

# Prohibiting Discrimination Against Migrants in the Workplace



WORLD Policy Analysis Center

## NUMBERS TO NOTE

**Only 38%**

*of countries globally guarantee some protection from discrimination at work based on migrant status*

**Only 38%**

*of countries globally guarantee some protection from discrimination at work based on foreign national origin*

**Only 24%**

*of countries globally explicitly protect migrants from retaliation for reporting discrimination at work*

## ABOUT THE DATA

This fact sheet presents findings from the following article:

Jody Heymann, Bijetri Bose, Willetta Waisath, Amy Raub, and Michael McCormack (2020). [Legislative Approaches to Non-Discrimination at Work: A Comparative Analysis Across 13 Groups in 193 Countries](#). *Equality, Diversity and Inclusion*. DOI: 10.1108/EDI-10-2019-0259.

## Work and Migration

- There are 164 million international migrant workers.
- 270 million people have either voluntarily moved or been forcibly moved from their home country or state, and are considered international migrants. This is an increase of over 50 million since 2010.
- 3 in 5 international migrants have migrated to seek employment. Migrant workers are at particular risk of experiencing discrimination based not only on their citizenship status, but also if they are racial, ethnic, or religious minorities.
- Migrant workers are in a particularly vulnerable position during times of economic downturn or crisis.
- Migrants may be ineligible for government unemployment benefits and other support programs within the social security system, making them particularly vulnerable to job

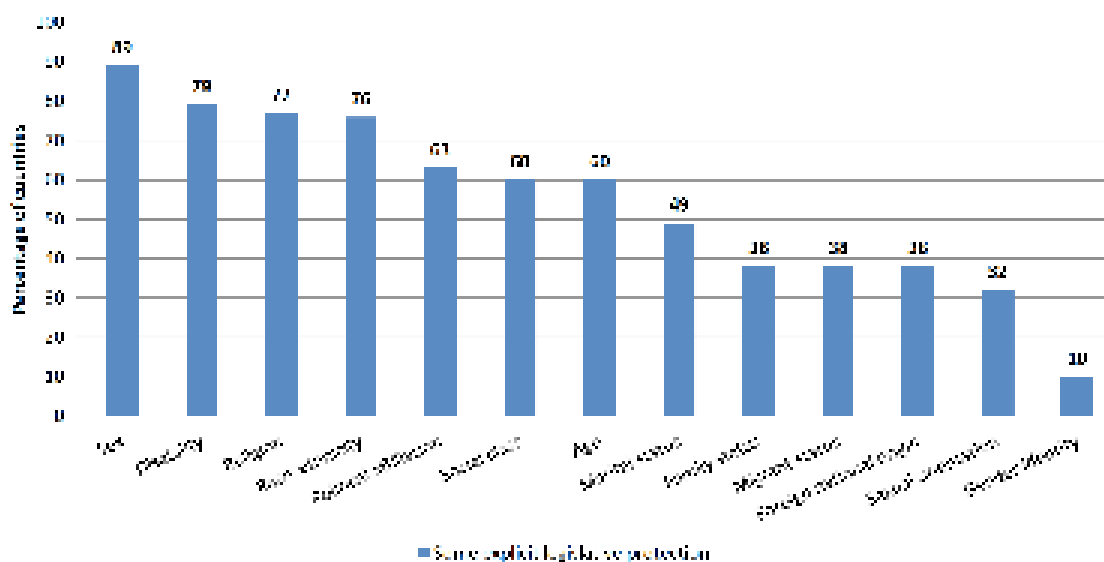
loss during a time when jobs are scarce.

- Dangerous situations and economic conditions that make it impossible to meet even basic needs can make it untenable for migrants to return to their home country.
- Undocumented migrants may be at increased risk of abuse and exploitation due to fears of being detained in dangerous conditions or deported.
- Beyond these, there is the danger of rising nativist rhetoric that often accompanies economic crises.
- Anti-discrimination laws can counter harmful stereotypes and provide avenues for workers to seek redress.

## Ensuring Protection from Discrimination at Work

- Only a minority of countries guarantee some protection from discrimination at work on

Percentage of countries with some explicit legislative protection from discrimination at work based on different social groups



the basis of migrant status (38%) or foreign national origin (38%).

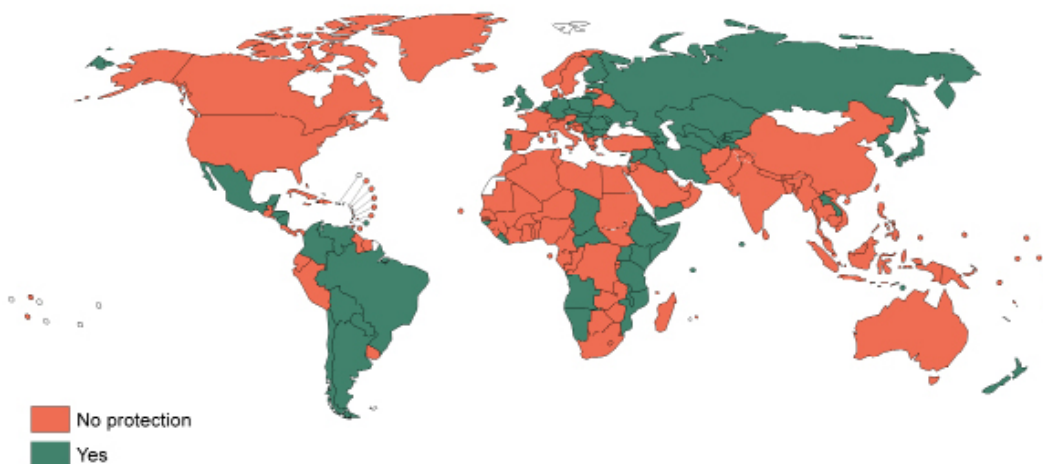
- Failing to explicitly protect migrants or to protect workers based on their ancestry or place of birth may undermine existing guarantees of equality on the basis of race/ethnicity or religion.
- There is little difference in levels of protection across country income levels, suggesting that protecting migrants from discrimination at work is not a question of available resources.
  - 39% of low-income countries, 36% of middle-income countries, and 39% of high-income countries have at least some protection from discrimination at work for migrants.
- While countries in every region have some protection from discrimination in work based on migrant status, there is significant variation.
  - 93% of countries in Eastern Europe and Central Asia guarantee at least some protection, while only 21% of the East Asia and the Pacific region and 13% of South Asian countries do so.
- Legal protections alone are not enough without effective enforcement mechanisms, as workers may not report discrimination due to fear of retaliatory action.
  - Only a minority of countries provide any protection from retaliation for reporting discrimination based on migrant status

(24%) or foreign national origin (25%).

## Protections in Specific Areas

- Around the world, migrants are at risk of exploitation and abuse. Low wages are particularly common and affect migrants' economic security, as well as potentially undermining wages more broadly.
  - Only 23% of countries guarantee equal pay for migrants; 19% do so based on foreign national origin.
  - There is significantly lower protection for migrants than for other groups. Overall, 86% of countries guarantee equal pay at work to at least one social group.
- For migrant workers whose legal status is tied to their employment or who are ineligible for unemployment benefits, protection from discriminatory dismissal is particularly important.
  - Few countries explicitly guarantee protection from discrimination in termination based on migrant status (21%) or foreign national origin (27%).
- Migrants are also vulnerable to harassment at work, which can significantly impact their health and well-being.
  - Only 14% of countries legally prohibit harassment based on migration status, and 14% do so based on foreign national origin.

## Is there at least some explicit legislative protection from workplace discrimination based on migration status?



Source: WORLD Policy Analysis Center, *Discrimination at Work Database*, 2016



**WORLD Policy Analysis Center**

## ABOUT THE METHODOLOGY

This analysis relies on a systematic review of original legislation and statutory guarantees extended to the private sector as of August 2016 for all 193 United Nations member states. It excludes instances where case law has extended the application of more general prohibitions to specific areas of work and to cover additional social groups. Updates of these data are currently in progress.

Further details on full methodology can be found at: <https://www.worldpolicycenter.org/topics/equal-rights-and-discrimination/methods>.

## ABOUT WORLD

The WORLD Policy Analysis Center (WORLD) aims to improve the quantity and quality of globally comparative data on policies affecting health, development, well-being, and equity.

With these data, WORLD informs policy debates; facilitates comparative studies of policy progress, feasibility, and effectiveness; and advances efforts to hold decision-makers accountable.

## CONTACT US

Website: [worldpolicycenter.org](http://worldpolicycenter.org)

Email: [world@ph.ucla.edu](mailto:world@ph.ucla.edu)