Spain
The Jaume Bofill Foundation, Barcelona, Spain
The Paulino Torras Domenèch Foundation, Barcelona, Spain
The Russell Sage Foundation, New York, The United States

Activity 2:

The Federal Office for Scientific, Technical and Cultural Affairs, Brussels, Belgium
Jyväskylä University, Jyväskylä, Finland
South Jutland University, Esbjerg, Denmark
The Ministry of Labour and Social Affairs, Madrid, Spain
The Regional Government of Andalucía, Sevilla, Spain
The Jaume Bofill Foundation, Barcelona, Spain
The Paulino Torras Domenèch Foundation, Barcelona, Spain
The Russell Sage Foundation, New York, The United States

Activity 3:

The Federal Office for Scientific, Technical and Cultural Affairs, Brussels, Belgium
The Ministry of Labour, Helsinki, Finland
Jyväskylä University, Jyväskylä, Finland
The Ministry of Social Affairs and Employment, The Hague, The Netherlands
The Central Employment Board, Rijswijk, The Netherlands

⁸ Additional funds for developing the project were obtained from the Directorate General for Technical Cooperation, Ministry of Foreign Affairs, The Hague, The Netherlands.

The Ministry of Labour and Social Affairs, Madrid, Spain
The Regional Government of Andalucía, Sevilla, Spain
The Jaume Bofill Foundation, Barcelona, Spain
The Paulino Torras Domenèch Foundation, Barcelona, Spain
The Department for Education and Employment, London, The United Kingdom
The Home Office, London, The United Kingdom
The Commission for Racial Equality, London, The United Kingdom
The University of Warwick, Coventry, The United Kingdom
The Russell Sage Foundation, New York, The United States

Activity 4:

The Federal Office for Scientific, Technical and Cultural Affairs, Brussels, Belgium
The Ministry of Labour, Helsinki, Finland
The Ministry of Social Affairs and Employment, The Hague, The Netherlands
The Ministry of Labour and Social Affairs, Madrid, Spain
The Jaume Bofill Foundation, Barcelona, Spain
The Department for Education and Employment, London, The United Kingdom
The European Commission, Brussels, Belgium

Annex 2

Project publications already available

Activity 1:

F. Bovenkerk: *Testing discrimination in natural experiments: A manual for international comparative research on discrimination on the grounds of "race" and ethnic origin*, ILO, Geneva, 1992.

F. Bovenkerk, M. Gras and D. Ramsoedh: *Discrimination against migrant workers and ethnic minorities in access to employment in the Netherlands*, ILO, Geneva, 1995.

A. Goldberg, D. Mourinho: 'Empirical proof of discrimination against foreign workers in labour market access', in: A. Goldberg, D. Mourinho and U. Kulke: *Labour market discrimination against foreign workers in Germany*, ILO, Geneva, 1996; (Also available in German).

Colectivo IOE: 'Discrimination against Moroccan workers in access to employment', in: Colectivo IOE and R. Pérez Molina: *Labour market discrimination against migrant workers in Spain*, ILO, Geneva, 1996; (Also available in Spanish).

M. Bendick Jr.: *Discrimination against racial/ethnic minorities in access to employment in the United States: Empirical findings from situation testing*, ILO, Geneva, 1997.

Activity 2:

R. Zegers de Beijl: *Although equal before the law... The scope of anti-discrimination legislation and its effect on labour market discrimination against migrant workers in the United Kingdom, the Netherlands and Sweden*, ILO, Geneva, 1991.

G. Rutherglen: *Protecting aliens, immigrants and ethnic minorities from discrimination in employment: The experience in the United States*, ILO, Geneva, 1993.

C. Ventura: *From outlawing discrimination to promoting equality: Canada's experience with anti-discrimination legislation*, ILO, Geneva, 1995.

R. Zegers de Beijl: 'Labour market integration and legislative measures to combat discrimination against migrant workers', in: W. R. Böhning and R. Zegers de Beijl: *The integration of migrant workers in the labour market: Policies and their impact*, ILO, Geneva, 1995.

U. Kulke: 'Employment protection of migrant workers: Legal facilities and their improvement', in: A. Goldberg, D. Mourinho and U. Kulke: *Labour market discrimination against foreign workers in Germany*, ILO, Geneva, 1996; (Also available in German).

U. Kulke: *Antidiskriminierungsgesetzgebung zum Schutz der Migranten: Erforderlichkeit und ein Gesetzesvorschlag für Deutschland*, ILO, Geneva, 1996.

R. Pérez Molina: 'Discrimination against immigrant workers in access to employment in Spain: From worthless paper to effective legislation', in Colectivo IOE and R. Pérez Molina: *Labour market discrimination against migrant workers in Spain*, ILO, Geneva, 1996; (Also available in Spanish).

K. Vuori: *Protecting (im)migrants and ethnic minorities from discrimination in employment: Finnish and Swedish experiences*, ILO, Geneva, 1996.

D.N. Addy: *The quest for anti-discrimination policies to protect migrants in Germany: An assessment of the political discussion and proposals for legislation*, ILO, Geneva, 1997.

Activity 3:

J. Wrench and P. Taylor: *A research manual on the evaluation of anti-discrimination training activities*, ILO, Geneva, 1993; (Also available in German).

Colectivo IOE: *Anti-discrimination training activities in Spain*, ILO, Geneva, 1996; (Also available in Spanish).

Other:

S. Dex: *The cost of discriminating against migrant workers: An international review*, ILO, Geneva, 1992.

L. Foster, A. Marshall. and L. Williams: *Discrimination against immigrant workers in Australia*, ILO, Geneva, 1991.

C. Raskin: *De facto discrimination, immigrant workers and ethnic minorities: A Canadian overview*, ILO, Geneva, 1993).

R. Torrealba: *Discrimination against migrant workers in Venezuela*, ILO, Geneva, 1993; (Also available in Spanish).

R. Zegers de Beijl: *Discrimination of migrant workers in Western Europe*, ILO, Geneva, 1990.

Annex 3

Conference papers and other publications related to the ILO project 'Combatting discrimination against (im)migrant workers and ethnic minorities in the world of work'⁹

'Human Resources in the EC: A wider perspective', paper presented at Centre for European Policy Studies (CEPS) Seminar on Human Resources in the EC, Brussels, 7 November 1990.

'New strategies to combat discrimination against migrant workers', *Social and Labour Bulletin* (Geneva), No. 4, 1992, pp. 476-479.

'Les travailleurs migrants et le multiculturalisme', *Culture, éducation et travail* (Dossier d'information pour la célébration de la Journée mondiale du développement culturel 1993), Paris, UNESCO, 1993, pp. 35-39. (Also published in English and Spanish).

'Wenn auch gleich vor dem Gesetz...', In: Ulrike Haupt and Jörn Rohwer(eds.). *Schutzgesetze gegen ethnische Diskriminierung*, Berlin, Verwaltungsdruckerei, 1993, pp. 65-115.

'Gegen Diskriminierung von ausländischen Arbeitnehmern und ethnischen Minderheiten in der Arbeitswelt', paper presented at Conference on Political and Juridical Measures to Counter Discrimination Against Foreigners, Mülheim, 8-10 October 1993.

'Eliminating discrimination against migrant workers: the need for new strategies', paper presented at Meeting of Experts on the Role of Management and Trade Unions in Promoting Equal Opportunities in Employment, Council of Europe, Strasbourg, 8-10 December, 1993.

'Wie echt wil, die kan... Integratie- en anti-discriminatiebeleid ten behoeve van migranten op de arbeidsmarkt', *LBR Bulletin* (Utrecht), Vol. 9, No. 6, 1993, pp. 3-16 (co-authored by Ronald Berghuys).

'Combatting discrimination against migrant workers: the role of the social partners', In: European Foundation for the Improvement of Living and Working Conditions, *European Conference on Migration and the Social Partners*, Dublin, 9-10 December 1993, Office for Official Publications of the European Communities, Luxemburg, 1994, pp. 67-77.

'Combatting discrimination against migrant workers: International labour standards and

⁹ Written by the project coordinator; copies available from the project secretariat, ILO, Geneva.

operational activities of the ILO', paper presented at the CSCE Human Dimension Seminar on Migrant Workers, Warsaw, 21-25 March 1994, (co-authored by Roger Böhning).

'Combatting discrimination against migrant workers: An ILO initiative', paper presented at European Seminar on Preventing Racism at the Workplace, Brussels, 4 May 1994.

'Combatting discrimination against migrant workers: A prerequisite for the effective management of a multi-cultural workforce', paper presented at the Association of Christian Employers and Business Executives VKW Seminar on Managing Diversity, Brussels, 20 October 1994.

International migration, economic development and human rights, Churches Commission for Migrants in Europe, Brussels, 1994 (co-authored by Jan Niessen).

'International labour migration: Policy options for sending and receiving countries', *Etudes Migrations*, Vol. XX, No. 2, 1995 (co-authored by Christiane Kuptsch).

'Migrant workers: International labour standards and operational activities of the ILO', paper presented at a meeting of Public Services International, Geneva, 3-4 May 1995.

'Combatting discrimination against migrant workers: The need to go beyond standard setting', paper presented at the Friedrich Ebert Foundation Seminar on International Social and Development Policies, Geneva, 12-17 June 1995.

'Legal measures against discrimination: Necessary but not enough', paper presented at Seminar on Immigration, Employment and Social Integration, International University Menendez Pelayo, Santander, 10-14 July 1995.

'Governments, employers' and workers' organizations: Partners in combatting labour market discrimination', paper presented at the European Conference on Preventing Racism at the Workplace, Madrid, 15-16 November 1995.

'The integration of migrant workers in the labour market: Lessons learned', paper presented at Tripartite Seminar on Ethnic Relations and Discrimination in the Labour Market, Helsinki, 9 May 1996.

'Combatting discrimination against migrant workers: International standards, national legislation and voluntary measures - the need for a multi-pronged strategy', paper presented at the Centre for Human Rights' Seminar on Immigration, Racism and Racial Discrimination, Geneva, 5-9 May 1997.

'Israel and migrant workers: Lessons from the European experience', paper to be presented at International Conference on Multiculturalism and Minority Groups: From Theory to Practice, Jerusalem, 24-26 June 1997.

COMBATING DISCRIMINATION AGAINST MIGRANT WORKERS
AND ETHNIC MINORITIES IN THE WORLD OF WORK

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I

Background and justification

This paper describes an ILO project to be implemented and executed over a period of four and a half years by the Office's International Migration for Employment Branch. It seeks to give new life to an old mandate of the Organisation: to combat the discrimination of migrant workers. New is that the discrimination aimed at here is not the one that derives from the laws and regulations of immigration countries but the discrimination that manifests itself in the daily encounters at the workplace, in public labour exchanges and private employment agencies, in training institutions, etc.¹

Equality of opportunity and treatment are of prime importance for the migrants' or the minorities' integration in the societies of receiving countries. Integration policies have little chance of success if people are unable to obtain employment or be promoted to positions corresponding to their abilities. It has been amply demonstrated that migrants and minorities face numerous problems on the labour market and are in many ways at a disadvantage compared with members of the host society. Some of these problems are connected with objective handicaps such as inadequate education and training.

¹ In international parlance, the term "migrant" is used in a generic sense meaning "non-national". It does not by itself imply anything about the migrant's intention regarding the duration of stay abroad or whether the State to which the non-national has moved accords him or her the status of a transient or of a settler. For the purposes of this project, the terms "migrant", "non-national" and "immigrant" are treated as interchangeable. Furthermore, since discrimination does not necessarily stop when persons change their nationality, the project is equally concerned with nationals of foreign origin or ethnic minorities, such as Russian-Americans in the United States or black British in the United Kingdom.

non-recognition of qualifications gained abroad or inadequate command of the immigration country's language. But, in addition, migrants experience discrimination on grounds of their nationality, colour, race or ethnic origin. Discrimination occurs when migrants are accorded inferior treatment compared with nationals in spite of similar education, qualifications or experience. It is common in such fields as access to jobs and training opportunities, work allocation and promotion within enterprises, terms and conditions of employment. This discrimination not only impedes migrants' integration into the immigration countries' labour market and thus into society as a whole, it also results in economic loss because labour's potential is not being fully used.

Subjects such as access to employment and training are covered in a general way by ILO standards. Even though ILO standards and, indeed, national laws and regulations proscribe discrimination, actual discrimination continues in practice: it is widespread and pervasive.¹ It needs to be tackled with different means, for example through workers' education, management courses, training of public servants, the establishment of detailed codes of conduct and mechanisms to resolve grievances; and some countries have indeed proceeded to do that.

To combat discrimination is a key issue for countries where significant migrant populations exist, entailing troubled individual and group relations. It is the case today, and will be so increasingly tomorrow, not only in

¹ See reports of preliminary research carried out by the ILO: R. Zegers de Beijl: Discrimination of migrant workers in western Europe (Geneva, ILO, 1990; mimeographed World Employment Programme working paper; restricted); L. Foster, A. Marshall and L. Williams: Discrimination against immigrant workers in Australia (Geneva, ILO, 1991; mimeographed World Employment Programme working paper; restricted); R. Torrealba: Discriminación del trabajador migrante en Venezuela (Geneva, ILO, 1991; mimeographed World Employment Programme working paper; restricted).

western Europe and the traditional immigration countries of Northern America and Oceania, but also in parts of Latin America and the Caribbean, Africa, the Middle East, South-East Asia and Japan.

The ILO believes it is timely to launch a new activity with the aim of combating the discrimination experienced by migrant workers and ethnic minorities in the world of work. This project will focus on tackling informal or de facto discrimination, i.e. discrimination that occurs despite legislative injunctions to the contrary. It will start with research to document the major forms, extent and severity of de facto discrimination in several groups of immigration countries and an assessment of the efficacy of anti-discrimination measures in these countries. This will be followed by the examination of course material and the impact of educational courses, which in turn is foreseen to lead to drafting of new manuals for use by governments, employers' organisations, trade unions and personnel managers.¹ On the basis of this wide-ranging project, the ILO intends to distil the generally applicable principles of anti-discriminatory measures and course material into a code of conduct.

Preliminary research has made it clear that it is difficult to demonstrate the existence of informal or de facto discrimination, precisely because it is declared illegal in many immigration countries. The ILO proposes to document the occurrence of this discrimination at the level of individual enterprises through a methodology that has been tested successfully

¹ The utility of this approach was agreed upon at a meeting of researchers held in Geneva, 12 July 1991. See: Meeting of Researchers on Discrimination Against Migrant Workers in the World of Work, informal summary record (Geneva, ILO, 1991; restricted).

in the United Kingdom on three occasions in the last three decades.¹ By carrying out so-called practice tests at a disaggregated level the project will reveal the extent and differential severity of discrimination in terms of access to employment. The examination of legislative measures, of educational material and teaching will be carried out in close collaboration with governments, workers' and employers' organisations in the countries covered by the project. Given its long-standing experience as a tripartite organisation, the ILO is ideally placed to carry out this new and comprehensive strategy aiming to achieve a situation in which migrants' equality before the law will result in practical equality in their daily work and life.

Long-term objective

The project's long-term objective, to be achieved as a result of the immediate objectives and activities (see below), is the reduction in the extent of discrimination and inequality faced by migrant workers and ethnic minorities in their daily work and, thus, an increase in their opportunities to enjoy a more conflict-free relationship with the nationals among whom they live and work, while at the same time reducing the economic loss incurred by national economies due to the inefficient use of labour's full potential.

¹ See: C. Brown and P. Gay: Racial discrimination: 17 years after the act (London, Policy Studies Institute, 1985); W.W. Daniel: Racial discrimination in England (Harmondsworth, Penguin Books, 1968); N. McIntosh and D.J. Smith: The extent of racial discrimination (London, Political and Economic Planning PEP, 1974).

Immediate objectives

The immediate objectives to be achieved by the project constitute a series of stepping-stones or building blocks.

- (i) Research to document the major forms, extent and severity of discrimination faced by migrants in fields covered by the ILO's competence in a variety of key immigration countries throughout the world, namely Australia, Canada, Belgium, France, Germany, Italy, Japan, the Netherlands, Spain, Sweden, Switzerland, the United States and Venezuela.
- (ii) Research to assess the scope and efficacy of legislative measures designed to ensure equality of opportunity and treatment for migrant workers carried out in countries where such measures are in force, i.e. Australia, Belgium, Canada, Germany, the Netherlands, Spain, Sweden, the United Kingdom and the United States.
- (iii) Examination of the contents of educational courses, the teaching sessions and, through tracer studies, their actual impact on behaviour at the workplace, in public or private employment agencies, etc. This work will be undertaken in the same countries as under (ii) above plus in Italy in respect of trade unions' courses.
- (iv) Seminars in each of the countries referred to under (ii) and (iii) to assess the manuals, evaluate the training courses (especially their impact) and to discuss what changes may be necessary in the course material and/or in the actual teaching to have a greater and more lasting impact on trade unionists, personnel and production managers, administrators and public servants whose clients include significant proportions of non-national workers and their

dependants; non-national trade unionists and leadership personnel of important migrant workers' associations.

Main activities

Each immediate objective and its corresponding outputs are to be realised by a number of main activities (to which minor ones may be added in the course of the project).

(i) Research on access to employment

Practice tests based on the methodology developed in the United Kingdom (see footnote 4) but adapted to the situation of the chosen countries will be undertaken. The nationalities to be tested will be those typical of any particular country, including nationalities having legally privileged status, such as citizens of the European Communities in EC countries, or Canadians in the United States, etc. Practice tests will be run for private and public employers, for private manpower agencies and public labour exchanges, for industrial and service jobs that are in a sense average, for jobs on which migrants or minorities are frequently over-represented and for both entry-level and highly qualified jobs in, e.g. banks or insurance firms where migrants or minorities are frequently under-represented.

Six types of immigration countries are to be covered by this research:

(a) Traditional immigration countries

- Australia, which views itself as a multicultural society;
- Canada, which also views itself as a multicultural society;
- the United States, which considers itself to be a monocultural society.

(b) Monocultural European migrant-receiving countries

- France;
- Germany;
- Sweden.

(c) Multicultural European migrant-receiving countries

- Belgium;
- Switzerland;
- the Netherlands.

(d) Recent immigration country of the multicultural kind

- Spain.

(e) Recent immigration countries of the monocultural kind

- Italy;
- Japan.

(f) Developing country

- Venezuela.

This is meant to be a tentative list to which countries may be added, or from which countries may be dropped, depending on the availability of researchers, funds, and the extent to which independent research can be undertaken. The work, which will be supervised from ILO headquarters, is to be subcontracted to individuals or institutions in the countries concerned. The research methodology will be standardised according to methodologies developed by researchers in the United Kingdom in order to facilitate comparative, cross-country analysis.

(ii) Research to assess the scope and efficacy
of anti-discrimination measures

This work is to focus on the role, constraints and effectiveness of institutions responsible for questions concerning discrimination in general or non-nationals and ethnic minorities in particular, such as ombudsmen, statutory anti-discrimination bodies and supervisory bodies as have been set up in several major immigration countries. The purpose of this research would be to assess their role in law enforcement; their utility as a national institution to which grievances can be addressed; their influence on laws and practices in the area of discrimination as well as on the formulation of relevant policies or measures; and the possibilities of upgrading general ombudsmen or existing bodies and machineries whose functions do not specifically extend to migrants. These studies will also elaborate on experiences in countries, such as Australia, Canada, the United Kingdom and the United States, with obligatory and non-obligatory ethnic monitoring of individual employers' workforce as an instrument for bringing about migrants' or minorities' equal participation in the labour force. Here, too, the research will be subcontracted to researchers in the countries concerned.

As an initial review of the evidence has been carried out by the ILO for the Netherlands, Sweden and the United Kingdom,¹ the country case studies will be aimed at:

(a) Traditional immigration countries

- Australia;
- Canada;
- the United States.

(b) Monocultural European migrant-receiving country

- Germany.

(c) Multicultural European migrant-receiving country

- Belgium.

(d) Recent immigration country in Europe

- Spain.

¹ See: R. Zegers de Beyl: Although equal before the law ... Scope of anti-discrimination legislation and its effects on labour market discrimination in three European countries (Geneva, ILO, 1991; mimeographed World Employment Programme working paper; restricted.)

(iii) Evaluation of educational material, teaching
and effects

Three inter-related activities are envisaged under this heading.

Firstly, an analysis of the written and audio-visual course material used to see how they deal with prejudices, disadvantages, discriminatory situations; and what solutions they propose.

Secondly, an examination of the quantity and quality of teaching made available to assess the importance accorded to the subject matter and the seriousness with which course material is imparted.

Thirdly, tracer studies of the educational courses are to be conducted to measure the impact of the teaching. The tracer studies will have a two-pronged approach. They will compare the impact of teaching before and after it has been imparted, and they will compare similar enterprises, union branches, etc. which have or have not benefited from relevant teaching.

The target population of this work comprises, i.e. educational courses will be evaluated for:

- managers of public or private enterprises responsible for personnel and production questions or any other kind of activity that brings them into frequent contact with migrant workers;
- public servants in the broad, functional sense of the word, whose duties involve inter-personal relationships with individual non-nationals seeking to obtain a service, document or assistance.

This may include, for example, labour market administrators, labour exchange personnel, career counsellors, instructors of apprentices, teachers in vocational training or retraining schemes, administrators of unemployment or invalidity pensions, etc.;

- trade union officials active in public or private enterprises as shop stewards or liaison officers between unions and individual enterprises or industrial sectors or regions, plus a few officials of important migrant workers' associations fulfilling union functions.

The following groups of immigration countries will be the object of evaluations of course material, teaching or tracer studies, or all three:

(a) Traditional immigration countries

- Australia;
- Canada;
- the United States.

(b) Monocultural European migrant-receiving countries

- Germany;
- Sweden.

(c) Multicultural European migrant-receiving countries

- Belgium;
- the Netherlands;
- the United Kingdom.

(d) Recent mono- and multicultural immigration countries

- Italy;
- Spain.

Should Japan develop courses and teaching, it would be added to the list of countries to be covered.

(iv) Seminars

The results of the third main activity are to be discussed on the occasion of seminars convened under the auspices of the project with the participation of representatives from the target population referred to in the preceding section; of persons involved in the drafting of manuals, of teachers and of researchers. The objective of these seminars would be to consider what changes may be necessary in existing course material and teaching in order to enhance the impact of these training activities. Four seminars are planned. They would be held in the following order and for the following countries:

(a) Traditional immigration countries

- Australia;
- Canada;
- the United States.

(b) Monocultural European migrant-receiving countries

- Germany;
- Sweden.

(c) Multicultural European migrant-receiving countries

- Belgium;
- the Netherlands;
- the United Kingdom.

(d) Recent mono- and multicultural immigration countries

- Italy;
- Spain.

Side effects

The project's activities will stretch over four-and-a-half years. It is intended to give a big international push to the fight against discrimination against migrants and ethnic minorities. Through its studies, evaluations and seminars, the project will certainly have effects in many other countries than the ones which will benefit directly from the activities.

The research, the evaluation of courses and the seminars will certainly have lasting effects. The studies will build up awareness of what is wrong and why. The evaluations will provide a methodology and an incentive for repeated use in future years, as well as for inspiration in countries not

covered by the project. The seminars will help spreading the message of the modalities for reducing discrimination at the workplace and in life at large.

Follow-up

After the project has come to an end its research, evaluation and seminar findings will be screened for possible elements to be included in a draft Code of Practice to Combat Discrimination, which will be submitted for elaboration to a meeting of experts of the International Labour Organisation and, subsequently, for its consideration by the Governing Body of the International Labour Office. This Code will supplement existing ILO Conventions and will map out in detail policies and procedures to be followed by governments, administrators and public servants, employers and personnel mediators, etc., so as to ensure equal opportunity and treatment of migrant workers. The costs related to this follow-up activity will be born by the ILO.

This ILO Code of Practice to Combat Discrimination Against Migrant Workers and Members of their Families will provide a permanent encouragement, model and yardstick to promote improved relations between nationals, migrants and ethnic minorities. It will be a milestone, but not the end of international activities to combat discrimination.

Workplan of main activities
(period of initiation, duration may extend into subsequent period)

	1992	1993	1994	1995	1996
	2nd half	1st half	2nd half	1st half	2nd half
(i) Research on access to employment	AUS, CAN USA, VEN FRA, GER	BEL, CHE SWE, NLD	ITA, ESP JPN		
(ii) Research on anti-discrimination measures	AUS CAN USA	BEL, GER	ESP		
(iii) Evaluation of					
- course material			AUS, CAN	USA, GER	SWE, GBR
- teaching			AUS, CAN	USA, GER	SWE, GBR
- impact			AUS CAN, USA	GER, SWE	GER, SWE
(iv) Seminars				AUS, CAN USA	BEL, NLD ITA, ESP GBR

Note: AUS = Australia, BEL = Belgium, CAN = Canada, FRA = France, GER = Germany, ITA = Italy, JPN = Japan,
NLD = Netherlands, ESP = Spain, SWE = Sweden, CHE = Switzerland, GBR = United Kingdom, USA = United States, VEN
= Venezuela.



BUREAU INTERNATIONAL DU TRAVAIL
INTERNATIONAL LABOUR OFFICE
OFICINA INTERNACIONAL DEL TRABAJO

Genève

Geneva

Ginebra

With the compliments
of
Roger Zegers de Beijl
International Migration
for Employment Branch

Budget
(funding by external donors, in US dollars)

	1992	1993	1994	1995	1996	Total
11.01 Programme manager	58 000	122 000	127 500	133 300	139 100	579 900
11.02 Research on access to employment	610 000	735 000	0	0	0	1 345 000
11.03 Research on anti-discrimination	30 000	31 500	0	0	0	61 500
11.04 Evaluation of courses, training	0	70 000	147 000	154 000	0	371 000
11.05 Impact evaluation (tracer studies)	0	70 000	210 000	220 000	57 500	557 500
13. Secretary	31 400	65 800	69 000	72 200	75 200	313 600
15. Travel of programme manager	15 000	23 000	21 000	22 000	7 000	88 000
32. Seminars	0	0	0	150 000	70 000	220 000
52.01 Books and publications	0	13 200	41 600	8 800	54 800	118 400
52.02 Translation of papers, etc.	0	37 800	16 500	33 300	27 400	115 000
53. Unforeseen expenditure	74 400	116 800	63 300	79 400	43 100	377 000
TOTAL	818 800	1 285 100	695 900	873 000	474 100	4 146 900

Note: Assumed inflation (1992 = 100): 1993 = 5 per cent., 1994 = 10 per cent., 1995 = 15 per cent., 1996 = 20 per cent.

Explanatory notes on the budget

It goes without saying that none of the costs directly associated with the elaboration and adoption of the ILO Code of Practice to Combat Discrimination Against Migrant Workers and Members of their Families are included in the budget. The Organisation itself will carry the costs of the preparatory work, of the meeting of experts and of possible follow-up activities. Additionally, ILO's E/MIGRANT programme will be called upon to provide considerable inputs to direct and supervise the activities throughout the period of the project and to undertake related research and evaluation activities, to organise the four seminars, etc. Furthermore, country case studies are initially to be issued in ILO working paper form at no cost to the donors. It is also envisaged to call together donors not later than two years after work has commenced and to have the ILO bear the costs of this meeting.

The project requires a full-time senior official to take charge of it at the ILO (b1.11.01), supported by a secretary (b1.13) and with the possibility of travel to participating countries and researchers (b1.15).

The first main activity, research on access to employment (b1.11.02), has been costed on the basis of the work carried out in the United Kingdom in the mid-1980s (£35,000). Taking account of inflation and the somewhat broader research design, a country case study is estimated to average \$100,000. Six country case studies are to be launched in 1992, seven in 1993. In addition, one of the key United Kingdom researchers is to be contracted at the beginning of the work to write a manual on the standard methodology to be used in all 13 countries.

The second main activity, research on statutory bodies established to handle questions of discrimination or bodies whose task it is to oversee

ethnic monitoring (b1.11.03), is estimated to cost, on average, \$10,000 per country.

For reasons of transparency, the budget cuts up the several evaluations to be undertaken as part of the third main activity into the relatively low-cost evaluations of the course material, and the teaching, on the one hand (b1.11.04), and the impact evaluation through tracer studies, on the other (b1.11.05). The average per country costs of the evaluation of course material are expected to amount to \$15,000 and the average per country costs of the examination of teaching to \$20,000. Thus, about \$35,000 are required per country under b1.11.04. The tracer studies under b1.11.05 are believed to come to \$50,000 per country on average. Here, too, an expert will be engaged initially to design a standard methodology for appropriate adaptation to the ten countries' various public education bodies, personnel management systems, workers' education courses, etc.

The four seminars, which will bring together a considerable number of people and to which the donors will be invited (b1.32), are costed on the basis of economy-class return fares or first-class rail fares within countries; plus expenditure for simultaneous translation in the case of the second, third and fourth seminar; plus daily subsistence allowance, to be paid in accordance with standard rules.

As regards books and publications (b1.52.01), it will be recalled in the first instance that country case studies under any heading coming up to publishable standard will be issued by the ILO as working papers for quick dissemination under the project and to interested parties. Some of this material will be published in book form through the ILO or commercial publishers. Three books are foreseen to be published in 1993 and 1994 as a result of the first main activity; one as a result of the second main

activity in 1994; and another three to bring together the most important tracer studies, or sections of them, in 1995 and 1996. Costs for the seminar reports have also been included.

English is the main working language of this project, but the initial reports will be prepared in the country's national language or main national languages (French/Dutch in Belgium, German and French in Switzerland) and translated into English for publication in ILO working paper form and, where appropriate, as part of a book. The same applies to the seminar reports. The costs for translation (b1.52.02) are estimated on the basis of \$140 per 1,000 words for working papers and seminar reports; books need not be translated in so far as they are based on working papers. Working papers are expected to average 22,500 words (books 75,000 words) and seminar reports about 7,000 each. Twelve working paper translations are planned for 1993, five for 1994, nine for 1995 and six for 1996. The Annex details the publications and translation plans for each year and each country; books are added in brackets in the Annex but the four seminars in 1995 and 1996 are not listed. The seminar reports will have to be translated into German and Swedish in 1995; into French, Dutch, Italian and Spanish in 1996. They are important documents for subsequent operational activities.

The unforeseen expenditure (b1.53) is put at 10 per cent of all preceding costs to permit the smooth functioning of a difficult-to-budget project.

Publications and translation plan for ILO working papers
(books in brackets)

	1993	1994	1995	1996
<hr/>				
(i) Access to employment:				
Original language	(1 book)			
<hr/>				
English	AUS, CAN, USA			
French	FRA, BEL			
German	GER, CHE			
Dutch	NLD			
Spanish	VEN	ESP		
Italian		ITA		
Japanese		JPN		
Swedish	SWE			
Translation into English		(2 books)		
<hr/>				
from French	FRA, BEL			
from German	GER, CHE			
from Dutch	NLD			
from Spanish	VEN	ESP		
from Italian		ITA		
from Japanese		JPN		
from Swedish	SWE			
Translation second language				
<hr/>				
for Belgium	BEL			
for Switzerland	CHE			
(ii) Anti-discrimination:				
Original language	(1 book)			
<hr/>				
English	AUS, CAN, USA			
French	BEL			
German	GER			
Spanish		ESP		

ANNEX (cont.)

	1993	1994	1995	1996
Translation into English				
from French	BEL			
from German	GER			
from Spanish		ESP		
Translation second language				
into Dutch	BEL			
(iii) (a), (b) Courses, teaching:				
Original language			(1 book)	
English		AUS, CAN, USA	GBR	
French			BEL	
German		GER		
Dutch			NLD	
Spanish				ESP
Italian				ITA
Swedish			SWE	
Translation into English				(1 book)
from French			BEL	
from German		GER		
from Dutch			NLD	
from Spanish				ESP
from Italian				ITA
from Swedish			SWE	

ANNEX (cont.)

	1993	1994	1995	1996
Translation second language				
for Belgium			BEL	
(iii) (c) Tracer studies:				
Original language				(1 book)
English		AUS, CAN, USA	GBR	
French			BEL	
German			GER	
Dutch			NLD	
Spanish				ESP
Italian				ITA
Swedish			SWE	
Translation into English				
from French			BEL	
from German			GER	
from Dutch			NLD	
from Spanish				ESP
from Italian				ITA
from Swedish			SWE	
Translation second language				
for Belgium			BEL	

Note: For explanations of country acronyms, see workplan.

Please note that, in the case of Belgium and Switzerland, the "second language" may be the other one than that indicated here.

Testing Discrimination in Natural Experiments

**A MANUAL FOR INTERNATIONAL COMPARATIVE RESEARCH ON
DISCRIMINATION ON THE GROUNDS OF "RACE" AND ETHNIC ORIGIN**

by

Frank Bovenkerk



**International Labour Office
Geneva**

**World Employment Programme
Migration and Population Branch**

Testing Discrimination in Natural Experiments

**A MANUAL FOR INTERNATIONAL COMPARATIVE RESEARCH ON
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**International Labour Office
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A. FOREWORD

The ILO has a constitutional obligation to protect the "interests of workers when employed in countries other than their own". This has traditionally been effected through the elaboration, adoption and supervision of international labour standards, in particular the Migration for Employment Convention (Revised), 1949 (No. 97); the Discrimination (Employment and Occupation) Convention, 1958 (No. 111); the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); and the non-binding Recommendations supplementing them. International legal instruments of this kind mainly aim to influence national laws and regulations in such countries as ratify the binding Conventions; and in this way they change not only legislation but the actual practices as well.

The key concern of ILO standards for migrant workers is non-discrimination or equality of opportunity and treatment. Many countries broadly adhere to this objective in the economic and social spheres. Some countries ratify ILO Conventions¹ and do their level best to fulfill the obligations deriving from them. One might expect, therefore, that discrimination would no longer be part of the legislation or practices of these countries. Unfortunately, there is a great deal of circumstantial evidence that this assumption does not hold in certain respects and especially not at the workplace in private or public enterprises; and such evidence also exists for countries not having ratified ILO Conventions.

The ILO has launched a new programme, "Combating discrimination against migrant workers and ethnic minorities in the world of work".² It aims to reduce discrimination against migrants/ethnic minorities by informing policy makers, employers, workers and trainers engaged in fighting unlawful discrimination on how legislative measures and training activities can be rendered more effective, based on an international comparison of the impact of such measures and activities. The programme covers four main components: i) empirical verification of discrimination; ii) research to assess the scope and efficacy of legislative measures designed to combat discrimination; iii) research to evaluate training and education

¹ Thirty-eight in the case of Convention No. 97, one hundred and twelve in the case of Convention No. 111, and fifteen in the case of Convention No. 143.

² See: R. Zegers de Beijl: Discrimination of migrant workers in western Europe (Geneva, ILO, 1990); L. Foster, A. Marshall and L. Williams: Discrimination against immigrant workers in Australia (Geneva, ILO, 1991); R. Torrealba: Discriminación del trabajador migrante en Venezuela (Geneva, ILO, 1991); R. Zegers de Beijl: Although equal before the law ... (Geneva, ILO, 1991); R. Zegers de Beijl: Bien qu'égaux devant la loi ... (Geneva, ILO, 1992); R. Zegers de Beijl: Wenn auch gleich vor dem Gesetz ... (Geneva, ILO, 1992); S. Dex: The costs of discriminating against migrant workers: an international review (Geneva, ILO, 1992); R. Torrealba: Discrimination against migrant workers in Venezuela (ILO, Geneva, 1992).

in anti-discrimination or equal treatment; iv) international seminars to discuss the research findings.

This manual by Prof. Frank Bovenkerk contains detailed guidelines for researchers who will be engaged to explore the occurrence of discrimination in access to employment in industrialised countries with major migrant/minority populations. The methodology to be applied is that of situation tests. In these tests, pairs of equally qualified migrant/minority and majority applicants apply for advertised vacancies and their acceptability is examined. For reasons of international comparability of the research results, the same methodology is to be applied in each country participating in the ILO's programme.

We are pleased that an eminent discrimination expert as Prof. Bovenkerk took up the challenge of writing this manual. It not only contains an excellent overview of the "state of the art" of documenting discrimination, it also contains detailed instructions on the selection, training and supervision of testers, as well as on the types of jobs and migrant/minority groups to be tested. Ethical considerations with respect to the methodology of situation testing such as its legitimacy, the need to safeguard employers' privacy and to minimise inconvenience to both employers and real applicants, are also taken up at some length. In the final chapter suggestions for the carrying out of the research in specific countries are given.

Prof. Bovenkerk convincingly shows that situation testing is the most feasible research method to document whether or not discrimination exists. The tests resemble every day life experiences of people trying to find a job. They can detect the more subtle and indirect discrimination migrants and minorities often allege being subjected to. Methodologically sound research will make incontrovertibly clear what is fact and what is fiction. Once one knows the contours of discrimination in the labour market, the groundwork is laid for fighting it more effectively.

Testing Discrimination in Natural Experiments

**A Manual for International Comparative Research on
Discrimination on the Grounds of "Race" and Ethnic Origin**

by

**Frank Bovenkerk
Willem Pompe Institute for Criminal Sciences
University of Utrecht
The Netherlands**

1. The problem: An ethnic underclass in the making?

The total number of migrant workers in different parts of the world adds up in the 1990s to over 20 million (Singer-Kérel, 1991). They went¹ to the rich industrialized countries of Western Europe and to the United States, as well as to other places. Many of them chose not to return to their countries of origin and sent for their families to follow them to the new land. The figure of 20 million should be more than doubled as a result of family reunification and the secondary emigration of followers. The import of temporary manpower has changed into the settlement of sizeable immigrant populations. In many respects their perspectives are comparable to those of the people who immigrated to traditional immigrant countries such as the United States of America and Australia. The majority of the immigrants start their economic career at the bottom of the ladder but aspire a better future for their children and grandchildren. Some groups fare better than others. Many immigrants have found their intended upward social mobility blocked by legal barriers and social rejection. Where migrant laborers were once accepted out of economic necessity, there is now no social obligation felt by the established majority population to share opportunities, wealth and power with newcomers and strangers.

The size of the total emigrant population is large (they would together constitute a middle-sized nation in the world), but they constitute never more than a small minority in the country of settlement. Let us include all immigrants -- migratory workers and their families as well as permanent settlers, immigrants of foreign nationalities as well as naturalized citizens -- in one simple figure: the number of foreign-born residents. The percentages of foreign-born residents out of the total populations in the countries included in the intended ILO comparative research project are given in the table below.

Table 1 Foreign populations as percentage of the total population

Country	Per Cent
Australia	22
Belgium	9
Canada	15.6
France	7
Germany	7.5
Italy	0.8
Netherlands	4
Spain	0.6
Sweden	5
Switzerland	15
United States	6

A vicious circle of disadvantage

Many research findings, journalistic reports and accounts by the immigrants themselves strongly suggest that prejudice by the population at large and discrimination practiced by people in positions of power do severely impede their opportunities to move ahead in life. Precisely those immigrant groups that have been socially constructed to constitute a "race"², a foreign population, a national minority or an ethnic minority face many forms of exclusion.³ These include denial of access to the desirable sections of the labor and the

housing markets, poor schooling, and exclusion from social services and recreational facilities. Following the line of reasoning developed by Gunnar Myrdal (1944) in his penetrating and authoritative analysis of the "Negro problem" in the United States, one can argue that many of these new immigrant groups will eventually end up being part of an ethnic underclass. The theory of multiple and cumulative causation explains how a denial of equal opportunities in various fields produces a group of people unable to attach themselves to the mainstream of society. Rejection in the labor market results in restriction of possibilities of finding suitable housing and this in turn results in relocation in neighborhoods where children encounter fewer chances to follow good education. Poor education makes for poor chances in the labor market and so on. Rejected individuals may respond by lowering their efforts for social advancement or by turning away from an unjust system. Rejected groups may find themselves suffering from a multitude of social problems (poverty, crime, substance abuse etc.) that makes it hard to escape from this vicious circle.⁴

The problem of mutual reinforcement of these processes is difficult to address as many of the individual actors involved are unaware of the consequences of their decisions. Employers may be utterly surprised to find themselves depicted as racists as they simply follow the traditionally accepted rule to hire new personnel through the network of their present employees. Yet, where their work force consists only of employees from the majority in the given country, the unforeseen result may be discrimination because chances are slim that they will ever hire minority employees in this manner. Employers may not even contemplate the sheer possibility of ever hiring foreign personnel except for the type of low status jobs that are considered immigrants' work. The victims of the vicious circle of exclusion may also be unaware of the denial of opportunities. For instance, how would an immigrant know that a landlord has not let his room to him if the landlord does not openly exhibit prejudices?

The creation of an ethnically distinct underclass for many generations to come may have severe consequences in many respects. Discrimination, which I broadly define as unjustified unequal treatment of groups or individual persons, excludes categories of people from the labor market on the irrelevant basis of "race" or ethnic background. This implies under-utilization of manpower, human skills and talent and produces adverse consequences for the economy. The social consequences of underclass formation may be that it builds a type of society stratified along lines of ethnicity that breeds prejudice and xenophobia. Politically, the exclusion of a sizeable proportion of the population from sharing in wealth and power diminishes the legitimacy of the state and the credibility of the government. In combination these processes can be expected to pervert values of equality, breed social conflict and end up in political turmoil. An unequal society divided by ethnicity or "race" produces both resistance by the minorities and provocations by a strong ultra-right.

With such a future ahead many concerned citizens have argued in favor of equal treatment and campaigning against racism. Governments have responded by showing interest in developing programmes to stop discrimination and to fight racism. The law, being one of the key enforcers of state regulation, is considered to be the most effective instrument of such policies. Fighting discrimination on the labor market is thereby considered to provide a strategic entry to the problem. The vicious circle of discrimination and disadvantage in various social fields can probably more effectively and certainly more directly be broken by opening up the labor market and providing minority groups with some economic power than by intervening in the world of schooling and housing.

Anti-discrimination legislation in the world of work

Governments in democratic states have adopted standards on equality of treatment and non-discrimination in the field of employment. ILO's concern includes the protection of workers employed in other countries than their own, as well as of their offspring. This has been effected through the introduction of international labor standards.⁵ Countries that have ratified these standards have obligated themselves to respect their principles in law and in practice. However, there is massive evidence that many employers, both private and public, are unaware of these rules or do not follow them. There is considerable doubt as to whether states have been effective in bringing about compliance to these rules.

It would be a serious mistake to regard the national registrations of the number of complaints of racial discrimination in employment as a true representation of its incidence. The potential perpetrators may see no harm in hiring and promoting their own countrymen first, paying them better and also firing them last in case of lay-off. They would argue that preferential treatment is a "natural" right of fellow-citizens. The potential victims of discrimination may not know that they have been rejected for unjustified reasons. It is uncommon that rejected applicants will be informed who the successful applicant was, let alone that they would have the opportunity to compare quality and credentials. If they are aware of discrimination they may go along with the definition of the situation by majority employers that nationals or people from the same ethnic group or "race" come first. If they know they have been discriminated against and do not accept it, they may not be aware of redress mechanisms or procedures to file their complaints. Should they go to the police (who may show little interest in the sections of the criminal code making discrimination unlawful)? Do they know if a Human Rights body exists or an Equal Opportunity Commission that shows interest in this particular case? It is far from easy to demonstrate a case of discrimination, especially when the law requires the plaintiff to show intent of discrimination. Rejected applicants are clearly not in a good position to organize a lawsuit.⁶

Situation testing

The research method described in this manual has been developed as an instrument to test whether the law works. Situation testing or audit studies typically serve to make the problem of discrimination visible, to monitor the effectiveness of legal measures and to assess the degree of compliance with the law. Furthermore, it has been used as evidence for the court in individual lawsuits in the United States of America. It is a social science method employed to help the legal battle against discrimination. It has been used by civil activist groups, by official or semi-official bodies that enforce compliance with the law and by governmental institutions. In countries where discrimination is tackled by social policy measures rather than legal intervention, it similarly has been used to demonstrate that discrimination exists to a far greater extent than had ever been expected and as an instrument to monitor the effects of policy measures.

2. Situation testing and its position among other traditions in the study of discrimination

2.1 When to use situation testing?

In order to assess the strong points as well as the limitations of the research method referred to as situation testing or natural experiment or auditing, I will briefly discuss its position among other methods to study discrimination in the field of employment, particularly hiring. They may, firstly, be grouped along a simple criterion of distinction. There are studies of the discrimination process itself and studies of the outcome of discrimination.

Surveys on the economic position of ethnic minorities

The result of discrimination has been typically studied through surveying statistical data on minority participation in the work force, minority representation in higher levels of jobs, their share in lay-offs and a comparison of income levels between minority and majority employees. Any statistical imbalance may be conceived as prima facie evidence of discrimination. It may result from direct and overt discrimination, but more often disparities are believed to result from the adverse impact of indirect and hidden or unconscious discrimination. Regression analysis is often used to identify the relative importance of other variables.⁷ This method has many disadvantages, one of them being that it gives no conclusive proof of discrimination as long as all other possible relevant variables have not been identified.

Studies of the discrimination process

When the process of discrimination itself is the subject of research we can make a distinction between the perpetrator, the act of discrimination itself and the victim. All studies of the discrimination process can easily be classified as belonging to a class of study that puts emphasis on one of the three. Furthermore, it is essential to distinguish between studies of behavior or actions and some unobservable mental quality that is supposed to influence and steer action: attitudes, stereotypes, prejudice or the verbal account of what people are doing.⁸ This distinction is known in sociology as the discrepancy between what we say and what we do.⁹ The difference is between sentiments and acts. The difference is particularly important for the study of discrimination because it concerns acts that are illegal or at least socially unacceptable. When questioned, people can not automatically -- even under the condition of anonymity¹⁰ -- be expected to confess by words what they have done wrong by deeds. The difference may work both ways: attitudes may reflect more or less discrimination than actually takes place.

The classical example of overestimation is LaPiere's experiment of 1934 in a different field of discrimination. In an extensive trip through the USA with a Chinese couple, admittance was gained to all except one of 251 hotels and restaurants approached whereas, in response to questionnaires sent six months later to the same establishments, over 90% replied that they would not accept Chinese guests. We may overestimate the extent of discrimination by interviewing employers in those countries where it is the social norm that fellow countrymen should be preferred but where they have found it impossible to recruit personnel other than "foreign". We may underestimate the extent of discrimination that actually takes place by interviewing employers in countries where discrimination is

recognized, considered undesirable and made punishable by law. It can be assumed that the extent of discrimination in employment measured by questionnaires and interviewing is underrated in countries adhering to anti-discrimination legislation or where firms are under obligation to comply with affirmative action or positive action requirements.

The combination of these classifications results in the following typology of discrimination studies.

<u>Instance of observation</u>	<u>acts</u>	<u>sentiments</u>
Those who discriminate	(1)	(2)
The process of discrimination	(3)	(4)
Those who are discriminated against	(5)	(6)

Laboratory experiments

(1) Discrimination experiments have been conducted in various laboratory settings. Recruiters or people playing that role are cast into hypothetical employment situations where a choice must be made between applicants differing in protected-class status. Although this method has the enormous advantage that all conditions except the dependent variable under study can be controlled by the experimenter, such experiments are often conducted under less than realistic conditions. Without a commitment to follow through these actions, the recruiters and pseudo-recruiters cannot be expected to model the reality confronted by an actual organization placed in a similar position.

Attitude surveys

(2) Surveys on "race" or ethnic prejudice constitute by far the most developed branch of research in this field. The attitudes of the population at large have been measured hundreds or thousands of times. Employers or personnel managers have been interviewed and they have filled out batteries of tests in order to identify their stereotypes and prejudices. The technique has been refined infinitely, instruments have been validated and the method is strong in allowing study of variations within the observed population and correlations with a multitude of other variables. In some cases questionnaires have been constructed which are so thorough-paced that the person interviewed cannot even guess what the desirable answer would be. The major drawback of this method remains that we still have no certainty about what happens in reality. In some instances employers have been shown to discriminate although they were not prejudiced. In other instances racist employers have been shown not to discriminate in practice. There is no one-to-one correspondence between attitude and behavior.

Observation

(3) I have not come across any investigation based on direct observation of the entire process of hiring or any other selection procedure in which discrimination may occur. But even if managers or personnel directors can be persuaded to have their procedures scrutinized on

such a sensitive issue as discrimination, it would hardly be conceivable that they would not change their routine behavior as a result of knowingly being observed. Although this approach would be ideal in theory, results would be the product of obtrusive measuring.

Interviews with managers

(4) Employers and personnel managers have often been questioned about their recruitment, promotion and firing practices as they concern discrimination. Many would claim "no problems here" or they stress the difficulty of finding suitable qualified minority people to fill up their vacancies. This type of research may be revealing as far as awareness of the non-discrimination norm is concerned, yet it should be considered an open invitation for socially desirable responses. Nevertheless, there are examples where managers have shown to be remarkably frank about the biased practices and the stereotypes upon which these have been based.¹¹ However, how do we know which informant is honest and who is not? Even if our discussant proves to be open about practices that should be counted as discrimination, would his or her account be closer to the truth for that reason? What influences bear on their decisions in concrete cases other than their own sentiments? The correspondence problem of behavior and attitude is not automatically solved by those admitting that they are biased. Where self-report studies about hiring were checked by an unobtrusive method, major differences in results have been found.¹²

The victim experiment

(5) The novelist John Howard Griffin reported what he had experienced in 1959 and 1960 after changing himself by some skin color device into a Negro in America's Deep South. His book, Black Like Me, had a major impact on American public opinion at a time when the white majority obviously found it easier to identify with one of theirs as he encountered discrimination and blatant racism. Günter Wallraff changed himself into a Turk, Ali Levant, and he described his degrading experiences of what it meant to live as Gastarbeiter in the Federal Republic of Germany of the 1980s in his account Ganz Unten of 1985. Both reports have been justly criticized for the very reason that it took a white member of the established majority population to convince the public that something was really wrong with racism and the exploitation of foreign manpower. Blacks and Turks, of course, already knew and tried to tell the world, but who would believe them? Yet, from a methodological point of view this research strategy is sound. Discrimination is difference in treatment; inferior treatment needs an instance of reference to compare with. Griffin's and Wallraff's accounts are convincing precisely because they had experienced all their lives what it is to be treated as white. From a methodological point of view the story of a black who successfully passes for white should be of similar quality. Both authors technically acted as testers, as stimulus persons who studied the reactions their assumed identities provoked in real life. While as a matter of human interest their stories are highly convincing, the nature of their evidence is necessarily anecdotal, closely connected with their individual personalities and subjective in interpretation.

The research method of situation testing provides a technique that preserves the real-life quality of observation and avoids the unsystematic and subjective quality of the private actor's account. The stimulus consist of two testers, one belonging to a majority group and the other to a minority group, who elicit some response from a decision maker in real life. Two testers are matched for all the criteria that should concern an employer when recruiting personnel. They are of the same age, have a similar educational background, etc., but they

differ by "race" or ethnic background. If one is hired and the other is not, the difference can in principle not be attributed to any other quality than their ethnic background. This reasoning assumes that "race" or ethnic background should never be a relevant criterion for selecting personnel.¹³ If discrimination on the labor market is present, it should show itself by enough testing results pointing in the same direction. Although I argue that this research method has many advantages over the others discussed, its use is also limited to answering specific kinds of questions. The main disadvantage is that it only measures the outcome of a selection process and not the workings of the process itself nor the sentiments of the decision makers. I shall later deal with other problems of this method that are surmountable.

Victimization surveys

(6) Victimization surveys have often been used to show the existence of discrimination, to provide telling examples of how it works and what the social and psychological consequences of rejection are for those who are confronted by it. This research type has often been instrumental in putting the problem of discrimination on the political agenda. These studies suffer from the same flaws in reliability as other (crime) victimization surveys. The results of such surveys combine experiences with the feelings these experiences aroused and interpretations by the victims. Victim survey results cannot claim to be representative of the real extent of discrimination as some victim-prone individuals may estimate it too high and others who find themselves not in a position to be discriminated against may find it too low. Potential victims who are very sensitive to antipathy and rejection may blow up insignificant occurrences to evidence of gross racism and end up being less than convincing to the public they want to influence with their statement.¹⁴ The fact that objective tests of white or majority behavior have systematically proven that victim surveys underestimate the extent of discrimination either quantitatively or qualitatively argues against this type of research.¹⁵

Strong points and limitations of situation testing

It is now possible to indicate what the strength and limitations are of situation testing among the various methods to study discrimination.

- . Situation testing shows that "racial or ethnic" disadvantage is a direct result of discrimination. The direct and unequivocal measure leaves no room for other explanations. However, it is not possible to assess the relative importance of this variable among others in explaining disadvantage at large. Social policy research may address this issue better through regression analysis of large sets of survey data.

- . Situation testing combines much of the power of the controlled experiment with the authenticity of real-life situations. If one is interested in the effect of changes in one variable only -- that occurs in purely theoretical scientific research -- a fully controlled laboratory experiment may be preferred.

- . Situation testing studies behavior instead of sentiments or dispositions that are believed to be behind concrete acts. If one wants to know public opinion or variations over time and space as it relates to foreigners or immigrant groups, an attitude survey would be more suitable.

- . Situation Testing is basically an unobtrusive measure and therefore capable of evading staged or played research results as in (overt) observation studies of decision making along the entire hiring process. Those who make recommendations to companies as to how to remedy their procedures in order to obtain equal opportunities would want to do the observation study.

. Situation Testing guarantees validity of results as it provides insights in what people really do instead of what they say or believe they do. If one is interested in the managers' point of view, as is the case when an internal policy change is required to stop discrimination, interviewing the responsible managers provides better insights.

. Situation testing is preferable because it is objective and does not rely on uncertain interpretations and feelings that are difficult to evaluate. However, if we want the victim's impressions of the situation and their subjective feelings -- politicians and activists are obviously interested -- it is better to consult the outcomes of victim surveys.

All these considerations make situation testing the adequate research method to demonstrate the existence of discrimination. It can no longer be denied. Although the research technique is somewhat complicated in practice, its principle is fairly easily understood by everyone interested. Audits are sensitive to otherwise concealed practices, especially in an era in which discrimination has grown more subtle and less detectable than was once the case. Blatant discrimination has been made unlawful, but it may now be masked by courteous treatment. These characteristics make situation testing the perfect method to use in legal action, for public policy making and to spark off public debate.

2.2 Previous situation testing research

I shall discuss all examples where situation testing has been used to discover discriminatory hiring practices on the grounds of "race" or ethnic background that I have found in the literature. The method has been used in many other fields: discrimination in housing, discrimination in granting loans by banks, discrimination in admittance to hotels, restaurants or discos, discrimination in car hiring and insurance and many more fields in the public or semi-public realm where decisions are taken that directly affect people's life chances. Only discrimination in hiring will be discussed in this paragraph. All the references cited are contained in Appendix A. They are arranged by country.

United Kingdom

Researchers in the United Kingdom seem to have been the first to experiment with this method and to have developed a profound research tradition. Scientists in other countries such as The Netherlands, Canada and Australia, have adopted the British research designs or have at least been influenced by them. In 1967 the London-based Policy Studies Institute, then known as the research bureau for Political and Economic Planning (PEP), carried out an extensive survey on the social situation in which post-war immigrant groups found themselves. Part of the investigation addressed the question of how the British and their institutions had responded to the newcomers. When surveying the victims, complaints were brought forward that firms discriminated. The researchers found out what was true of these accusations by sending one Hungarian naturalized British citizen, one West Indian British citizen and one white native English citizen to the firms against whom the complaints had been made. The PEP-report of 1968, written by W.W.Daniel, revealed massive discrimination against the colored tester when his acceptance was compared to the white British person and less, but clearly present, discrimination against the Hungarian. The test surveyed no more than 40 cases and they were selected by victims' complaints. How representative would this test result be for British employers in general? Jowell and Prescott-Clarke were the first to experiment with written applications for white-collar jobs in 1972. This correspondence test also revealed discrimination against black job-seekers.

McIntosh and Smith published the results of a second PEP situation test study in 1974. In order to test discrimination in the field of unskilled jobs they used Black, Greek and White actors. Correspondence tests were used for skilled jobs as they followed the standard procedure for applying for jobs at that level. Two equivalent letters of application were sent to employers who wanted to hire personnel through newspaper ads. Only the ethnic background of the applicants differed. McIntosh and Smith found "still substantial discrimination against members of minority groups". With a much larger sample that was randomly chosen from existing vacancies and a much more refined methodology and research design than Daniel's report six years before, they were now able to confirm higher discrimination on the grounds of color than against foreign descent *per se*. There appeared to be much less discrimination against black females than against black men. The extent of discrimination was less for jobs for which more education was required. Smith summarized his findings in the survey on "racial" disadvantage in Britain in 1977.

Brown and Gay followed the very same methodology in their Policy Studies Institute publication of 1985. Their research effort was meant to find out whether anti-race discrimination legislation and its enforcement had helped. There were indications that it indeed had, but the levels of race discrimination were still high. Hubbock and Carter tested discrimination against young blacks in Nottingham for one of Britain's institutions that had been established in order to monitor the development of "race relations": the Commission for Racial Equality. They reported, in 1980, employer's responses to applications for 161 advertized jobs: in 50% of the valid cases the black applicant was rejected while the matched white bogus person was invited for an interview. Reverse cases (black accepted, white rejected) added up to no more than 6%. The pattern shows overwhelming discrimination against blacks. Black men encountered far more discrimination than black women.

The Netherlands

McIntosh and Smith's research design was slightly modified and adopted by Bovenkerk and Breuning-van Leeuwen in order to investigate if there was any discrimination against ethnic minorities (as the Dutch call their immigrant groups) in The Netherlands. Their reports of 1977 and 1978 show a level of 20% discrimination in the tested area of Amsterdam against black Surinamese nationals and naturalized Spanish as compared with white autochthonous Dutch. There was less discrimination for jobs that required more education and less against women than against men. As the jobs tested had been carefully chosen on the basis of the supply and demand ratios for specific professions on the regional labor market at the time, the researchers were able to prove that discrimination strongly varied with the scarcity of demand. The disclosure of these test results was a shock to public opinion as the Dutch had maintained to be free of prejudice. They were one reason for the subsequent strengthening of the law on race discrimination, and the setting up of a bureau where complaints of discrimination can be filed (the national bureau is called Landelijk Buro Racismebestrijding) and for citizen groups to organize against racism. In 1991 Büyükbozkoyum et al. published the result of a small-sample correspondence test showing no discrimination whatsoever up to the interview stage in hiring highly educated engineers of Turkish descent. They suggest that the level of discrimination varies with the quality levels of the jobs sought.

When there were complaints of discrimination filed against Manpower bureaus (commercial temporary employment agencies), the Landelijk Buro Racismebestrijding used the technique of situation testing to find out if it was true that young immigrant men were

offered fewer and less interesting jobs. It was true. In order to find out if these Manpower bureaus would comply with discriminatory demands by employers, the researchers pretended to be an employer and made discriminatory requests by telephone ("Send me a hard-working man, but please not a foreigner"). They found that all Manpower agencies easily agreed (Den Uyl et al. 1986). The Confederation of Commercial Employment Agencies (ABU) then agreed to adopt a code of practice for the prevention of discrimination. When Meloen (1991) repeated the simulated employers' phonecall survey, he found that the majority of the agencies abided by the rules of the code of practice.

France

Bovenkerk and Smith found a counterpart in Raveau and Kilbourne in Paris, France, who set up a comparative research project to match their investigations in The Netherlands and in Britain. The French situation test (*Etude comportementale réactionnelle in situ*) measured discrimination against black Antillian Frenchmen by correspondence with 682 employers. In 29% of the cases the Antillian was refused an interview, whereas no more than 2% of the white Frenchmen were. As the results of this French test have, as far as I know, only been published in a combined article for an English-reading audience (Bovenkerk et al., 1979) the project has not attracted the interest by the French authorities and the public it deserved. It is not improbable that the level of discrimination against French Muslims or Maghrebins will be considerably higher.

Canada

Canada was next in adopting the British research strategy. The Social Planning Council of Metropolitan Toronto, together with the Urban Alliance on Race Relations, published the results of an in-person test of black and white Canadians who applied for the types of positions that persons in the 18 - 25 age group with secondary schooling or some technical education would apply for (Henry & Ginzberg, 1985). Preferential treatment for whites was demonstrated in nearly one quarter of 201 cases. A second test found out how job applicants using non-Canadian accents and "ethnic" sounding names would be treated over the telephone. Eight (male and female) job applicants (West Indian, Indo-Pakistani, White immigrant "ethnic" and a majority White Canadian) phoned a series of jobs listed in the newspaper. Over half of the employers proved to practice some form of discrimination. The most significant amount of discrimination was directed at the Indo-Pakistanis who were told that jobs were closed or no longer available in 44% of the cases. The West Indians were told that jobs were closed to them in 36% of the cases. The white immigrant Canadian scored 31% while the white majority Canadians were told that jobs were closed to them in only 13% of the cases tested.

Henry duplicated her survey in 1989 for the Economic Council of Canada in a paper entitled "Who Gets the Work in 1989?" She now reports that no discrimination was present in 1989. This marked difference may be due to a change in the employment situation. The job market was not very tight in 1984, but in 1989 there was substantial demand for labor and a shortage of applicants. Her 1989 sample was very small. Henry further reports a negative treatment of Blacks: lack of courtesy, disbelief of the Black's job credentials. This work is part of a lively debate. Reitz (1988) compared the Toronto results with those obtained in Metropolitan England by Brown and Smith of PSI and concludes that although there seems to be less "racial" conflict in Canada, the degree of discrimination is similarly high.

Australia

Riach and Rich carried the British research tradition over to Australia. They published their findings after 4 years of correspondence testing of discrimination in the Melbourne area in 1991.¹⁶ Greeks and Vietnamese, constituting the two most recent immigrant groups, were matched against the long-established, predominantly Anglo-Celtic population. They found clear evidence of discrimination, especially against the Vietnamese, and an overall net discrimination percentage of almost 30%. Very much along the lines of reasoning in Canada, the authors conclude a "disturbing similarity between our results and those of British researchers testing for discrimination against "non-white" job applicants." They hypothesize that the extent of discrimination follows the levels of unemployment. At times of high unemployment, employers have more opportunity to indulge such penchant for discrimination as they may have.

United States of America

Situation testing or auditing, as Americans call the research method, has been used since the late 1960s by legal activists who pioneered its use in the enforcement of fair housing laws. Audit evidence has been admitted in court to prove "race" discrimination by rental agents and landlords. The first audit test on the labor market in The United States that I have been able to locate in the literature was done by Newman in 1978. He used correspondence tests to find out whether affirmative action programmes worked in practise. They did: firms under obligation to set up affirmative action programs did, in fact, give black applicants a more favorable response than their white counterparts. Newman's research is interesting because it introduces new variables in the test by varying the credentials of black and white applicants. He has found that large firms give black applicants a better treatment because equal opportunities agencies devote more time to review these companies as they have a large impact on the Black employment situation.

It is somewhat amazing to note that American scientists do not seem to have been aware of the British tradition in situation testing and vice versa. The Washington-based Urban Institute, in collaboration with the General Accounting Office, administered its audits on the labor market in 1989 in order to test discrimination against Hispanic immigrants. The question was: is the 1986 Immigration Reform and Control Act that makes such discrimination unlawful effective? The researchers Cross et al. (1990) invented the research methodology once again. It is interesting to note that they basically made the same strategic decisions. 360 hiring audits were done on randomly selected employers in Chicago and San Diego by Hispanic-Anglo teams whose job-related characteristics were carefully matched. They found considerable barriers (20% net discrimination) against Hispanic testers who applied for low-skilled, entry-level jobs. This research is especially relevant as the testers have gone through the full process of application and continued until they were offered or denied the position. Those working in the British tradition stop the situation testing somewhere along the line, e.g. at the point where an interview is offered or not. Cross et al. find that the disparity in treatment between the Hispanic and the Anglo tester grew as the process of hiring progressed. If the same were true of the British tradition results, it would mean that the extent of discrimination would have been found to be higher than the levels actually found so far.

A second Urban Institute project on discrimination against Blacks in Washington D.C. and Chicago, which tested whether Civil Rights laws worked, was published in 1991 (Turner

et al.). Contrary to the claims that hiring procedures after more than thirty years of Civil Rights legislation either favor Blacks or are color blind, the rapporteurs found 20% cases of black disadvantage. Two scientists of the University of Colorado, Jones and Del Castillo, applied -- although methodologically somewhat less vigorously -- the Washington research model to find out if Blacks or Hispanics face more discrimination as compared to their matched white counterparts in the city of Denver. They found little discrimination against Blacks and none against Hispanics. The Rockefeller Foundation sponsored a conference in September, 1991, that brought these researchers and their critics together. The papers will be published shortly. They will bring about minor methodological refinements in future research. Culp & Dunson (1986) have used a somewhat different methodology by not sending their testers to the same employers. Their work is nevertheless interesting as they count many more small elements in the employers' behavior as discrimination than the simple difference between acceptance and rejection. Black applicants are actively discouraged by such minute details in the employers' response as not calling them Mr. (whereas the white applicant is), not offering them a seat, not shaking their hand, etc. The Urban Institute reports contain some similarly subtle data but not enough and not systematic enough to draw hard conclusions.

3. The Research Question

3.1 International comparative research

The evidence on discrimination obtained by situation testing so far has proven significant. In all countries where discrimination has been measured it was clearly found to exist. Nevertheless, the evidence is fragmentary as it only tested discrimination in some countries, in some areas and against some immigrant groups or minorities. Countries that have been relatively well researched are those who share the Common Law tradition. It reflects their high expectations of the law in solving social problems. Results are sometimes inconclusive or downright contradictory because research models and methodologies have varied. There is correspondence and in-person testing, sample sizes vary enormously, the tests have been carried out in quite different stages of the application process, etc. Furthermore, the outcomes of the various investigations are hard to compare as different scientists and sponsoring bodies have been interested in answers to diverse theoretical questions. Therefore, whereas one investigator wants to know if a correlation exists between discrimination and supply on the labor market, the other tests whether Black people are being more discriminated against than White foreigners.

The next logical step in discrimination research is to overcome these deficiencies and incompleteness through (a) designing internationally comparative research in many countries, (b) base it on a standard methodology, and (c) address at least one broad common theoretical question. The social and economic problem that has actuated this research program is the growth of ethnic stratification and the danger of ethnic underclass formation that results from ethnic minorization of labor migrants and others within the industrialized countries. The research program should therefore encompass as broad a spectrum of countries as possible and include national social systems where ethnic social configurations are based on other than the British type of "race relations".

The specific research question is: do immigrants and ethnic minorities suffer from substantial discrimination on the labor market? If the answer is affirmative, discrimination

should be considered as contributing to ethnic stratification and underclass formation. There are of course other factors contributing to the disadvantaged position of immigrants and minorities: their low educational level, their poor knowledge of the language, etc. However, these supply side characteristics cannot explain discrimination as measured by our investigation. The characteristics of the job-seekers are held constant in the research design. Results of situation testing research of discrimination have been used to convince politicians and scientists who only blame supply side characteristics for the low labor force ratios of minorities of the fact that there is also discrimination.

The standard methodology shall be based on situation testing or audit studies, as Americans call this particular type of experiment, in the real world. The variety among industrial countries is enormous. Immigrant groups differ, economies vary, methods of recruiting personnel are dissimilar. A standard methodology shall comprise a reasoned proposition as to selection of equivalent entities in different countries in order to make comparisons meaningful. A long list of relevant decisions will be presented in the next chapter. They are mainly technical decisions.

Although it would be preferable in principle to base the research program on an elaborated and specified economic and social theory,¹⁷ it would certainly be too ambitious both scientifically and organizationally to try to design such a theory. But it is possible to list a series of relevant variables that may be connected with discrimination. I present such a list below in which each variable is followed by a set of two opposing and mutually exclusive statements about the expected degree of discrimination. It will be clear that the longer the list, the more complex a research design would become. In fact, the introduction of every new (independent) variable multiplies the degree of difficulty of the project as well as its costs. Therefore I shall choose a bare minimum of variables to include in all national subprojects in order to make cross-cultural comparison possible. The remaining list should be considered an inventory of possible "extras" from which researchers in each country may choose as they pertain to particular national relevancies or urgencies.

Before presenting the variables, I want to be clear about one thing that the international research program cannot deliver. Situation testing will be able to find out if there is discrimination on the labor market or not and maybe even if there is a lot of it or only a little. However, it will be impossible to answer the question in which country there is more discrimination than elsewhere. All of us are naturally tempted to ask that very question: how does my country perform? The main reason why there cannot be a proper reply to that query is this: as we cannot hold constant all variables which we know or believe to correlate with the degree of discrimination, it is impossible to attain a complete and unambiguous comparison of the extent of discrimination. We will not be able to rank countries nor can it be our objective to categorize some countries as worse discriminators than others. The methodology of situation testing is not designed to rank countries, it is unable to do that, and one should not ex post facto attribute to it powers of comparison that it does not possess.

3.2 Some theoretical notions

Although situation testing does no more than measure the outcome of discrimination, we need to know a little about its background before we propose meaningful hypotheses of the forms it takes. I will begin by discussing some ingredients of discrimination theory in order to use them in formulating a series of plausible hypotheses. A first crude distinction can be made between malignant and myopic discrimination.¹⁸

Malignant discrimination is based on rigid individual prejudice or embedded in a racist theory that is shared by many employers. If this would be the background of discrimination, employers will indiscriminately refuse minority applicants irrespective of how expensive this exclusion of sections of the pool of labor and talent will be. They will refuse to comply with rules and regulations that force them not to discriminate or they will subvert or bend these rules. Myopic discrimination is based on stereotypes about people sharing certain ethnic or "racial" characteristics but these are not ingrained in racist theory or individual psychology to such an extent that they cannot be changed. It is called myopic because that form of discrimination is believed to stem from incomplete or biased information on the group in question. An employer may acknowledge in theory that some individuals among the stereotyped class of people would perform well, but his belief that most of them do not, makes him turn them away. This mechanism is called statistical discrimination. The employer may reason that it costs less to restrict his or her hiring to majority applicants than to test minority applicants in order to find out who the few exceptional cases are that do not follow the general expectation. Employers do not only behave in accordance with their personal preferences or the subculture of their profession. Their decisions are influenced by what relevant others expect or require them to do. They may act in accordance with what they believe their customers would prefer (i.e. not being helped at the counter by a minority salesman); what they believe will be appreciated by their other employees (the new worker should fit in the - white, majority - team); what employers' organizations, trade unions and the political administration want him or her to do.

3.3 Research variables

Discrimination in the world of work includes a wide range of possibilities: discrimination in hiring, putting employees at a disadvantage in careers and promotion, differentiating according to "race" or ethnic origin in firing. It may consist of differential pay for the same work, assigning workers to the least desirable tasks within one job category or it may mean disparity of other labor conditions or financial fringe benefits. In order to be able to make an international comparison that is already fairly complicated by itself, we shall choose to measure discrimination only at the entry-level of jobs. The ILO research project is about hiring personnel.

The basic notions on the mechanism of discrimination described earlier enable us to draw up a list of possible variables and predict its form and direction. They are:

- (1) variables with respect to the demand side of the labor market
- (2) variables with respect to the supply side of the labor market
- (3) variables of the general conditions of the labor market.

1(a) Size of firms

The first proposition is that small firms show less discrimination because its simple hiring procedures take the individual qualities of the applicants into account. As labor relations might be paternalistic, minority employees are more acceptable. The contrary proposition is that large-sized firms have more room to experiment with uncommon individuals belonging to minority groups. Large-sized firms feel obliged to show more responsibility to the community at large, are more vulnerable to minority protest actions and will be more closely watched by non-discrimination agencies.

1(b) Public and private sectors

Neo-classic economy reasoning predicts less discrimination in the private sector because employers who would give in to their propensity to discriminate will suffer from a comparative disadvantage when they restrict their choices in hiring personnel. As discrimination can only survive in economic situations of monopoly and in the non-profit sector, discrimination will be high in the public realm. The reverse proposition is that there will be less discrimination in the public sector as government institutions strictly enforce non-discrimination rules. Private business is allowed more freedom in its hiring practices.

2(a) Ethnic groups

Discrimination will be highest, says the first prediction, against the oldest and best-known minorities. As they have shown not to adapt easily or to assimilate into the new society, they are socially constructed as "problem" groups. The alternate proposition would be that employers refuse the immigrants about whom they have less information available: the newcomers. Whichever prediction proves to be true, it is probable that the degree of discrimination will closely correspond to the social ranking of ethnic groups as shown by opinion polls. Where social distance is reckoned by "race", ethnicity or national background in the society at large, discrimination by employers will be strongest against those who have been socially constructed as to constitute distant categories. If cultural distance (religion etc.) is considered the main dimension to evaluate ethnic groups, discrimination will be strongest against those who have been socially constructed as cultural strangers.

2(b) Gender

Within ethnic and immigrant groups women face more discrimination than men as their lower educational levels are believed to make them suitable for lower quality work only. The contrary proposition is that minority men are more discriminated against because their social advancement would be considered more threatening to the ethnic social order than in the case of minority women.

2(c) Job and educational level

The higher their educational level, the less discrimination immigrants will encounter. As they do not fit the stereotype of the uneducated beginner and have shown to be able to conform to the high standards of their new society, they will be treated as equals. Their education is taken as a sign of adaptation. The inverse proposition implies that those who strive for social advancement through education lose the competition with majority applicants. As long as immigrants "know their place" at the lowest level where majority workers have moved out as they arrived, they do not compete. Minority education would threaten the stratification structure.

3(a) Regional concentrations of immigrants

As long as the numbers of immigrants in a given region are small, there will be little discrimination against them. They do not threaten the established social system, are not a competitive force. On the contrary: tiny ethnic minorities are an enjoyable exotic element. The opposite is true in case of malignant racism. No immigrants are to be accepted in principle. Employing them would mean a first step towards mass settlement.

3(b) Economic variation

In economic situations with labor in short supply and much in demand, discrimination may be expected to be much less than where demand is small and supply large. Thus, in economic-geographic regions with a "tight" labor market, in expanding economic sectors and

in particular professions that are in high demand little discrimination can be expected. However, if discrimination is of the malignant type, economic demand and supply ratios cannot be expected to make a great difference.

Now that we know or have made plausible that at least the discussed seven factors (but in reality many more) make a difference in the outcome of the discrimination test, an ideal research design should include at least these variations. It should include a test of discrimination against both men and women; one old, established minority and a new immigrant group; one with a relatively high level of education and one of a lower level. Tests should be carried out in large and small firms and in both public and private sectors. They should cover at least a region with a large minority population and one with a small number of immigrants. Different economic sectors and professions should be tested. The test results should be representative to their full extent when all these variations have been built into the research design. It would enable us to study which variables are important and which propositions hold true. However, such a research project would be far too complicated to carry out and would require impossibly large samples. Therefore, most variables have to be dropped. Researchers in the various participating countries may include one or more. My proposal is to agree on a minimal variation to be included in all countries in order to make comparison possible. The selection should be relevant to the main problem of the research stated before: is discrimination against immigrants and ethnic minorities a general phenomenon in all industrial countries in such a way that it can be expected to contribute to the creation of societies in which inequality is (also) based on ethnic differences?

In each country, the research project should at least include a test of discrimination against two ethnic groups: one older established ethnic minority and one group of relative newcomers. If the tests show discrimination against both, the results of the research project may be expected to be politically more convincing. It would mean that discrimination is present in not just an isolated problem of one group only (be it the old acknowledged minority group or the newcomers) but is a general characteristic of how the labor market functions with respect to immigrants. The inclusion of two groups will enable us to study against which group discrimination is strongest. As it would make little sense to study discrimination against small, little known immigrant categories, both groups selected should be among the largest ethnic minority groups that are generally known as such.

In each country, the research project should at least include a test of discrimination against low skilled first generation immigrants and a test of discrimination against an educated second generation or well-established minority. The inclusion of the education variable will enable us to say something about the perspectives of social advancement or stagnation of different generations. What is the likelihood of the establishment of ethnic and racial disadvantage over a longer period of time?

Although it would be highly relevant to include discrimination against minority men and minority women, this would more than double the research design problem as all the other variables may be expected to co-vary with the gender distinction. As we have a choice to make it will be minority men against whom discrimination will be measured. Working men are more numerous than working women, especially among first generation immigrants. The choice in favor of men is also based on the research aim to discover whether discrimination exists, as previous research has consistently shown that women encounter less discrimination in situation tests than men.¹⁹ As discrimination will be studied at the entry-levels of jobs, the age of the job applicants shall be between 20 and 25 years.

As to the regional and economic sectors to be selected for the test, my suggestion is to make a selection that is closest to the true situation in which immigrants and minorities find themselves. The tests should be administered in regions with high percentages of immigrants and minorities and where demand for labor is high. This is not the case in agriculture where many immigrants have found work, legally or illegally. As many immigrants who work in this primary sector are unskilled they do not compete with majority labor supply. They work under conditions that indigenous workers consider unacceptable. Discrimination cannot be tested through audits in a sector of the economy that has become exclusively foreign.

By contrast, industry and services are far more suitable for testing discrimination. But here again the segment of the labor market that requires little or no skills or where people are employed with a weak legal position may be almost entirely foreign. Testing discrimination in typical ethnic, foreign or immigrant job sectors makes little sense. We will therefore move up within the sectors of industry and services to the lowest level of skilled work where first generation immigrants actually compete with majority labor. Discrimination will be tested in the semi-skilled sector rather than at the lowest level of unskilled labor. Second generation immigrants have gone through the national school system and the most successful among them usually attain higher vocational or college educational levels. It would not make much sense to find out whether highly educated professionals encounter much discrimination if in reality such people are marginal in numbers. Therefore, second generation immigrant or established ethnic minority members will test discrimination against them at the level of college education.

There is no simple solution to the question whether to test both private and public sectors of the economy. In those of the participating countries that require national citizenship to work for the government, there is no choice to make. The best solution to solve the ensuing problem of comparability would be to exclude the public sector altogether, but that would exclude a sector of realistic job opportunities in some countries. I opt for the solution to ignore the difference and test discrimination in the full array of available jobs that have been selected. The test will be done in the private industry and services sectors as well as in the public sector wherever that is possible. Auditing should further be done with both small and large-size firms but it would be unnecessarily complicated to stratify the sample of test situations according to quota. The test should be carried out as it comes. If there is enough differentiation in firm size this variable may be included in the analysis in each national case. The aim is not to compare all participating countries in this respect.

I shall now summarize research design decisions as to the variables tested.

Summary of variables

- . The research project will test discrimination at the entry-levels of jobs.
- . The test will measure discrimination against men
- . of two minority groups: one older, established minority comprising a second generation and one group of newcomers. Their age is between 20 and 25;
- . they will look for positions that require two levels of education: semi-skilled jobs for first generation immigrants and higher vocational and college education for second generation immigrants or members of older established minorities.
- . The test will be carried out in regions where high concentrations of the selected minority groups have settled, in areas with a strong demand for labor and within the industry and service sectors of the economy.

When possible, discrimination will be tested in the private as well as in the public sector of the economy and with both small and large-size firms.

4. Description of the situation testing technique

4(a) General characteristics of the method

Audit research or situation testing is a social experiment in real life situations where persons in positions of power decide the chances of people who apply for jobs with them. Members of a team of pairs (or in threes) of job applicants will individually follow exactly the same procedure with the same employer to find a job. They may present themselves at the gate, apply by telephone, write applications on the basis of newspaper ads in which personnel is wanted. They may apply for work at employment agencies, both private and public, and they may seek permanent work or temporary employment. The general principle is that they follow procedures that are common for the application of the type of job wanted. Testers closely follow reality. As the two main varieties of the research method are actor testing and correspondence testing, I will deal with these in separate sections 4(b) and 4(c). The test persons of each team should be matched for all characteristics that are relevant for employers to base their decisions on.

Should the testers work in pairs or in threes? As researchers in some countries may be fortunate enough to be able to test relative discrimination against more than one minority group at the level of semi-skilled work, it seems attractive to have three testers apply to one employer rather than two paired teams to one and the same employer. In Australia discrimination against Vietnamese as well as against Greeks has been tested by matching both to one "Anglo-Celtic" person and then operate in threes. However, employers faced with three applicants of strikingly similar backgrounds at the same time might become suspicious. The danger of detection that is always there should be kept to a minimum. A public disclosure that may follow would ruin the entire experiment. Therefore, it is advisable to work in pairs only. The selection procedure to find suitable testers is described in 4(b) 1.

Testers must have the same age, education, work experience etc. They are equally well-dressed and have been selected as equally presentable persons. The only difference between them should be that one (or two) applicants have an immigrant or minority ethnic background whereas one -- who we may call the control tester -- originates from the majority population. The (personnel) managers of randomly selected firms confronted with two equally qualified applicants may respond to them in exactly the same way (i.e. by hiring or refusing both) or they may prefer one to the other. If he or she prefers one above the other such difference can logically only be attributed to discrimination because "race" or ethnic background is the sole difference between people who have otherwise been carefully matched.

The training of testers is discussed in 4(b) 2. What is to be counted as discrimination is dealt with in 4(b) 10. It should be clear that this research is not (or only indirectly) on immigrants and ethnic minorities. It studies discrimination practiced by employers and should be considered research on behavior of the majority population. Essential to this type of research is that the people who are being studied are themselves not aware that this is being done. They behave in the real world rather than within a setting constructed by experimenters and the test results are therefore valid. The fact that the people studied have not given

permission for others to study them presents an ethical problem that I shall deal with in section 4(f). If the number of disparate decisions rejecting the minority applicants and accepting the majority applicants is large enough statistically so as not to be due to chance, we conclude that there is discrimination. It is probable that the methodology always yields a lower estimate of the amount of disparate treatment as many tests can technically not be pursued into the final stage of decision-making. Where the testing should stop is discussed in section 4(b) 7.

Consultants

Before going into the details of the situation testing technique, a general recommendation is in order. In the type of research that seeks to disclose concealed practices, it is highly advisable to consult persons who actually function within the social world we are going to study to advise us on what is to be expected. To put it starkly, in order to discover something we should know what we are going to discover. This may seem like putting somebody into the position of a spy behind enemy lines, and maybe it is. It is my experience that individual personnel managers who strongly adhere to the principles of equality and non-discrimination can be easily brought to share their knowledge of hiring practices and help in the research process on the basis of confidentiality. It should not be difficult to locate such individuals through the network of the researcher. These "experts" are instrumental in selecting and training the testers, draw up the right kind of letters of application, and so on.

4(b) Methodological instructions for actor testing

1. The selection of testers

The test will be carried out by two teams of two men between 20 and 25 years old. One young man of each team has the ethnic background required to test discrimination at the level of semi-skilled work, the other belongs to the majority population. They should be credible as average job seekers and have conventional appearances. In British research professional actors have been used, in all other cases they have been University students. As experiences with students have been quite satisfying I advise to work with them. Students are not only less expensive, they also can be easily instructed about the theoretical background and the technical administration of the test. Students can be hired through the usual channels: an ad will ask for men between 20 and 25 who are willing to partake in an experiment on job application. Students with ethnic minority background are especially encouraged to apply.

Now the researcher selects 10 or so students with conventional appearances and who, at first sight, look like likely applicants for semi-skilled work. Of these ten, the researcher chooses 4 young men together with the expert consultant or other knowledgeable people. Do not make your choice by yourself alone: intersubjective agreement is preferable. Two men should originate from the minority group to be tested and two from the majority. All four of them should be interchangeable as the teams will be mixed for a reliability check (see 4(d)). The minority status of two testers should be very clear and they should be selected as typically fitting into the stereotypes of physical appearance and speech. First and family names can be characteristic to identify their ethnic background. All four applicants should have the same legal status as far as employment is concerned. Foreign immigrants should possess all the permits that qualify them for an appointment on a basis equal to nationals.

The four selected testers will have to match in objective characteristics such as age, weight, height, command of the language and the possession of a driver's license when that is required for the jobs to be tested. They will also have to match in subjective characteristics: communication ability, overall demeanour, appearance. Persons should be selected as testers who are more or less average in this respect. They should neither be exceptionally pleasing, open and endearing nor grumbly, annoying or unusually self-contained. The rationale for this consideration is that the pleasing top of both majority and minority applicants as well as the disagreeable bottom will provoke a similar employers' response. If we are not dealing with malignant discrimination both pleasant testers will be accepted and both unpleasant ones will be rejected. If this would hold true in practice one could question whether we are not measuring individual variability of acceptance rather than discrimination of categories of people. The answer to this query is that discrimination takes place within the broad middle range of the categories of people in question. If we find discrimination it means that a broader range of job applicants within the majority population is considered acceptable than within the minority.

A serious danger to all scientific experiments is the occurrence of so-called experimenter effects. In this case it may mean that individuals who are very keen to prove to the world that horrendous discrimination exists may induce by his demeanour (consciously or unconsciously) more negative responses from employers than individuals who have set out to prove (again consciously or not) that the problem of discrimination is exaggerated. The direct observers in this test are themselves also the experimental stimuli. A possible solution to this problem is to keep the testers ignorant of what the research is about. They would neither induce the outcomes of the test nor influence each other. However, this would be highly impractical. We would miss the advantage of being able to train the testers together and teach them exactly the same about what to do and how to observe. Hence, testers should not be selected from circles with an outspoken vision on the problem of discrimination. They should not come from anti-discrimination organizations or from racist political parties. They should further be checked on individual circumstances. Do not select persons who have knowingly been victims of serious discrimination or persons with a criminal record.

2. Training the testers

The testers should be trained at least one week before "going into the field". On the first day the research design is explained. After they have gained a thorough understanding, on the second day each tester will be taught to modify his personal history to fit the profile designed. In doing so, keep as close as possible to the truth as this will be easier to remember. The testers should keep their birthdays, their addresses and other basic information about themselves. Their biographies may need modification for educational attainment levels, citizenship, birthplace, work experiences and hobbies. Job references need to be simulated. Choose the highest qualifications that are fit for the job when the biographies are constructed in order to maximise the likelihood to be hired. The third and fourth instruction days are to train their demeanor, to act courteously and how to respond to employer questions. You will find that the students like this part as they are, in essence, given a free course in job application training. Many countries included in this research project have professional training programs that may be used. The experienced personnel manager may prove to be helpful here also. This part of the training will need two days as it does not only involve learning to present oneself at one's best, the testers have to learn also to give off a similar "presentation of self". Remember that the credibility of the test depends on the degree in

which all controllable test variables have been held constant. The fifth and last day is used to assure that the testers follow all scheduling and data collection procedures.

3. Handling psychological problems

The researchers should be prepared that the minority testers (and maybe also the majority applicants when they find out) will be hurt at their first experience of discrimination and also later when evidence of its systematic character slowly builds up. As we have already seen in 2.1, potential victims of discrimination on the grounds of "race" and ethnic background tend to be ignorant of or underestimate the degree of discrimination that actually takes place. It may be the first humiliating experience the tester (student) goes through when an employer rejects him tactlessly by not concealing that he is of the wrong "race". But it is even worse when he finds out that a very attentive and pleasant employer who had to say no because the vacancy had regrettably just been filled gives the job to his majority counterpart only 15 minutes later. "I can hardly understand! He was such a nice man. I never would have expected him to be racist" has been the comment by some of the testers I have worked with. These experiences need not only a lot of time of discussion with the victim from a humanitarian standpoint: when not properly handled it may ruin further testing as the tester may lose his open-mindedness and may induce discrimination by his appearance. Continuing observation of testers is needed during the course of the research as well as a check of their personal opinions and motivation. One might even have to decide to replace a tester who can no longer handle the discrimination experience.

4. Selecting test situations

The statistical universe of test situations consists of all the vacancies for semi-skilled jobs in industry and the service sector within the area chosen for investigation. We have chosen to test discrimination of first generation immigrants on this somewhat higher level because, unlike at the lowest level of unskilled work (see 3.2), we expect competition with indigenous national workers and therefore possibly discrimination to be present here. A preference for immigrant workers at the bottom level of the labor market may mean that employers are looking for cheap labor (and certainly not to represent cases of reverse discrimination). The occupations should represent the type of jobs where the bulk of young adults of the particular minority group would begin their upward working careers. A uniform instruction on what kind of semi-skilled jobs are available for testing is impossible to give as they vary between countries and even within one country over a relatively short span of time. I suggest that the researcher checks all available figures on supply and demand of labor in the given region and then decides whether to concentrate on the construction sector or on light industry, on the hotel and restaurant business or whatever sector produces vacancies at the time. I also suggest consultation with the regional labor exchange on the matter. It should be stressed that the largest possible variation over the industry and service sectors will be chosen as we have to avoid the testing of one limited sector only. However, the degree of representation for the areas at large is limited by the availability of vacancies to test. One should try to reduce the testable situations to a limited set of semi-skilled jobs for which detailed professional profiles can be obtained. This makes it easier to construct the background of the testers and enhances the possibility to be hired. Thus a possible choice may comprise the following:

- . 75 observations in the construction industry at the level of bricklayer and carpenter
- . 50 observations in the restaurant business as experienced waiter
- . 50 observations in light production industries as semi-skilled worker.

All observations would add up to a total of 175 and these could represent the test of discrimination against young first-generation semi-skilled immigrant men in the country in question.

5. *How to find vacancies*

How do job seekers locate suitable vacancies? Three basic possibilities can be distinguished:

- (a) Through personal contacts: relatives, friends, acquaintances, the ethnic or regional network, etc.
- (b) By direct application at the factory gate or responding to signs and notices in the employer's windows saying "help wanted".
- (c) Through intermediaries:
 - . Ads in the paper
 - . Government employment service
 - . Commercial temporary employment services.

As we want to remain as close to reality as possible, our testers would have to follow all these channels and try to find jobs in quantities according to the relative importance of the various channels. It is technically impossible to draw a stratified sample that would do justice to the distribution of channels. It is generally unknown what number or percentage of vacancies are filled at a specific level of jobs through personal contacts. In this case, situation testing is impossible because the intermediary of the network of knowledge and recommendation can not be experimentally manipulated to match the two testers. The other options are, however, open.

Testers may directly apply for a job at the factory gate. I choose to test only those employers who indicate by sign that they are looking for personnel. If we make "cold contacts" with every employer in the area, chances are that neither applicant finds work for the simple reason that there is none. It is important to keep the number of similar responses to the two testers of the pairs as small as possible (see 4(b) 10). A second possibility is to find vacancies in newspaper ads. There are one or several regional papers that carry many ads for jobs at the level we are looking for. Going through ads is by far the simplest method, it costs the least and it provides the best opportunity for a random selection of vacancies.²⁰ The labor exchange provides another distinct possibility to locate suitable testing sites. The testers should go to the office and use whatever vacancies at the required level for the test are being offered. A second way of using the labor exchange is to register as a job seeker and wait for what will be offered. We will not pursue this strategy because it would produce no more than one or a few vacancies at one time. A third possibility might work out well in some countries: have the labor office collaborate with the research and select a number of employers with vacancies known to the employment agency for testing. But the actual selection of vacancies to be tested should remain the researchers' decision! There is, finally, the possibility of going through commercial manpower services. I know from my own experience that the test is very easy to administer through this channel. The main argument against using manpower services is that these only mediate between employers and applicants for temporary work. However, many workers start on a temporary basis but will end up being regularly employed. Going through manpower services is a method used by employers under loose labor market conditions to hire personnel on a probational basis. Manpower agencies provide an entry point precisely to semi-skilled jobs in some countries. In others they do not exist. Manpower agencies are not permitted in Italy and Spain, for

example. Because we follow the principle that the unity of the international research is best safeguarded when job seekers go through the channels that job applicants follow in their own country, manpower services are included.

6. Sample size

The size of the samples we use can only be reasoned on the basis of certain expectations. Let us assume that both applicants will be rejected in 50% of the cases. In the remaining 50% both applicants are accepted or only one is accepted. This group constitutes the collection of usable observations on which we base our computations. Let us now assume that there is discrimination if in all cases of unequal treatment the white/majority tester is favored in 15 % of the cases over the black/majority tester than the other way around (the net discrimination quota). This happens, for example, if the majority tester has been favored in 25% of the cases of unequal treatment and the minority tester in 10 % of the cases. How big should the sample size be if a .15 difference is due to pure chance in less than 5% out of a hundred tests?

If we take P to be the proportion of net discrimination in reality and p the proportion of net discrimination in our sample, then the difference should be smaller than $.15 \sigma$ (σ being the standard unit of the normal distribution) in $(1.0 - 0.05) 0.95\%$ of the tests. If the total number of cases (N) is sufficiently large the Bernoulli-distribution can be assumed to equal the normal distribution. 0.95 then equals a z -value of 1.96.

$$\text{Prob} (| P-p | < .15 \sigma) = .95$$

$$.15 \sigma = 1.96 \sigma p$$

On the condition that we deal with the standard normal distribution $\sigma p = \sigma / \sqrt{N}$. Then:

$$.15 \sigma = 1.96 \frac{\sigma}{\sqrt{N}}$$

$$\sqrt{N} = 1.96 \sigma / .15 \sigma$$

$$N = 170.$$

As we need at least 170 usable observations in order to be able to convincingly show discrimination, the total sample size (including cases of similar treatment) should be double or let us say $N = 350$. The actual testing procedure could be discontinued as soon as 175 usable observations have been compiled.

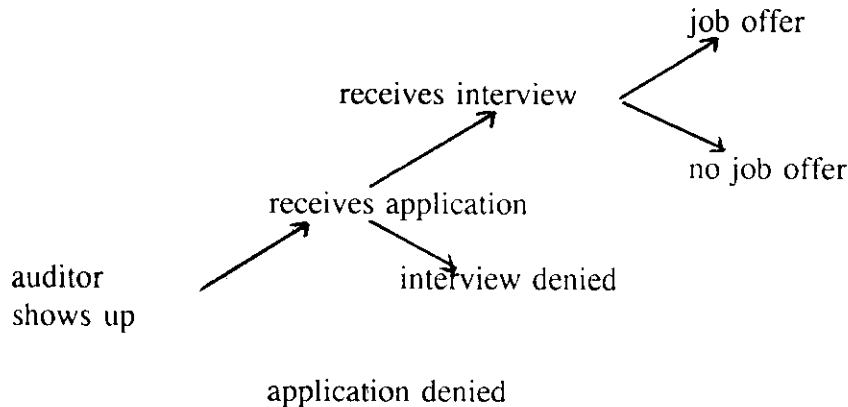
7. The application process

It is conceivable that employers who discriminate do so at the early stages of the hiring process, but we also have indications that they do so as the process approaches the actual hiring decision. A full measure of discrimination should take unequal treatment in all stages of the hiring process together. The score of discrimination is the cumulative result of rejections of one tester where the other is accepted. We will, in principle, follow the full procedure of application or stop as soon as one or both testers are rejected.

There are basically three steps in every application procedure:

- . the job seeker applies for a vacancy by showing up in person or by telephoning ("Is this job still available?"). He may receive an application or is denied a chance to apply ("We are sorry, the job has just been taken");
- . applicants may now receive an interview or be denied to talk to the personnel manager ("Sorry, we are looking for somebody with qualifications other than you have");
- . the interview may result in an actual job offer or a rejection.

Graphically:



Disparate treatment of the two testers may in reality be rather more subtle than a differing of acceptance and rejection. For instance, both may be offered a job but not of the same quality. The Urban Institute records a case in which the black and the white auditor were given a chance to apply for a job as car salesman: the white was offered a job in new car sales, whereas the black was told that the only available job was in used car sales. I shall deal with the question what difference in treatment should be counted as discrimination in section 4(b) 10.

The test should not be carried out more than once at the same address even if a new vacancy for quite a different job is advertized. We are not interested in the consistency of the employers' decisions and a second showing of exactly the same pair of job seekers almost simultaneously may arouse suspicion.

8. Supervision

The research needs a supervisor who is always present at a central office as long as the data gathering lasts. It would be perfect to combine the supervisory work with administration of the correspondence test (see 4(c)). He or she schedules all the work, monitors the auditors' progress, records all the findings and keeps them on file. In order to avoid the discussed experimenter effects (personal motivation and knowledge of what has happened to the co-auditor might influence the test outcome unknowingly) the supervisor takes all the decisions.

The supervisor draws up the list of firms to be audited and schedules the actions of the testers day by day. If there are enough vacancies enabling the testers to go on unimpeded, the testing should take about three half days per week for a period of six months. Such a schedule nicely fits the time table of students. The day's testing will often start by making inquiries by telephone on the availability of the job. The conversations shall take place in the

supervisor's presence only and be taped. All instances of testing need close timing as the employer should begin his considerations on the two auditors at the same time as much as possible. A time span of 10 minutes is best. The order in which the two testers execute their tasks has to be changed after each contact with the employer in order to assure that a disparate outcome is not due to one of the testers always being first to be considered. The order should be recorded.

As soon as telephone testing is done, the supervisor records the conversation from the moment that the tested party has begun to respond. The opening sentences of the tester should be standard allowing for a slight difference between the two. When the auditors have gone out to present themselves in person at the addresses where the vacancies are open to them, the supervisor should follow them every now and then to be sure that the auditors carry out their tests and don't fabricate results. This may seem a superfluous and slightly ludicrous advice, but anyone familiar with survey research using interviewers, etc., should know that it is not.

When the test does not begin by telephone, it may be handy for the supervisor to ride along in his car and provide a temporary research basis around the corner of the site tested. The supervisor monitors the movements of the auditors closely and he or she checks the personal motivation of the testers from time to time to notice any psychological problem in time. After each contact, the tester writes down what has happened on a standardized form (4b 9). He checks with the supervisor at the end of his day's testing and brings his filled-out forms to the supervisor the next time they meet. The supervisor keeps a file of the proceedings of two auditors per address. The test is stopped by the supervisor as soon as one of the testers is rejected at any stage of the application procedure. The testing by auditors stops as soon as 175 usable team observations have been collected. The auditors should be paid a regular salary and not by the completed test or per hour. This should avoid them having an incentive to stop prematurely or extend the process.

9. Recording the test

Each pair of tests with the same employer for the same job should be recorded by the supervisor in a dossier. The supervisor monitors the proceeding of the test through keeping a double diary on two identical forms that are organized along the following lines:

General

- . Name of this tester
- . Name of the matched tester
- . Firm name
 - Type of firm
 - Firm size
 - Public or private firm
 - Job tested

Application

- . Date of application:
- . Who is the first applicant?
- . Application accepted or denied?

Short description of what happened:

- in case of acceptance: for what job type? which pay level? which working conditions?
- in case of refusal: what argument is used?

Interview

- . Date of interview:
- . Time of interview:
- . Description of the interview
 - in case of acceptance: for what job type? which pay level? which working conditions?
 - in case of denial: what argument is used. Precise recording of the wording.

Job offer

- . If a job is offered: what job? what pay? which working conditions?
- . If the application is denied: Precise description of what happened.

10. What test result represents discrimination?

As we have seen, there are basically three stages in a full application procedure. In each of these a decision of acceptance or rejection is taken on both auditors. Let us look at the middle stage in which testers may be invited to an interview. There are four possible outcomes at this stage:

- . both are invited for an interview
- . only the majority person is invited for an interview
- . only the minority person is invited for an interview
- . neither is invited

The last outcome is problematic as too many double refusals make it impossible to test a difference in treatment. The experiment takes place in real life and this means that our testers are competing against real applicants for every position. It is unreasonable to expect to receive an offer in every case even if our audits have been given the finest credentials possible in order to minimize the number of cases in which interviews are not granted. Rejection may take two forms: a failure to reply or a formal denial. The first outcome, double acceptance, will not occur very often as many vacancies are to be filled by one person only. If both have been accepted there is a likelihood that a difference in treatment occurs somewhere along the process.

How to interpret difference in treatment? Disparate treatment can result from systematic behavior, such as discrimination, or from random events, such as an employer's bad mood. It is possible that disparate treatment is entirely related to systematic behavior, random events, or a combination of both. The method to measure discrimination is now to subtract the cases of unfavorable treatment of the majority tester from unfavorable treatment of the minority tester and so to arrive at a "net disparate treatment". The assumption underlying this method is that random events are cancelled out by the subtraction and that the residual accounts for systematic behavior. The approach assumes that random unfavorable treatment is symmetrical for majority and minority test outcomes. We do not assume that unfavorable treatment of the majority person constitutes an act of reverse discrimination.

Difference in treatment will often be clear as one tester is simply rejected where the other is accepted at one of the three stages of the application process. But differences of treatment may take other forms. Some are measurable, others too subtle to quantify. We can

measure a difference in timing of an invitation to an interview: one applicant is ranked lower in the selection process. Another difference in handling might be that one person is offered the job but the other's name is kept in an active file for consideration if a future job opens up. Still another is that both get a job but the conditions offered are different. Clearly the evidence of discrimination in these instances, although measurable, is less "hard" than a difference between rejection and acceptance. These experiences should appear from the diaries kept for each test. The research result will contain a table summarizing all the evidence of this measurable sort. The description of the table should say which instances of unequal treatment have been included in the table (inferior job offers, less pay, etc.). This table will sustain (or not) the findings in the main table with the hardest evidence on denial and acceptance. Then there are differences hard to qualify but extremely important in practice. If one tester is given much information on the job and the other is not, if one is given a much longer interview by a manager who shows real interest and the other is not or if one is treated courteously and the other is not, what should we decide? The quantitative differences may, in real-life situations, encourage one to go on with the application process and may dishearten the other. The auditors write comments of this nature on the bottom of the form as answers to open-ended questions. Such experiences collected anecdotally will provide convincing illustrations in the final research report.

4(c) Methodological instructions for correspondence testing

Correspondence testing closely follows the same logic as actor testing. However, they differ in practice. Firstly, it is much easier to administer, its results are more reliable and the costs are much less. Secondly, its use is confined to testing the professional level of occupations, which imposes limits on how far we can go in the application process. How does it work in practice?

The research supervisor selects a random sample on a daily or two-day basis of advertisements in the newspapers in which young educated people are invited to apply for jobs at the entry-level of a professional career in the industrial and service sectors of the economy. These are ads where a college-level education is required or a diploma of higher vocational training. It is impossible to standardize the type of job or the educational requirements to fulfill these across different countries. Job classifications vary in different countries and their educational systems stand very much apart. In chapter 5 on how to proceed in each country, I shall give some concrete suggestions. In any case, the type of jobs selected to discover discrimination through correspondence testing should represent jobs that educationally successful second generation immigrant or minority men should realistically aspire to. A full university education would be too high.

Two written or typed (depending on what is normal) letters are to be sent to apply for the advertised jobs. One is sent by an applicant of the minority group being tested and one by a man from the majority. In each pair of letters different letter types or handwriting are used. For reasons of checking the validity of the testing, (see 4(d)) one letter type will be used in half the cases for one applicant and the other one for the other half of the cases. We go on sending letters until at least 175 usable observations (i.e. where at least one of the two letters sent to the employer has been answered) have been assembled. The contents of the letters should put our two made-up applicants in a most favorable light without becoming unrealistic. We should try to make the probability of double refusals as small as possible. Yet, it is unrealistic to expect positive replies in all cases as we are again competing against real applicants. Some advertisements are fictitious as the individuals to select (e.g.

employees who are up for promotion within the firm) have, in fact, already been decided upon. An employer may put the ad in the paper for no other reason than to comply with the law that all vacancies should be advertised in public. Nevertheless, we construct applicants with the best possible credentials, using the best possible motivation to apply for this job. If photographs are required to be sent along (as is customary in some countries) they show fine-looking young men. The personnel manager who is consulted by the researcher should help in drawing up the nicest possible resumes, put the application in the most acceptable words and select the right portraits to send along.

The two letters should be somewhat different in form but equivalent in contents. If a "racially" or ethnically identifying photograph cannot be enclosed, we identify the minority tester ethnically in some other way. It is not unusual in American application letters to end one's resume with "I am of the Black race". An immigrant in the United Kingdom included in his resume: "I came to the UK in 1956 after completing my primary schooling in Jamaica. I have been permanently resident in the UK since that time". The minority applicant should be given a stereotypical name for his background. A tester in The Netherlands was named Romeo Pengel. No doubt every employer knew immediately that the applicant was Surinamer and black.

Other than the "racial" or ethnic identity of the applicants, the two letters should be handled as much alike as possible. The mail address of the applicants should be in similar socio-economic areas of the city and with a good reputation. As employers will write back to these addresses there should be real persons living there to receive the answers and pass them on to the research supervisor. A door-plate with the (bogus) name could be fixed up to help the mailman find the right mail-box to deliver the employers' return letter. For obvious reasons, the applicants have no telephone. We could also hire post office boxes, but only if that would be normal and not arouse suspicion. Application letters are posted together in the same mail box to ensure that they arrive at the advertisers's address on the same day. All applications are sent no later than a week from the advertisements' first appearance. The two equivalent letters on the next page are (modified) examples of the application letters for a position as accountant as they have been sent by McIntosh and Smith (1974:47-48).

Since correspondence testing excludes the first stage in the application procedure ("is there a vacancy for which I could qualify?"), we will directly receive invitations for an interview or not. In the latter case we will either receive a letter of rejection or no reply at all. If both applicants are invited, it would theoretically be possible to send testers in person to find out whether they are offered the job or not in the third and final phase of the employer's decision. However, as we have applied for fairly qualified jobs it will be impossible in practice to do so. The higher the level of jobs the longer the interviews may be expected to last, the more detailed the questions will be, the applicants may have to undergo a psychological test and their handwriting may be judged. Personal references may be asked from really existing teachers as we have to identify the school where the applicants have finished their education. The experiment would be out of control. Since personal interviewing will be impossible to sustain we have no choice other than to refrain from following up the letter testing into the final application stage. As a minimum level of discrimination can only be tested through the correspondence test, this alone would predict - all other factors being equal -- a lower level of discrimination than would be discovered by auditing in person. In order to counterbalance this inequality of test instruments we can put the correspondence research to a test of stricter scrutiny. The following solution found by

Riach and Rich (1991) should be applied: as soon as one applicant receives an invitation for an interview, the research supervisor posturing for him calls the employer to inform him or her that he has already accepted another job. He or she would do this anyway in order to cause as little inconvenience for the employer and to not block the way for real applicants. If the second applicant receives his invitation for an interview one or more days later, it can be considered to indicate preference for the first applicant. We shall take this to mean a case of disparate treatment and count it as discrimination as much as the simple case of difference between downright acceptance and rejection. These cases will be included in the category "unequal treatment" in the table showing the test results.

Dear Sir,

With reference to your advertisement in the ... of ... for the position of accountant I should like to be considered for the vacancy. I came to England in ... from ... after completing my primary schooling. I have been permanently resident in the UK since that time.

I received my secondary education in ... where I passed seven "O" levels and three "A" levels. After leaving school I was articled to accountant and obtained my ACA and ACWA qualifications in

I am now 22 years of age and I am recently married. I hope that my qualifications will enable me to obtain an interview.

Yours faithfully,

Dear Sir,

I am writing in reply to your advertisement of ... in the ... for the post of accountant for which I feel I am suitably qualified.

I am 22 years years old and am married with one child. I was educated at the grammar school in ... which I left having obtained eight "O" levels and two "A" levels. I then went on to be articled to a firm of accountants in ... where I studied for my ACA and ACWA exams.

I should be happy to attend an interview at any time convenient to you.

Yours faithfully,

4(d) Validity checks

The validity of natural experiment methodology rests upon the extent to which we have been able to exclude all differences between the job applicants with the exception of "race" or ethnic background. We have done our utmost to select testers that match as far as job-related characteristics are concerned and to instruct them to behave in equal fashion. The two letters of application sent have been so constructed as to be equivalent with respect to the attractiveness of the applicants. There are simple procedures to check if we have been successful in matching the applications. We can measure if individual testers or pairs of testers have systematically done better than others. We can measure if one standard letter has received more positive responses than the other letter type irrespective of the "race" or ethnic background of the applicant.

Let us first look at the letters. If both letter-types A and B have done equally well, they both receive the same number of positive responses. 50% of all the A-type letters and 50% of all the B-type letters have been sent by the applicant from the minority group. The other 50% of A-type letters and the other 50 % of the B-type letters have been sent by the applicant from the majority population. If the letter types would be responsible for the difference in result (rather than the ethnic background of the applicants) one letter-type would have had considerably more positive responses than the other. If the null hypothesis is right, in the case of no difference the probability for each letter to be responded to favorably is half of all the positive replies. The standard deviation of the binomial curve $\sigma = \sqrt{npq}$, in which p and q are the proportions of positive replies to letter-types A and B. Suppose for instance that we have 64 cases of disparate replies. $\sigma = \sqrt{64 \times \frac{1}{2} \times \frac{1}{2}}$ or: $\sigma = 4$. We know that in a normal distribution 95 times out of 100 a case lies within $\pm 1.96 \sigma$. Therefore, the probability is 0.05 that one letter has been responded to positive and the other has not will be greater or less than $32 \pm 2 \times 4$ (approximately). Therefore, in case one letter-type has received more than 40 or less than 24 different responses than the other letter-type out of 64 would render our correspondence test worthless.

The validity check on our pairs of testers is slightly more complicated. We call the two testers of the minority group A and B; the two testers of the majority population C and D. The four teams that we have formed for tests are AC, AD, BC and BD. Each of the four teams has carried out 25 % of the tests. If the variation of the teams would not influence the outcome of the tests each team would be responsible for approximately $\frac{1}{4}$ of all cases of disparate treatment. Let us suppose again a total test result of 64 cases of net-disparate treatment in favor of the majority group tester. If the teams do not matter each would produce approximately 16 cases. If one team (or more) shows a deviant result something is wrong. A simple Chi-2 test can be run to find out whether the found distribution is biased by the performance of one or more teams. In example (c) shown below, team AC clearly falls out of line. With the number of degrees of freedom $df = 1$ the value of chi-2 must be greater than 3.84 for the divergence between the expected and obtained results to be significant at the 5 per cent level. Its value is 6.9. The test is therefore biased by the divergent response to team AC.

a.combinations of testers		b.unbiased result theoretically		c.biased result	
AC	BC	16	16	4	20
AD	BD	16	16	20	20

Researchers should run these tests after half of the tests have been done in order to check its validity. There may then still be time to remedy what has gone wrong.

4(e) Accounting the results and statistical computations

The main results of the audit testing can be summarized in the two tables pictured below. Starting with the results of correspondence testing (table 2), we assume that 350 tests have been administered at the level of qualified jobs that are valid. Invalid would be tests where letters have been returned undelivered, etc. In 175 cases neither applicant is invited for an interview. This leaves us 175 cases in which one or both applicants are invited. These can be used for our purpose. Suppose that in 40 cases both applicants are invited for an interview. The majority group applicants have been invited in 95 of the remaining 135 cases

Table 2 Results of correspondence testing for qualified jobs

<i>Applications for interview</i>	Fictitious results	Actual results
1. Valid applications	350	
2. Neither invited	175	
3. Usable applications: At least one invitation issued (1-2)	175	
4. Equal treatment (both invited)	40	
5. Only majority tester invited	95	
6. Only minority tester invited	40	
7. Net-discrimination against minority (5-6)	55	
8. Net-discrimination in % $[(7:3) \times 100]$	31	

where the minority applicant has not; the minority applicant has been invited in 40 cases in which the majority applicant is not. The difference of $95 - 40 = 55$ cases is defined as net-discrimination. The percentage of net-discrimination of all the cases tested is $(55 : 175) \times 100 = 31\%$. As we have chosen a sample size large enough to reject the null hypothesis of no discrimination when the difference is 15% or more, we may conclude that ethnic or "racial" minorities have been discriminated against.

The results of in-person testing for semi-skilled jobs can be summarized in table 3. Using a demonstration example again, let us suppose we have gathered 350 valid applications. Invalid applications would be those where the application process has been truncated, e.g. as in the case where the second applicant has arrived too late at the gate of the plant to file his application whereas the first applicant has arrived on time. Suppose that in 175 cases neither applicant is invited for an interview. Of the remaining 175 teams' applications both testers are invited 125 times. The majority tester is invited 35 times and the minority tester 15 times. In this stage of the application procedure we count a net-discrimination result of $35 - 15 = 20$ cases. This means discrimination in $(20 : 175) \times 100 = 11\%$ of the cases. This would not be sufficient to conclude that discrimination has been practiced as we have

Table 3 Results of in-person testing for semi-skilled jobs

<i>Applications for interview</i>	Fictitious results	Actual results
1. Valid applications	350	
2. Neither invited	175	
Interviews		
3. Usable applications: At least one invitation issued (1-2)	175	
4. Equal treatment (both invited)	125	
5. Only majority tester invited	35	
6. Only minority tester invited	15	
7. Net-discrimination against minority (5-6)	20	
Job offers		
8. Both invited	125	
9. Equal treatment (both job offered)	30	
10. Job offer only to majority tester	75	
11. Job offer only to minority tester	20	
Discrimination		
12. Net-discrimination against minority (10-11)	55	
13. Cumulative net-discrimination (7+- 12)	75	
13. Cumulative net-discrimination in % [(13:3)x100]	42	

put the critical point at a difference of 15 %. Both testers now go on to be interviewed for the job in the 125 cases they have both been invited. Suppose that both testers are offered a job in 30 cases. Of the remaining 95 only majority applicants are offered a job in 75 cases and only minority applicants in 20 cases. The net-discrimination in job offering is then $75 - 20 = 55$. Discrimination would prove itself in the stage of actual hiring: $(55 : 175) \times 100 = 31\%$. Now, we add up the net-discrimination cases found in the interview and the job offering stages: $20 + 55 = 75$ cases. The net-discrimination percentage is $(75 : 175) \times 100 = 42\%$. Since this is far more than the 15% required to reject the null hypotheses at the confidence level of .05, discrimination has been proven.

Audit studies have been criticized in the United States (see the Rockefeller-sponsored conference mentioned in 2.2) for using the wrong statistical model for computing outcomes.

Can we simply subtract the number of cases in which the majority applicant has been favored from the number of cases in which the minority applicant has been favored? We have assumed that cases in which the majority tester is rejected are due to random hiring effects. The same number of cases of rejection of the minority applicant is assumed to be caused by the random hiring effect and may therefore be subtracted in order to arrive at the "true" extent of discrimination. But we don't know if employers do not also practice reverse discrimination or have other reasons to favor minority applicants such as hoping to attract a minority clientele or the attraction of the applicants' knowledge of a useful foreign language. Furthermore, what causes equal treatment? The case of double negatives is especially problematic. The double negatives render the least information of all about discrimination in hiring. There are four outcomes of our teams' testing: (a) both get an interview or a job; (b) neither gets an interview or a job; (c) the majority tester gets an interview or a job and the minority tester does not; (d) the minority tester gets the interview or the job and the majority tester does not.

Our statistical computations are based on the numbers of net-discrimination and the statistical model used is binominal. It would, however, be closer to the truth to include all the test results and not to ignore cases of equal treatment. In statistical terms: the underlying model is multinominal rather than binominal. But, if we would agree to include double acceptances and double rejections in our model, it would become more difficult to produce differences large enough to prove discrimination. We think it is defensible to retain the simpler statistical model that has been used in most other previous research. It would, however, enhance its plausibility if we were able to minimize the number of equal treatment cases and especially to reduce the proportion of double rejections. As our experiment takes place in real life situations rather than in a fully controlled laboratory setting there is little we can do to exclude this particular disturbing complication other than to select economic sectors and job types for testing where qualified personnel is badly needed and to provide the testers with the best possible qualifications.

4(f) Ethical considerations

While situation testing may be a superior method to discover how people in a position of taking decisions really behave, failure to inform those who are being studied is inconsistent with an important norm in research: the right of the participants to provide their informed consent.²¹ What justification could there be to break this important principle? My first argument is that in this case there is no question of breaking legitimate expectations of privacy. Hiring personnel is not an entirely private matter. On the contrary: governments in modern democracies take it as their responsibility to ensure to all their citizens a fair share in common goods and equal opportunities to attain them. International bodies see to it that governments make their own bureaucracies as well as private enterprises comply with rules that enforce such equal opportunities. Discrimination in hiring as much as in other fields of decision-making has been declared unlawful. Real estate agents, landlords and housing councils are not free to exclude clients because they are the wrong "race" or ethnic group. Neither are shops, bars and other semi-public places.

Secondly, the method of situation testing has almost no harmful effects on the individual subjects if appropriate precautions are taken. We are interested in a pattern of discrimination at large and there is no need to identify the individual firms or persons who have been found guilty of discrimination. Results are presented in numbers and percentages rather than as a list of individual wrongdoers. Employers' replies are kept confidential to the researchers. It

is possible to minimize the inconvenience to employers and real applicants. Immediately after the decision has been taken to hire a tester, he calls the employer on the telephone to say that he has decided to take another job. From that point on the hiring procedure is completely open again. This is a non-genuine transaction performed in a manner which is not infrequent in the labor market. Participants carry out the process of search and acquire bargaining chips for negotiations with current and prospective employers.

Researchers may be concerned about the legal risks they run as their surreptitious experiment may be considered entrapment. This concern is ill-conceived as discriminating employers break the legal rules probably more than the researcher does. But more importantly: testers observe only conventional practices; they do not lure employers into a situation in which they are enticed to deviate from their normal course of action.

We could even go further and try to assure cooperation of the employers' organizations. If such cooperation is feasible it is advisable to do so. Even if these organizations know or suspect that many of their members discriminate against immigrants and ethnic minorities they will officially adhere to the principle of non-discrimination. If they do there is no argument to turn away the generous offer to work together in finding out whether the members follow the organization's own regulations. The possibility that publication of such collaboration will affect employers' behavior in practice is small: thousands of members cannot remain alert for the possibility of being tested for discrimination for a period of many months.

4(g) Reporting the results

The national reports should describe methods and results in full detail. In order to make an international comparison, the report should contain a special section with the following information:

- . Which ethnic groups have been selected to test discrimination against and why have these been chosen?
- . Which geographical regions have been selected to do the testing in and why?
- . What economic sectors and jobs have been chosen for the tests and what have been the qualifications attributed to the testing persons?
- . What has been the legal status of the minority group testers?
- . Which channels have been used to apply for jobs and how many times each?
- . The total number of valid observations of both the in-person test and the correspondence test.
- . Description of the procedures to select testing persons and their training.
- . A general discussion of how the tests went; has any suspicion been aroused with those whose behavior was tested?
- . Reproduction of the standard application letters and some typical examples of employers' responses.
- . Results of validity checks.
- . The tables containing the test results.
- . Anecdotal evidence of discrimination obtained throughout the research.

Furthermore, it should be clearly indicated which extra variables have been included in the research, such as where discrimination against women of minority groups has also been

tested, or whether it has been possible to differentiate results between the private and the public sector of the economy, etc.

5. Research instructions country by country

Although our attempt is to standardize the research methodology as much as possible, the empirical reality in the various participating countries may differ considerably. The methodology needs to be specified for each country but without leaving the theoretical basis that has been developed. In addition to the common comparative frame of research, the project will presumably include questions that are considered as pertinent for each national situation. If at all possible, it would be advisable to include the gender variable in the project as well as the difference between the public sector and private industry. However, in this chapter I shall only deal with suggestions that follow from the common methodology. They should be considered as no more than suggestions because many important research decisions have still to be taken in accordance with local situations. The hardest and most time-consuming decisions will be to determine exactly what industry and service sectors shall be selected for testing. Moreover, what job types should be selected and which requirements are needed for these jobs? Decisions should not be taken until the most recent available statistical data about the labor market have been checked and both employers' and governmental experts have been consulted.

I make suggestions for the eleven countries that will hopefully participate in the comparative research on the following points:

- . The two ethnic groups against whom discrimination is tested:
 - one for the semi-skilled types of jobs
 - one for jobs that need a college education
- . The legal status that the testers should possess
- . The way in which the minority tester identifies himself as such
- . The economic-geographical region or regions where the tests could be administered
- . The channels through which the in-person testers should seek to find jobs.

Australia

The Australian immigration experience -- like that of Canada, New Zealand and the United States -- has been one of immigration for settlement, rather than the guest-worker experience of much of Europe. Among the last immigrants that entered the country within the past 20 years, Vietnamese and Lebanese are the most likely candidates for the test as their objective position on the labor market (highest rates of unemployment) is worst and because they correspond to "Asian" and "Muslim" stereotypes. Since discrimination against Vietnamese has already been demonstrated by Riach and Rich, the Lebanese could now be selected for the test on the level of semi-skilled work. Italian immigrants arrived in the 1950s and 60s. Many are being retrenched because of economic restructuring. Their second generation will allow for testing of the notion of upward economic mobility for college graduates. The testers should be Australian citizens. The name and accent of the Lebanese tester will suffice to identify him. The Italian applicant by letter is identifiable by his name and he could include a photograph.

Unfortunately, Australia is currently in the midst of a serious recession. Large numbers of people apply for all job vacancies. The refusal rate may be expected to be high for all applicants. Therefore, much depends on the right region to do the audits and the careful scrutinizing of the job types sought for and the educational qualifications needed. The (double) refusal rates should be kept as small as possible in order to have a sufficient number of usable observations. Sydney is the largest Australian city with a large growth of finance and service sectors and with a number of recently arrived "Third World" immigrants large enough to make the testing realistic. Melbourne should be selected as a second city. Job seekers find advertisements in the papers and go through the Commonwealth Employment Service (CES).

The fellow scientists that I have consulted to find out how the test should be administered in Australia argue that discrimination against immigrant women should definitely be included in the comparative research. They argue that, being a country of settlers, women no less than men look for jobs. There is evidence of more discrimination against women than men. Furthermore, immigrant women groups are very keen that immigrant women are included in the study. They also have a compelling case as some of the most promising theoretical work in the field of discrimination and racism in Britain and elsewhere leads us to study the intersection of racism, gender ethnicity and social class. I certainly support the inclusion of discrimination against women in the test in Australia. Discrimination against Lebanese women should be tested by applying for unskilled jobs and discrimination against Italian women by applying for jobs that require college education. However, it would double the research effort and that does not seem feasible in the other participating countries.

Belgium

The testing of discrimination against young men who try to find jobs at the entry-level for semi-skilled work should be Moroccans or, as second choice, Turks. They constitute one of the largest immigrant groups and the one most affected by social prejudice and the political mobilization against foreigners. Their immigration is still going on: there is a first generation of young male immigrants among whom there is a minority that has been educated in Morocco up to a level where they compete with semi-skilled Belgians. (The majority of Moroccans is uneducated and competing with Polish immigrants rather than Belgians). This group is able to speak French. The testers should possess a permanent permit of stay (vestigingsvergunning) and a labor permit A (Arbeidskaart). They should have fulfilled their military conscription in Morocco.

The college-educated tester from an older and well-established ethnic group should be of Italian descent (Spanish as second choice) and Belgian citizenship. Although the Moroccan group includes also a small highly educated minority that could do the test, and although it is tempting to keep the ethnicity factor constant when comparing discrimination on different educational levels, I would still argue in favor of Italians. They are a group considered by most Belgians as highly integrated, but within their own community there is much suspicion of discrimination against them. A research outcome showing disadvantage of a well-integrated group would be more convincing than discrimination against the obvious victims alone. The identification problem hardly exists in the case of Moroccans: name and physical appearance are stereotypical. The application letter of the Italian job-seeker should contain a sentence to the effect that his parents are immigrants. His name should also be stereotypical.

As to the channels through which jobs are sought, it is possible to go from factory to factory where signs have been posted "journeymen wanted". The tester should only apply for the semi-skilled jobs. A second possibility is to use the Labor Exchange (VADB) through which about 10% of all job seekers find work. The Labor Exchange is suspected of collaboration with employers as they may state as their wish: "No migrants". If this allegation can be substantiated it could become part of the research and produce a topical finding. A different strategy could be to work together with the Labor Exchange Bureaux and obtain a list of vacancies. Thirdly, the test could well be run through temporary employment agencies in Belgium. Many immigrants do, in fact, find jobs through these "Interim bureaux". The (simulated) college educated Italian only has to look into the paper for vacancies.

In which regions of Belgium shall the test be administered? The Belgian State comprises a federation of French speaking provinces, Flemish (Dutch) speaking provinces and the area of Brussels. Immigrants have settled down in all three regions. Which one to choose? Selecting one region only would cause a political problem of research finding credibility. If the test is carried out in Brussels -- and there are perfect reasons to do so as the employment situation in the industry and service sectors is favorable -- and discrimination has been demonstrated, the other provinces will almost certainly argue that this is a problem for Brussels only. Therefore, the test should also be carried out in the Liege or Namur regions (Walloon) and in either Antwerp or Gent (Flandres) region. As each of the three tests should produce sufficient observations for the conclusion to stand on its own, it should be advised to enlarge the total sample size in Belgium.

Canada

Which groups should be selected to test discrimination? A recent attitudinal study piloted by Multiculturalism Canada has shown that Canadians "feel less comfortable with" people whose origins are Indo-Pakistani, Sikh, West Indian Black, Arab and Muslim. Therefore, I advise to test discrimination directed against Indians and/or Pakistani (or West Indians) for the semi-skilled level of jobs. For the older, established immigrant group whose tester looks for work at a college education level Italians (second choice: Greeks) would probably make a good choice.

With reference to the regions to be chosen, immigration is concentrated in three urban areas, Montreal, Toronto and Vancouver. As Montreal has received the largest proportion of Asian immigrants, this would be the metropolitan area to do the test. Toronto has many European immigrants such as Italians and that city should be the site where the correspondence testing of discrimination against educated second generation immigrants should take place. By selecting Montreal and Toronto, the British as well as the French part of Canada will be included in the test. As in all countries the test should be done by applying for jobs in the industrial and service sectors in the economy. The Indian or Pakistani tester will be easily recognized through his appearance, name and speech. The second generation Italian applicant would have much more difficulty showing who he is. It would be most inappropriate for any applicant to include a photograph of himself with any curriculum vitae or job application letter, or otherwise to provide information that could be used to discriminate, such as age or marital status. Canada's anti-discrimination legislation is quite categorical in that regard. In the test we have only his name to go on and maybe to write in his resume that he was born in Italy. Writing that he is a member of the Association of Italian Professionals in Canada (does it exist or be conceivable?) would be another devious possibility. Testers in Canada should present themselves at the gate or go to a union hiring

hall. The government labor exchange offices offer another possibility but we should know that it is not mandatory for job openings to be posted or channeled through these offices. The newspaper would be the best source for advertisements.

France

Immigrants from the Maghreb: Tunisia, Algeria and Morocco are obvious candidates for testing discrimination as all three groups are large and they are generally considered to have immigrant worker status (travailleurs immigrés). The Algerian group is the largest and I advise to select this group because Moroccans have already been chosen in the case of the Netherlands, Belgium, Spain and Italy. The research should not test discrimination of one immigrant group only but address the general problem of how employers treat immigrant laborers and their families. The Algerian immigration is relatively old and has produced a second and even a third generation. As there is also socio-economic differentiation within this group the test can be done with Algerians looking for semi-skilled jobs as well as those who have completed college education. Most Algerians possess a labor permit (permit de travail) and the most favorable status of residence is a card that allows the holder to stay for ten years with the option of renewing it (la carte de séjour de dix ans, renouvelable). Identifying oneself will not be a problem since no Frenchman will doubt that Mohamed Ben Said is Algerian. Because foreigners are not allowed in government jobs, a selection of Algerians only would exclude the public sector from being tested. This is one reason why I advise to test discrimination also against Black Frenchmen originating from one of the Départements d'Outre-mer, such as Martinique. As there are many Black holders of higher diplomas, the discrimination test against Blacks could exclusively be done by correspondence testing. Since names will not be recognizable as Antillian, the applicants' resume should state he was born in Fort de France. The Portuguese (those who opted for French nationality) would provide the opportunity to test discrimination against an established European immigrant group. It is customary to include a photograph in the application letter in France.

The areas to test discrimination against workers should be those regions where jobs are available. They will be either Lyon, Marseille or Paris. The test should be done in the industrial and service sectors of the economy. As the correspondence test will purposely address the problem of discrimination in the public sector Paris should be selected, being the administrative center of the country. Jobs can be found through going to the factory gate and through newspaper advertisements. Temporary employment agencies are also a distinct possibility. The National labor exchange seems to be somewhat more important for foreign workers than in most countries. The Agence National pour l'Emploi (ANPE) might be interested in co-operating in the research and provide the researchers with lists of vacancies.

Germany

There can be little question about the group from which the in-person tester should be selected. The Turks constitute the largest minority of migratory workers and their families and attitude research measuring social distance invariably show to Turks to be positioned at the lowest level. Their immigration is old enough to have produced a second generation and a very small minority of them have reached college level education. Turks should test discrimination both at the level of semi-skilled jobs and at the higher level of college education. Very few Turks in Germany carry German passports. No employer will expect them to have one. The testers should therefore possess a permit of unlimited residence

(Unbefristete Aufenthaltserlaubnis) and a work permit of the highest category (Arbeitserlaubnis). A second choice to test discrimination at the semi-skilled job-level in the industrial and service sectors would be to use testers from the former Yugoslavia, but current political factors might give us odd results.

There are clear indications that the economic position of Turks in the former Bundesrepublik (that is where almost all Turkish workers have settled) has weakened as a result of a labor flow following German unification and the immigration of German Aussiedler from East European countries. Germany presents a case that is theoretically interesting because (partly) integrated Turks compete in the labor market with un- or little educated foreign recent arrivals from Russia and Poland who are of German "stock". Is this competition resulting in displacement of Turks? The question is similar to the one posed in the United States of America: are recent Hispanic immigrants forcing Blacks out of work in the lower rungs of the labor market? Because of their poor educational background, discrimination against Aussiedler can only be tested at the level of semi-skilled work. As they present themselves in person their use of the German language will immediately betray their decent. They should claim to be born in Kazakhstan.

The test may be done in two regions that are economically blossoming. The Rine-Ruhr region with cities like Dortmund, Essen, Bochum, Cologne, known as the region of "old industries" (steel mining, manufacturing) has regained economic momentum and receives many immigrants. The second region is Stuttgart and its surroundings known as a "high-tech" area. Vacancies should be found at the gates, in newspapers and through the Labor Exchange (Arbeitsamt). There is also a splendid possibility in Germany to go through temporary labor agencies (Verleihfirmen).

Italy

Italy and Spain are interesting countries for the international comparison because labor migration is a recent phenomenon. Formerly, they sent emigrants rather than received them. These South European countries are to a certain extent going through the same process of becoming dependent on foreign labor as Western European countries went through thirty of twenty years ago. The movement of people is still considered a temporary one as most immigrants are expected to return to their home countries eventually. They are not seen to constitute a problem of employment because work is the very reason why they are in Italy. They hardly compete on the labor market as many of them work in agriculture and industry under labor conditions that are unattractive for Italians. As far as the government is concerned, immigrants pose problems in the domains of housing, tax-paying and medical care but not in the field of work.

The largest immigrant group and the obvious one to choose for the research is Moroccan. Their immigration has begun as an illegal movement. Many Moroccans have been regularized in one of the two large recent measures by the Ministry of Labor. The expectations of labor market economists are that Italy needs hundreds of thousands more workers in the next few years or even as much as one million in the coming 10 years. Many of those who have been legalized will stay. Some aspire to better themselves in their jobs, and many will also raise their children with the ambition to advance socially and economically. Since Moroccan immigration is so recent only few men have acquired the training to apply for semi-skilled jobs. But there are such men who have started a career in construction work and as mechanics. It is especially interesting to study how employers

respond to upward mobility aspirations of people that they generally consider to be fit for the simplest jobs only.

There will be no problem of identification. Moroccans will try to find jobs by looking for vacancies that are advertised at the factory gate. A second promising possibility to do the test is by going through the labor exchange (Offici di Collocamento) of the Ministry of Labor. All workers who have found a job do have to register at the labor exchange anyway. They are provided with a libretto di lavoro. Private labor bureaux are not allowed in Italy. Newspaper advertisements are not an usual channel for Moroccans to go through. The test should be administered in the industrial North of Italy: Milano, Torino, Bologna and its surrounding towns and suburbs.²²

The Netherlands

The Netherlands offer a wide selection of immigrant groups from where testers may be recruited. The Moroccan group is one of the largest. Attitude investigations among the Dutch have shown that Moroccans occupy one of the lowest status positions on the ethnic status ladder. Some research along the situation test model has already been done but never with Moroccans. Although the educational level of most Moroccans is low, there is now a sizeable proportion of men with so much training and education that they qualify for semi-skilled work. The tester should have been born in Morocco -- as most Moroccan young men in The Netherlands are -- and have done their military service. They should hold an independent permit of stay (i.e. independent of their parents papers) and a labor permit. The applicants should look for work in the industry and service sectors of the economy in the Randstad area where the largest four Dutch cities are located. They will try to find a job through the labor exchange, through temporary commercial employment bureaux and through advertisements in the newspapers. The Netherlands government sector is also open for permanent resident foreigners. The test on the level of semi-skilled jobs could equally well be done with Turkish immigrants.

Discrimination on the higher level of people with a college education (Hoger Beroeps Onderwijs, HBO) may very well be tested against immigrants from former Dutch colonies. Antillians (most of them originating from Curaçao or Aruba) or Surinamese would be a good choice. The Netherlands form a special case for its minority policy is part of the country's version of the welfare state. Many educated "colonial" immigrants have found work in a specially created niche of minority policy administration. It would be particularly interesting to see how private employers behave in the context of the welfare state. It may be tempting for them to consider educated minority applicants as non-serious and a responsibility for the government. This would certainly be an unintended and unforeseen consequence of the special social policy for ethnic minorities. Antillian educated job seekers should apply through correspondence only and respond to ads in the newspapers. They can easily identify themselves not by photographs because that is never done but through giving Willemstad as their place of birth.

Spain

Much of what has been said about the character of the new labor migration to Italy applies to Spain as well. Spain also used to be an emigrant-sending country and the government certainly does not consider the new immigration as a permanent settlement that will change the population make-up of Spanish society. By far the largest immigrant group

in Spain is Moroccan (estimated at 100,000). As in Italy they are the only immigrant group against whom discrimination may be measured without presenting unrealistic stimuli to employers. The agricultural sector has attracted many Moroccan workers but there is now demand in the industrial and the service sectors also. The last two, the industrial and the service sectors, are to be included in this research project. Most Moroccan workers are seen as illegal although many have been regularized as in Italy. This public perception makes them non-serious competitors. Under these circumstances a different type of discrimination may be expected: young Moroccan men even with the right papers may well find work, but the job offered will pay them considerably less than their Spanish co-testers. The job offer may also include the assumption that the Moroccan works illegally in order to evade paying taxes and social allowances. The testers may be expected often to register a simple and openly stated refusal to hire any foreigners irrespective of their documents. It will not be easy to find Moroccans who qualify for semi-skilled work, but they can be found in the main industrial centers of the country. The areas to do the test are the regions of Madrid and Barcelona. Testers should apply for jobs by going to the factory gate and through the National Institute of Employment INEM. INEM might be interested to cooperate with the research. Commercial temporary employment agencies are illegal in Spain.²³

Sweden

The largest established immigrant group with a full-grown second generation is Finnish. They should apply for jobs that require a college education. (Former) Yugoslaves would also be a good choice to test discrimination on this level. The Turks (or Greeks) would be a good choice for recent immigrant workers although they are also established. Turks should test discrimination at the semi-skilled job level. The study should be done in the three largest cities: Stockholm, Göteborg and Malmö and test discrimination in the industrial and service sectors of the economy. As the legal status of many immigrants in Sweden is quite strong, it will not be a problem to choose one that gives them the same right to work as the Swedes. Government employment bureaux are a more important channel to the job market than in most other countries especially for the semi-skilled job-seeker. Newspaper advertisements provide vacancies for educated immigrants.

Switzerland

The oldest and well-established immigrant group in Switzerland are the Italians. Portuguese also would make a good choice. Discrimination against them should be tested at the level of college education and through correspondence testing. The Turkish immigrants (or Greeks) are newer and they could apply for jobs at the semi-skilled level. Many Italians have the legal status of Niedergelassene. They are denizens, a status that gives them the same rights of work as the Swiss. The name will not be sufficient to identify people of Italian descent as the Tessino part of Switzerland itself is Italian speaking. The only way to make clear that the applicant is Italian is by giving him a place of birth in Italy. The Turks will be easily recognized by their speech and their names.

A similar political problem as in Belgium exists. If the test is found to demonstrate discrimination in the German-speaking part of Switzerland, people in the French and Italian areas may claim that the test results do not concern them. Therefore, I advise to do the test at least in a German-speaking region and in a French-speaking region. The Zürich-Arau-Winterthur industrial triangle would make a good selection for the first region. The Lausanne/Fribourg area of agricultural industry would make a good selection for the French-

speaking region. The test will be done in the industrial and the service sectors of the economy.

The search for work may go through newspaper advertisements and temporary employment agencies. It is not usual in Switzerland to present oneself at the factory gate.

United States of America

The Washington D.C. based Urban Institute, whose recent production of discrimination tests has been discussed in 2.2, will continue its efforts through investigating the discrimination levels against Blacks and Hispanics. Two paired tests (one auditor is either Black or Hispanic and the other is White) will be administered in one or maybe two large cities. The political background of the research question is similar to the question I have formulated for Germany: is the established minority being displaced by new immigrants against whom employers show less prejudice? As this will be an extension of the tests previously done and because I have taken care to include the Urban Institute methodology in the present research proposal, the US case will be included in the international comparison. Major decisions as to cities, economic sectors and types of testing have still to be taken. These should be in accordance with the international research strategy as outlined in this manual.

Notes

1. Other main target areas include the Middle East (Libya, Saudi Arabia), South Africa, Argentina and Japan.
2. I put the word race consistently between quotation marks in order to counter the idea that races do correspond to any biological entity. The 18th and 19th centuries' idea of human races is out of date (Miles, 1989). I use the word "race" as a social phenomenon in group relations.
3. For the grounds of discrimination in employment see Article 1, paragraph 1(a), of ILO Convention No. 111, 1958, as interpreted by the ILO Committee of Experts on the Application of Conventions and Recommendations, in Equality in Employment and Occupation, ILO, Geneva, 1988.
4. Discrimination is only one, although very important, causal factor in underclass formation. The social and cultural background of the immigrants, the circumstance and timing of their immigration, changes in the structure of urban economies adversely affecting low-skilled employment have also been suggested as possible explanations. On theory of the urban underclass, see Jencks and Peterson (1991).
5. The ILO has a constitutional obligation to protect the "interests of workers when employed in countries other than their own." This has traditionally been effected through the elaboration, adoption and supervision of international labor standards, i.e. Conventions and Recommendations.
6. For an overview of the legislative measures against discrimination in Europe, see: Forbes and Mead, 1992; see also Zegers de Beijl, 1991.
7. Best known are studies on wage differentials. A survey on discrimination may gather data on wages for a sample of individuals. Wages are regressed on a set of variables thought to explain them: education, experience, region of the country and by separating minority data from those of the majority. By combining the estimated coefficient for majority regression and the values of the explanatory variables for the minority (or vice versa), a measure of how many more minority employees would earn (absent discrimination) can be derived.
8. I do realize that attitudes and verbal accounts are not the same. In fact, words may be considered as behavior. However, for the purpose of this report it serves well to consider words as an expression of an attitude rather than a description of an act.
9. I. Deutscher, 1973.
10. People who are in a position to discriminate may be expected to be concentrated in higher status positions. They will usually see through the meaning of items in the questionnaire and give socially desired responses.
11. See for example Jenkins (1986) and Kirschenman & Neckerman (1991).
12. Newman & Krzystofiak, 1979; Bovenkerk & Breuning-van Leeuwen, 1978.

13. This is, of course, what discrimination is about: making a difference between people on unjustifiable grounds. There are no theoretical reasons to expect a lesser job performance from A than from the equally qualified B because A is Black or Moroccan. Our norms further preclude -- and the law says so -- that other amateur sociological reasoning ("I don't hire them because I am afraid to lose my clients" or "I only accept individuals who fit in the team") are acceptable. It would be very hard to find instances in which ethnic background is relevant. May a Chinese restaurant owner claim preference to hire Chinese waiters? Should a professor of Black Studies be black? The only exception to the non-discrimination norm is the case of positive or affirmative action. Many national laws allow for preferential treatment in case an ethnic group is afflicted by unacceptable disadvantage. Civil Rights bodies require preferential treatment of protected classes of people in order to bring about substantive equality in result rather than formally equal treatment in procedure. This exception to the principle of non-discrimination is not unproblematic. Opponents either claim it to be reverse discrimination against the ethnic majority or they argue that effective eradication of discrimination would make it unnecessary.
14. A striking example of this can be found in Ph. Essed's Everyday Racism, 1991.
15. The British experience in situation testing (see 2.2) is strong in this respect.
16. See also their rationale for using situation tests in economic research: Riach and Rich, 1991.
17. For an attempt to develop a common theoretical background to study migration and exclusionary practices within Europe, see Bovenkerk et al. 1990 and 1991.
18. See Christopher Jencks' contribution to the New York Review of Books of March 3 and 17 in 1983.
19. Of course this does not mean that women are not exploited or discriminated against on the whole. As their search for work may be confined to lower-status or lesser-paid sectors of the labor market the extent in which they are exploited will usually be higher than men.
20. Fix and his co-authors in the Urban Institute studies (see Cross et al., 1990: 14-15) argue that newspaper ads are a source superior to the others because ads constitute a statistical universe of available vacancies from which a random sample can be drawn. I find this reasoning unconvincing: it would only hold true if the totality of newspaper ads were representative for all the available vacancies. They are not.
21. Reynolds, 1979.
22. There is, of course, some immigration from Northern EC countries to Italy. But, as they have not arrived as workers, testing discrimination would not provide comparable results.
23. My remarks on Italy, given in the previous note, also apply to Spain.

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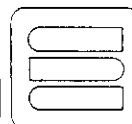
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Foreword

This is a paper of the ILO's Migration and Population Branch. The objectives of the Branch are to contribute to (i) the evaluation, formulation and application of international migration policies suited to the economic and social aims of governments, employers' and workers' organizations, (ii) the increase of equality of opportunity and treatment of migrants and the protection of their rights and dignity. Its means of action are research, technical advisory services and co-operation, meetings and work concerned with international labour standards. The Branch also collects, analyses and disseminates relevant information and acts as the information source for ILO constituents, ILO units and other interested parties.

The ILO has a constitutional obligation to protect the "interests of workers when employed in countries other than their own". This has traditionally been effected through the elaboration, adoption and supervision on international labour standards, in particular the Migration for Employment Convention (Revised), 1949 (No. 97); the Discrimination (Employment and Occupation) Convention, 1958 (No.111); the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); and the non-binding Recommendations supplementing them. International legal instruments of this kind aim to influence national laws and regulations in such countries as ratify the binding Conventions; and in this way they change not only legislation but the actual practices as well.

The key concern of ILO standards for migrant workers is non-discrimination or equality of opportunity and treatment. Many countries broadly adhere to this objective in the economic and social spheres. Some countries ratify ILO Conventions¹ and do their level best to fulfill the obligations deriving from them. One might expect, therefore, that discrimination would no longer be part of the legislation or practices of these countries. Unfortunately, there is a great deal of circumstantial evidence that this assumption does not hold in certain respects and especially not at the workplace in private or public enterprises; and such evidence also exists for countries not having ratified ILO Conventions.

Therefore, the ILO has launched a new programme, "Combating discrimination against (im)migrant workers and ethnic minorities in the world of work".² It aims to reduce discrimination against (im)migrants/ethnic minorities by informing policy makers, employers, workers and trainers engaged in fighting unlawful discrimination on how legislative measures and training activities can be rendered more effective, based on an international comparison

¹ Forty in the Case of Convention No.97, one hundred and twelve in the case of Convention No.111, and seventeen in the case of Convention No.143.

² See: R. Zegers de Beijl: *Discrimination of migrant workers in western Europe* (Geneva, ILO, 1990); L. Foster, A. Marshall and L. Williams: *Discrimination against immigrant workers in Australia* (Geneva, ILO, 1991); R. Torrealba: *Discriminacion del trabajador migrante en Venezuela* (Geneva, ILO, 1991); R. Zegers de Beijl: *Bien qu'égaux devant la loi ...* (Geneva, ILO, 1992); R. Zegers de Beijl: *Wenn auch gleich vor dem Gesetz ...* (Geneva, ILO, 1992); S. Dex: *The costs of discriminating against migrant workers: an international review* (Geneva, ILO, 1992); R. Torrealba: *Discrimination against migrant workers in Venezuela* (Geneva, ILO, 1992); F. Bovenkerk: *Testing discrimination in natural experiments: A manual for international comparative research on discrimination on the grounds of "race" and ethnic origin* (ILO, Geneva, 1992); C. Raskin: *De facto discrimination, immigrant workers and ethnic minorities: A Canadian overview* (ILO, Geneva, 1993); J. Wrench and P. Taylor: *A research manual on the evaluation of anti-discrimination training activities* (ILO, Geneva, 1993).

of the impact of such measures and activities. The programme covers four main components: i) empirical verification of discrimination; ii) research to assess the scope and efficacy of legislative measures designed to combat discrimination; iii) research to document and to evaluate training and education in anti-discrimination or equal treatment; iv) international seminars to discuss the research findings.

In the present working paper, Prof. George Rutherglen assesses the scope and efficacy of legislative measures taken in the United States in protecting (im)migrants and minority groups from discrimination in employment. The experience in the United States demonstrates clearly both the need for and the limitations of general prohibitions against discrimination in employment. The paper's conclusion that, apart from legislation, affirmative action programmes which encourage employers to hire members of disadvantaged groups are also necessary, could provide useful guidance to legislators and policy makers in other countries.

This paper covers the United States' contribution to the second component of the ILO's programme referred to above. Thanks are due to the Russell Sage Foundation for its financial support in carrying out the research.

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