

Equinet seminar

Intersectional & multiple discrimination

**Methods on data collection and measurement,
challenges and opportunities**

Capturing intersectional and multiple discrimination in data collection

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Definitions

Multiple discrimination: unfavourable treatment based on a combination of several prohibited grounds of discrimination in an area defined by law

- **Successive discrimination:** each discriminatory ground appears in a succession of different situations
- **Cumulative discrimination:** a situation where the consideration of one prohibited ground is added to the prior consideration of another in order to reinforce the unfavourable effect
- **Intersectional discrimination:** a situation where several grounds interact in such a way that they are inseparable and it becomes impossible to isolate a determining ground

**Multiple discrimination in data collection
on complaints and calls
Panel comparison**

Complaints data collection

Form for legal experts at the head office

Main ground → Type de discrimination: DIRECTE

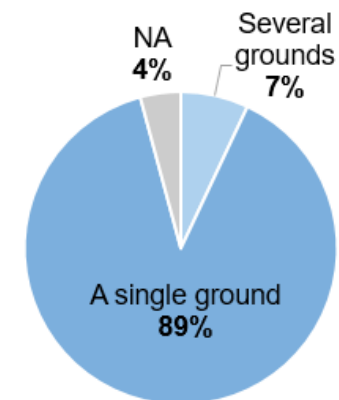
↳ Critère principal de discrimination Niveau 1: SEXE

↳ Critère principal de discrimination Niveau 2: []

Other ground(s) → Critère(s) secondaire(s) de discrimination: ORIGINE/RACE/ETHNIE

Complaints received in 2022 by number of grounds entered

N ≈ 4 100



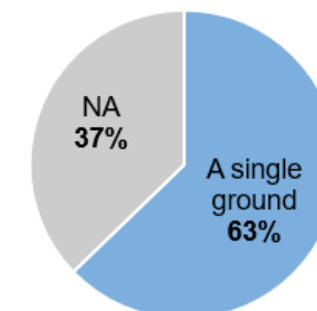
Form for local delegates

Main ground

- | | |
|---|---|
| <input type="radio"/> ACTIVITES SYNDICALES | <input type="radio"/> ETAT DE SANTE |
| <input type="radio"/> AGE | <input type="radio"/> GROSSESSE |
| <input type="radio"/> APPARENCE PHYSIQUE | <input type="radio"/> OPINION POLITIQUE |
| <input type="radio"/> CARACTERISTIQUES GENETIQUES | <input type="radio"/> ORIENTATION SEXUELLE |
| <input type="radio"/> SITUATION DE FAMILLE | <input type="radio"/> SEXE |
| <input checked="" type="radio"/> HANDICAP | <input type="radio"/> IDENTITE DE GENRE |
| <input type="radio"/> ORIGINE/RACE/ETHNIE | <input type="radio"/> MOEURS |
| <input type="radio"/> PATRONYME | <input type="radio"/> CONVICTIONS RELIGIEUSES |
| <input type="radio"/> NATIONALITE | <input type="radio"/> LIEU DE RESIDENCE |
| <input type="radio"/> VULNERABILITE ECONOMIQUE | |

Complaints received in 2022 by number of grounds entered

N ≈ 2 400



Calls data collection

Form for legal experts at the head office

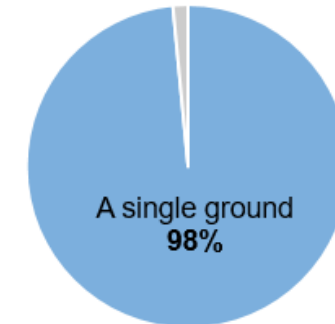
Main ground

Objet :	Demande d'information sur les modalités de saisines
Compétences :	Service public Enfance Discrimination Déontologie de la Sécurité Accès aux droits
Plan de classement :	Emploi privé
Discrimination :	Âge
Orientations :	Saisine du Défenseur des droits
Orientations Plateforme "Anti-discriminations" :	Prise de saisine en ligne
Connaissances :	Associations
Campagne :	Appels détenus
Sexe :	Femme
Age :	18-24
Situation Professionnelle :	En activité
Departement :	75 paris

Calls for a first claim about discrimination received in 2022 by number of grounds entered

N ≈ 4 700

NA
2%



Panel comparison

The Defender of Rights can ask to be provided with documents that could prove discrimination (e.g. staff register, company pay slips, candidates' resumes)

Complaint on the refusal to hire on the grounds of the claimant's origin

- Study of the nationality and names of the staff register
- Employees were all of French nationality and people of North African origin were unjustifiably under-represented, particularly with regard to jobseekers who have the qualifications required for manufacturing jobs within the company

Complaint from a trade union representative of Comorian origin about the lack of career development since he was recruited and the absence of a professional interview since taking up his mandate

- File including the memorandum of trade union activities
- The elements were insufficient to establish a presumption of discrimination on the grounds of origin or trade union activities

Multiple discrimination in studies

Questionnaire approach & name analysis

Studies: questionnaire approach

Difficulties in gathering sensitive information

In France, in addition to guaranteeing anonymity, confidentiality and compliance with the GDPR, collection of sensitive data requires recognition of the **public interest** by the French Data Protection Commission.

In the 2009 **Trajectories and Origins survey**, 2 questions on feelings of belonging - "What colour of skin would you say you are" and "What colour of skin do others see you as?" - had been planned. These questions were eventually withdrawn, considered too controversial.

Precautions

- The respondent may refuse to answer or say that he/she does not know
- The response options "refuses to answer" and "doesn't know" are read to the respondent
- The response can be collected in plain text (short answer), then recoded into aggregated categories

When you think about your family history, what would you say your origin(s) is (are)?

You may give more than one answer.

Trajectories and Origins survey, 2009,
French Institute of Demographic Studies
(Ined) / French Institute of Statistics and
Economic Studies (Insee)

Studies: questionnaire approach I

Difficulties in gathering information on minority populations

Intersectional studies are often constrained by:

- Cost of sample size
- Response rates
- Too small samples to combine individuals according to grounds

Studies: questionnaire approach II

Self-identification

Do you consider yourself to be....?

You can give more than one answer.

- White
- Black
- Arab
- Asian
- Mixed-race
- Other
- You do not recognise yourself in these categories
- Don't know
- Refusal to answer

How would you define your sexuality?

- Heterosexual
- Homosexual
- Bisexual
- You do not define yourself by your sexuality
- Other
- Don't know
- Refusal to answer

Other's perception

When it comes to your origins, how do you think others see you?

You can give more than one answer.

- White
- Black
- Arab
- Asian
- Mixed-race
- Other
- You do not recognise yourself in these categories
- Don't know
- Refusal to answer

Do you think people who don't know you attribute a religion to you?

- Yes
- No
- Don't know
- Refusal to answer

Survey on access to rights, 2016, Defender of Rights

Studies: questionnaire approach III

Survey on access to rights, 2017, Defender of Rights / International Labour Organisation



Enquête sur l'accès aux droits

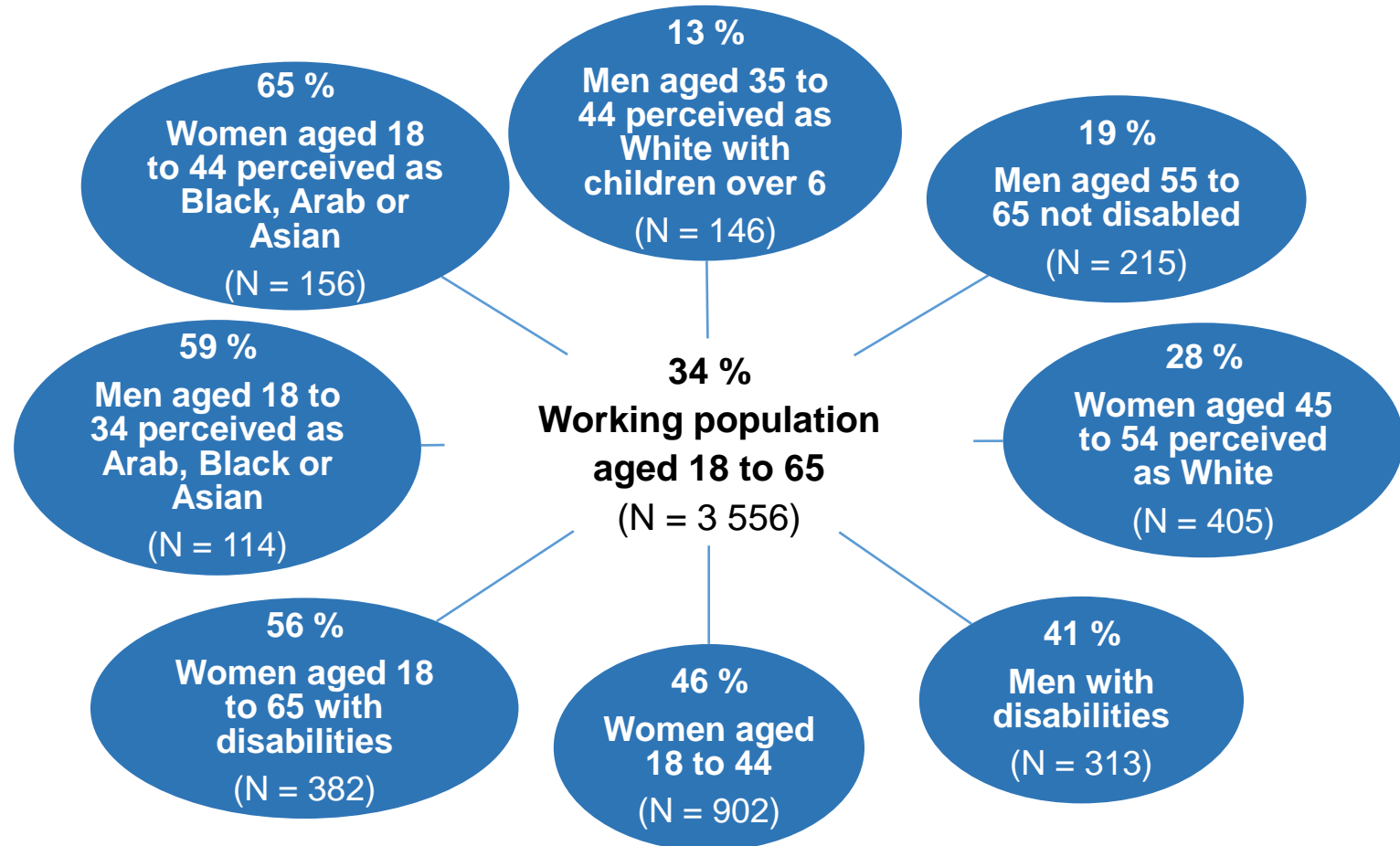
Volume 3

10^e Baromètre de la perception des discriminations dans l'emploi

Face au droit, nous sommes tous égaux

Défenseur des droits
REPUBLIQUE FRANÇAISE

Experiences of discrimination in the workplace by social group



Studies: questionnaire approach IV

Employment of women with disabilities - Exploratory analysis on multiple discrimination, 2016,
Defender of Rights (France)



Défenseur des droits
RÉPUBLIQUE FRANÇAISE

Comparison of approaches

Data from the 2013 **Labour force survey**

The data on disability combines two approaches:

- **a restricted approach:** people with administrative recognition of their disability
- **a declarative approach:** adds people declaring a chronic or long-term illness or health problem, and being limited for at least 6 months because of a health problem in the activities people usually do

→ **differences between men and women**

While women are more prevalent among the disabled population in the broad sense, when we focus on the population recognised as disabled, men appear to be more represented

Studies: questionnaire approach V

Proxy for race & ethnic origin

- Place of birth (of parents)
- Nationality (of parents)

Proxy for socio-economic status

- Precarious employment or unemployment
- Difficulty finding information on the internet
- Perceived financial difficulties
- Forgoing health care
- Living in a low-income housing estate
- Meeting with a social worker

Particular economic vulnerability: sociological insights for a better understanding of non-discrimination law, 2023, Odenore, Pacte, VizGet, CRJ, UGA, Defender of Rights

Studies: name analysis

Discrimination on the grounds of gender and supposed origin on two collaborative platforms, 2023, SciencesPo / Defender of Rights



Name analysis based on data extracted from online collaborative platforms

The first names declared by drivers and sellers were classified into categories of gender and origin:

- names of European origin (majority)
- names of North African or African origin (minority)
- names of unknown origin

Cooperation with stakeholders

Researchers' access to complaints data

Assignment to residence. Disability, residential trajectories and public policy

A study currently being conducted by a group of researchers is based in part on:

- a quantitative and qualitative analysis of 200 complaints of discrimination in access to housing from disabled people, received in 2017 and 2018 by the Defender of Rights
- interviews with a sample of these claimants

The analysis includes a study of the claimants' names in order to approach the ground of race and ethnic origin

Implementation of non-discriminatory processes by HR

Guide for employment professionals, Measuring for action, 2012, French Data Protection Commission / Defender of Rights



Analysing information in human resources management files

- Origin: nationality, country of birth, surname, first name, etc.
- Other possible discrimination grounds cannot be identified from HRM files : religion, sexual orientation, political opinions, physical appearance

Carrying out a survey in an organisation

- Statistical measurements based on HR files seek to identify discrepancies that raise questions and point to possible discrimination
- Approach the origin using objective data : place of birth and nationality at birth of the person, subjective data relating to the feeling of belonging or the way in which the person feels they are perceived by others

Official statistics

The Defender of Rights encourages official statistics:

- to collect equality data
- to gender their statistics
- to produce framework data on minorities

Committee to improve the quality of data collected on people with disabilities in official statistics surveys (2022)

- New module added to the French Institute of Statistics and Economic Studies (Insee) **household survey**
- Cross-reference disability with gender and age group

Working group on the measurement of discrimination (2022-2024)

- Led by the French Institute of Demographic Studies (Ined), the French Institute of Statistics and Economic Studies (Insee) and the Defender of Rights
- Brings together representatives of social partners and NGO, statistical services and researchers

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