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85E

Discrimination in access to employment on grounds of foreign origin in France

**A national survey of discrimination based on the
testing methodology of the International Labour
Office**

E. Cediéy and F. Foroni

This report is the outcome of a national testing survey carried out by the ILO with the financial support of DARES (Direction de l'Animation de la Recherche, des Etudes et des Statistiques), the research centre of the Ministry of Employment and Social Cohesion and of Housing in France, under an agreement between DARES and the ILO.



INTERNATIONAL MIGRATION PROGRAMME

INTERNATIONAL LABOUR OFFICE GENEVA

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FOREWORD

This Report presents the findings of a national situation testing study measuring discrimination against native French of immigrant background, conducted in France during 2006.

The International Labour Office was commissioned to carry out this study by the Department of Research and Statistics (DARES) of the Ministry of Labour of France.

The ILO is mandated to elaborate, promote and supervise international standards regarding the world of work; to provide orientation and technical assistance to its tripartite constituents; and to address issues affecting workers, employers and governments world-wide. The ILO has addressed the treatment of migrant workers since its inception in 1919. It has elaborated standards and measures to uphold workers' rights and dignity and to protect them from all types of discrimination in employment.

Employment is a fundamental means of participation in society, and discrimination implies a waste of valuable human resources. Thus, discrimination in access to employment not only endangers the success of any efforts for migrants' integration, but also leads to social tensions and economic loss for individual enterprises as well as the national economy as a whole.

The ILO has conducted research to determine the occurrence of discrimination in access to employment in Belgium, Germany, Italy, the Netherlands, Spain, and the United States, and most recently in France and Sweden. This research obtained statistically significant data documenting that migrant- or immigrant-origin workers are discriminated against when trying to find a job.

Practice Tests are carried out through persons posing as job-seekers whose characteristics are carefully matched except for nationality/national origin. These practice tests document real hiring situations and focus on actual behaviour—rather than on subjective statements—of employers seeking to fill vacancies. Test outcomes cannot be influenced by socially desirable answers, as the employers tested are not aware of the experiment. Practice tests thus clearly have an advantage over attitude testing.

ILO testing has showed discrimination in access to employment to be of considerable importance in all countries covered by the research. Candidates of immigrant origin often had to make three to four times as many applications as candidates of “national extraction” in order to get to the next step of the hiring process.

The ILO carries out this testing to help member governments and social partners understand discriminatory behaviour in the labour market. Such information is a critical resource in order to motivate and shape effective remedies.

ILO testing research has had significant impact in countries where it has been conducted. In Belgium, for example, the ILO study was credited with shaping the content of national legislation adopted in 2003 to put into effect the EU Directive on racism (Council Directive 2000/43/EC). Campaigns against discrimination were established at regional and federal levels by the three national trade union federations and the National Federation of Employers adopted an anti-discrimination code of practice for its constituents.

This report is published as part of the ILO working paper series *International Migration Papers* with the purpose of disseminating the results of research on discrimination in France, research commissioned by an agency of the Government of France. As with previous studies, we hope that presentation of these results will contribute significantly to efforts by the government and social partners to effectively combat discrimination.

The objective of the *International Migration Papers* is to convey current and innovative studies on global labour migration issues and trends to decision makers, migration policy implementers, and researchers. In doing so, the ILO hopes to stimulate dialogue and policy development on regulating labour migration to contribute to economic growth and employment in both origin and destination countries, while ensuring respect for the rights of migrant workers and the economic and social integration.

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Ibrahim Awad
Director
International Migration Programme

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General introduction: Discrimination and its measurement

The right of migrants, or of those who are perceived as being “of immigrant origin”, to equal treatment with workers perceived as being of “national” origin is embodied in international standards and in the national legislation of most European countries, including France. The laws and standards concerned are quite unambiguous on the subject: all forms of discrimination in employment on grounds of “racial”, “ethnic” or “national” origin, whether real or supposed, is prohibited.

However, equality of treatment in everyday working life is not automatically guaranteed by legislation, where it exists. In many countries, strained personal or collective relationships tend to undermine social cohesion when certain individuals, because of their real or supposed “origin”, are less able than others to obtain employment corresponding to their qualifications. For everyone employment is a fundamental lever for integration into society. Discrimination in a country therefore undermines the state of law and political cohesion, provokes or fuels social discontent, and entails a financial loss for enterprises and for the national economy as a whole.

Discrimination may be intentional. But it can also come about unintentionally. When access to employment or even to training is based essentially on membership of certain networks, or on recommendation and personal ties, for example, recruitment tends to be reserved for a certain profile and to exclude others, even though that may not be the original intention. Discrimination can also be the product the habit, of rules, of established practice, without ever being analyzed or challenged within an organization, whether it be a trade union or an economic, administrative or some other kind of establishment.

In order to provide guidelines for anti-discrimination policies and assess their effectiveness, it is useful to be able to measure the discriminatory phenomena and their characteristics precisely and reliably. For a variety of reasons, it would be a mistake to regard the number of complaints and, even more so, the number of convictions in court as a satisfactory gauge of discrimination, if only because those who encounter discrimination – especially in access to employment – are the least able to identify the discrimination to which they are subjected. Besides, very often they are unaware of the means of action available to them, or prefer not to use them.

Discrimination, and especially that encountered in the labour market by workers of “foreign origin”, is nowadays the subject of scientific research in France and in other countries. Traditionally, there are two principal survey methods:

- statistical and econometric studies that endeavour to assess the link between the “origin” of workers and their situation on the labour market — unemployed or employed, type of work contract, hierarchical position and salary, etc.;
- surveys of people’s views, personal accounts or attitudes regarding the phenomenon of discrimination and the problems it raises, all of which may vary in scope: public opinion polls, inquiries conducted among possible victims of discrimination, among recruiters, etc.

However, both these approaches fail to measure discrimination directly, since by definition such discrimination is felt in day-to-day practice, in operational criteria and in practical arrangements, in the treatment that actually is, has been or will be applied (*differential*

treatment).¹ It does not reside, as such, in the views people may have about it, or in the situations it may engender (*differential outcome*).

Classic statistical or econometric exercises, which analyze the positions held on the labour market or in employment (*differential outcome*), are therefore limited by the fact that they only afford an indirect view of discrimination.² Although any disparities that may be recorded between people's situation according to their "origin" – provided that they are systematic and broad enough in scope and that all other characteristics are comparable – will indeed justify the hypothesis that discriminatory practices are partly responsible, the discriminatory practices and processes actually involved still need to be identified. Furthermore, although surveys of people's views, perceptions, prejudices and attitudes generally record their words rather than their actions, it is difficult to judge how much there is of dissimulation, self-persuasion and conditioning in the statements of the interviewees.

"Discrimination testing",³ on the other hand, makes it possible to identify discriminatory practices directly, in real life.⁴ In testing access to employment, for instance, actual vacancy notices are selected, generally taken from the press or provided by employment agencies. Two "test applicants", who differ only in respect of the discriminatory criterion used to test the practice followed by recruiters, engage the same application procedure for the same job. The two "test applications" serve, as it were, as the catalyst in the experiment, and the response of the recruiters is minutely recorded.

Controlling the test by carefully formulating two applications that are similar in all respects, except for the criterion whose influence is to be measured, means that that criterion can be identified as being the grounds for any differences in treatment observed. At the same time, the objective is to ensure the "authenticity" of the record kept, by avoiding external parameters and the bias of a more transparent method of observation. This dual objective – convincing evidence and a "real life" situation – is also the principal drawback of discrimination testing, which only seems feasible for measuring a form of access – to employment, to housing, to services, to leisure activities – that involves a confrontation between two people who do not know each other. It is hard to see, for example, how testing could be carried out of personal promotion in an enterprise.

It is clear from the foregoing that discrimination testing is particularly suitable, and probably affords the most appropriate method, for verifying the existence, studying the characteristics and measuring the extent of discrimination in access to employment, for example on grounds

¹ Whether the discrimination is "direct" or "indirect" according to the definitions found in European law set out in directives 2000/43/EC, 2000/78/EC et 2006/54/EC (re-cast version).

² Once again, whether the discrimination is "direct" or "indirect" according to the definitions found in European law. The fact that situation statistics can serve to *identify discrimination indirectly* – whether the discrimination is itself "direct" or "indirect" – with the false argument that such statistics are absolutely necessary, even sufficient, to *identify indirect discrimination*, since they are neither always necessary nor ever sufficient.

³ "Discrimination testing" is defined as a method of identifying discriminatory behaviour by conducting similar and successive tests on behalf of people who differ only in respect of their "origin" or some other prohibited criterion.

⁴ This is why the technique is often also known as *situation testing*.

of “origin”. That, then, is the objective aimed at by a vast survey based on testing that was conducted between the end of 2005 and the middle of 2006 in France.

The International Labour Office was commissioned to conduct this wide-ranging survey by DARES — the research, study and statistical centre of France’s Ministry of Employment and Social Cohesion. ISM-CORUM was then selected to carry out the actual testing and to analyze the results.

The survey focused on the urban areas of Lille, Lyon, Marseille, Nantes, Paris and Strasbourg. The tests covered vacancy notices for low-skilled and medium/low-skilled jobs in the hotel and restaurants sector, commerce, services to the public, to communities and to enterprises, transport, reception and secretarial services, health and social work, building and public works. The applicants who tested the vacancy notices were all young Frenchmen and Frenchwomen at the start of their working life, some ostensibly of “sub-Saharan origin”, others ostensibly of “North African origin”, and a third category of “metropolitan French origin”.

The present report contains an account of the context, conduct and findings of this survey. Part I describes the juridical context of testing and examples of surveys of this type already available in France. Part II contains national and local statistical data on the labour markets tested and an analysis of the position on these markets of young people of “immigrant origin”. The conduct of the testing survey is explained in Part III, which sets out the general methodological principles adhered to and the survey procedure that was followed in France. Finally, Part IV analyzes the findings of the discrimination tests both at the global level and also broken down into their various components.

Part I
**JURIDICAL AND HISTORICAL CONTEXT
OF DISCRIMINATION TESTING IN FRANCE**

1 The ban on discrimination: background

1.1 Constitutional, international and European Community framework

The equality of all persons, irrespective of “race” or “origin”, is a fundamental principle in the French Republic. In the preamble to the 1946 Constitution, “the people of France proclaim anew that each human being, without distinction of race, religion or creed, possesses sacred and inalienable rights”; but also, more specifically, that “no person may suffer prejudice in his work or employment by virtue of his origins”. Article 1 of the Constitution stipulates that the Republic “shall ensure the equality of all citizens before the law, without distinction of origin, race or religion”.

As a result of international treaties entered into by France, this principle of equality has been set out in greater detail in the form of a legal ban on discrimination. In the particular context of the present survey, these treaties include the *International Convention on the Elimination of all Forms of Racial Discrimination*, adopted by the United Nations in 1965 and ratified by France in 1971, and the *Discrimination (Employment and Occupation Convention (No. 111)*, adopted by the International Labour Organization in 1958 and ratified by France in 1981.

France’s international commitments have since led to the inclusion in its legislation of specific provisions banning discrimination. Thus, discrimination was defined in 1972 as a criminal offence under the Criminal Code, by virtue of the *Anti-Racism Act*, known as the Pleven Act. And it was thanks to the *Workers’ Freedom in the Enterprise Act*, known as the Auroux Act, that the Labour Code was amended in 1982 to include section L. 122-45 prohibiting discrimination in employment.

In 1997 the Treaty of Amsterdam gave the European Union new, direct powers to combat discrimination. It thus empowered the Union to play a decisive role in modernizing its member countries’ arsenal of anti-discrimination laws. The Council of the European Union was then quick to adopt a series of anti-discrimination directives, such as *Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin*.

1.2 Principal anti-discrimination clauses in French legal codes

Since 2000 European Union directives have given rise to a process of modernization of the legal and institutional framework for combating discrimination in France. The first stage in the process was the *Anti-discrimination Act* of 16 November 2001. Broadly speaking, this Act complements the anti-discrimination provisions already embodied in French legal codes, namely section L. 122-45 of the Labour Code, and articles 225-1 and 225-2 of the Criminal Code. These provisions, as they stood at the end of 2006, are described below [with the particularly relevant passages in italics].

According to article 225-1 of the Criminal Code, “*discrimination comprises any distinction applied between natural persons by reason of their origin, sex, family situation, physical appearance or patronymic, state of health, handicap, general characteristics, sexual morals or orientation, political opinions, union activities, or their membership or non-membership, true or supposed, of a given ethnic group, nation, race or religion*”. The article further defines

discrimination as “any distinction made between legal persons by reason of the same criteria applied to one or more of their members”.

Article 225-2 of the Criminal Code stipulates that discrimination against a natural or legal person is punishable by two years’ imprisonment and a fine of 45,000 euros where it consists of the refusal to supply goods or services, of obstructing the normal exercise of any given economic activity, *of the refusal to hire*, to sanction or to dismiss a person, of subjecting the supply of goods or services to a condition based on one of the factors referred to under article 225-1, of *subjecting an offer of employment*, an application for a course or a training period in an enterprise to any such condition, or of refusing to accept a person onto certain training courses.

Lastly, article L.122-45 of the Labour Code states that no *person may be excluded from a recruitment procedure* or from participating in a course or training period, and that no employee may be punished, dismissed or discriminated against directly or indirectly, specifically in terms of remuneration as defined in section L.140-2, profit-sharing, distribution of shares, training, grading, posting, acquisition of skills, job classification, personal promotion, transfer or renewal of contract *by reason of his or her origin, sex, morals, sexual orientation, age, family status or pregnancy, genetic traits, membership or non-membership, true or supposed, of a given ethnic group, nation or race*, political opinion, activities within a trade union or mutual benefit society, religious persuasion, *physical appearance, family name*, state of health or disability

In addition to incorporating the provisions regarding the burden of proof established by case law and embodied in European directives, section L. 122-45 further requires the defendant to prove that his or her decision was justified by objective reasons and not influenced by any form of discrimination.

1.3 The High Authority to Combat Discrimination and to Promote Equality (HALDE)

Among recent institutional developments in the fight against discrimination in France, the most important is definitely the *Act of 1 December 2004 establishing the High Authority to Combat Discrimination and to Promote Equality (HALDE)*. HALDE is an independent administrative authority with jurisdiction over all forms of discrimination banned by law or under an international commitment entered into by France.

Any person who considers himself or herself to be the victim of discrimination can bring the matter before HALDE, which is empowered to request explanations, information or documents from any natural or legal person impugned. Sworn HALDE officials may carry out on-the-spot checks and, if appropriate, file a report on any discriminatory offences identified.

HALDE can undertake directly or indirectly the amicable settlement of disputes brought to its attention through mediation. It also has the authority to propose an arrangement with the person responsible for the discrimination entailing the payment of a fine and, if appropriate, compensation for the complainant. Should he or she refuse or fail to comply with such an arrangement, HALDE can summons the person responsible to appear in court directly. Without prejudice to any mediation procedure or arrangement, HALDE reports any discriminatory offences brought to its attention to the State prosecutor.

In addition, HALDE has been charged with promoting the principle of equality by means of information campaigns, surveys and research, by identifying and encouraging good practices, and by recommending any appropriate amendments to existing law or regulations. HALDE submits each year a public report on its activities, together with a list of cases of discrimination brought to its attention.

1.4 Legislative recognition of discrimination testing

HALDE's powers have been reinforced by the *Equal Opportunities Act of 31 March 2006*. This Act has also conferred legal recognition on discrimination testing, by introducing into the Criminal Code article 225-3-1, which states that a discrimination offence exists even if it is committed against one or more persons who request one of the goods, acts, services or contracts referred to in article 225-2 in order to prove the existence of discriminatory behaviour, inasmuch as proof of such behaviour has been established.

In other words, if a person is discriminated against, the fact that that person may have requested the right that he or she has been denied, as part of a test designed to prove the existence of such discrimination, is irrelevant; so long as discrimination has been established, the perpetrator can be sentenced by a court of law. The intention of the victim cannot be taken into account if the person responsible for the discrimination acted deliberately.

This does not mean that the new article 225-3-1 of the Criminal Code confers any judicial value on the kind of testing engaged in for the present survey. A clear distinction must be drawn here between two different types of discrimination tests: testing as a means of providing evidence in court, on the one hand, and testing as means of scientific study or measurement, on the other. The *26 June 2006 Circular*, sent by the Ministry of Justice to all State prosecutors and judges (*magistrats du siege*), provides useful clarification on this point.

If a real person, providing correct information as to his/her identity and status – for instance, when applying for a job – is turned down, whereas, for the purposes of establishing the discriminatory nature of the refusal, a similar application (except as regards the identity and “origin” of the person) was made at the same time and, following this similar application, the person concerned received the offer of an interview, the existence of an offence is deemed to have been established, even though the second application was fictitious. That is an example of discrimination testing as a means of providing evidence in court. In such cases prosecutors should not hesitate to bring charges if clear proof has been brought regarding both the rejection of the genuine victim and the non-rejection of the test applicant.

On the other hand, inasmuch as it relates to evidence of an offence, the new article 225-3-1 of the Criminal Code does not allow a conviction to be pronounced where the person or persons rejected have lied as to their identity or status, or were entirely fictitious. In such cases there is no offence, since the rejection was aimed at a person who does not exist or who in practice is not a victim of discrimination.

This is the rule that applies to discrimination tests that are employed for research or diagnostic purposes, particularly when they are used to obtain statistics. Here, the tests involve sending successively one or more profiles of fictitious applicants, in order to determine and measure statistically the possible rejection of certain profiles. Such is the kind of testing practiced for the present survey.

2 Previous testing by “origin” in France

The first discrimination tests to come to the public’s attention were those carried out less than ten years ago to provide evidence in court. Yet testing for statistical purposes has existed in France since the mid-1970s.

2.1 Testing for purposes of obtaining evidence

It was the testing carried out by SOS Racisme for legal purposes at the end of the 1990s that first came to the attention of the public. The use of this technique is justified by the difficulty of proving the discriminatory nature of practices or decisions against which legal charges need to be brought. Of course, it is not enough simply to establish the rejection of an applicant for a job, for a rental, etc.; there has to be proof that, in the case in point, the rejection was due to the applicant’s “origin”.

SOS Racisme began by testing access to discotheques, with media coverage of their operations. Very soon, however, testing spread to cases of racial discrimination in access to employment. In March 2000, for example, the Grenoble magistrate’s court was called upon to rule on a complaint lodged against the manager of a joiner’s workshop in a case involving the use of discrimination testing. The manager was convicted of racial discrimination in access to employment, given two month’s suspended sentence in prison and fined 10,000 francs. In addition, he was sentenced to pay the victim 7,000 francs in damages and interest and SOS Racisme 5,000 francs as the plaintiff, as well as the lawyers’ fees (5,500 francs) of both parties (a total of 4,200 euros).

Since then, the Criminal Chamber of the Appeals Court has expressly validated testing as a form of evidence in court, once in a dismissal ordered on 12 September 2000, and again in the quashing of a ruling on 11 June 2002.⁵ Finally, as indicated above, the legislature confirmed the validity of testing in the *Act of 11 March 2006*.

One of the most recent cases of racial discrimination in access to employment in France in which a discrimination test was used as evidence was brought to court on 17 July 2006, when the Nantes magistrate’s court sentenced the manager of a hairdressing salon to a fine of 3,000 euros, 1,000 euros in damages and interest for the victim, and 1,000 euros in damages and interest for SOS Racisme as the plaintiff. The victim had brought the matter to the attention of HALDE in December 2005.

It would seem that, for the purpose of court evidence, the value of testing does not necessarily depend on there having been a large number of tests or of their being statistically significant in the strict sense of the term. In those cases where they have been used, only a few tests were brought forward as evidence. The outcome of the tests was in fact supported by other evidence: eye-witness account of a third party involved in the employment process, certified bailiff’s report, labour inspectorate report, etc. Where there is no such supporting evidence, the outcome of the testing presumably has to be statistically significant if the test studies are to be used in the diagnosis or measurement of the extent of the discrimination.

⁵ Collet-Askri L., “Testing or not testing? La Chambre criminelle de la Cour de cassation valide ce mode de preuve, serait-il déloyal...”, *Dalloz*, 2003, n°20, Chroniques, pp. 1309-1314.

2.2 Testing as a means of statistical measurement

2.2.1 The CREDA survey (1976-1977)

The first known scientific testing of discrimination on grounds of origin in France was probably the tests carried out by the Centre de Recherche et d'Etudes des Dysfonctions de l'Adaptation (CREDA), the social adaptation research centre of the Ecole des Hautes Etudes en Sciences Sociales.

In 1979 the CREDA survey gave rise to an article published in English in the collective report of a conference organized by UNESCO in the Netherlands.⁶ By all appearances, the publication did not cause much of a stir in France, even in academic circles. The authors in fact stressed at the time that, whereas studies on race relations received government support in the United Kingdom and in the Netherlands, the fight against discrimination did not seem to be a priority in the eyes of the public authorities and politicians in France.

In the conference report the French survey appeared as part of an international comparison, side by side with two comparable surveys conducted in Great Britain and the Netherlands. The authors pointed out that, in the two latter countries at least, extensive research on discrimination and racial prejudice already existed in the form of opinion polls. By contrast, they emphasized that their survey was based on "situation testing", a technique permitting the recording of practice in real life, i.e. what people do rather than what they claim to do. The CREDA team called its survey *Etude comportementale réactionnelle in situ*.

The survey focuses on people's behaviour in respect of access to employment and housing rental (only the first aspect will be dealt with here). The scientific objective was to test the response of recruiters to the applicants' external appearance – essentially the colour of their skin. One of the applicants for each vacancy tested was French, born in the West Indies and dark-skinned, the other likewise French but born in metropolitan France and white-skinned. Both were of the same sex, either two women or two men depending on the vacancy. Both were the same age and of the same family status and had had similar training and professional experience, etc. The «West Indian» applicants had received all their secondary schooling in metropolitan France.

The tests were based strictly on the submission of a résumé by post, together with a short accompanying letter requesting an interview. In the case of a positive response the tests were not followed up by an interview. Since the precise scientific objective was to test for discrimination on the basis of external appearance, a photograph was attached to the résumé. Both applicants were comparable from the standpoint of their "external physical appearance".

The testing took place on a large scale in Paris, based on 682 vacancy notices taken from the press. The tests focused on jobs for which there was a sufficient number of vacancy notices and for which it was possible to apply by mail. Five categories requiring different qualifications were tested: pairs of female testers were used for secretarial jobs and pairs of male testers for jobs as salespersons, bookkeepers and professional accountants.

⁶ Bovenkerk F., Kilborne B., Raveau F., Smith D., "Comparative aspects of research on discrimination against non-white citizens in Great Britain, France and the Netherlands", in Berting J., Geyer F., Jurkovich R., eds, *Problems in International Comparative Research in the Social Sciences*, 1979, Pergamon Press, pp. 105-122.

The tables that follow show the outcome of each test for which a résumé was sent: (+) indicates that the applicant was offered an interview, and (-) that the application was rejected or received no reply. There were therefore four possible outcomes for each pair of applicants in a test:

	“Majority group” (i.e. white-skinned group)	“Minority group” (i.e. dark-skinned group)
Case 1	–	–
Case 2	+	+
Case 3	+	–
Case 4	–	+

Cases 1 and 2 indicate that the applicants received equal treatment: both were accepted or both were rejected. Case 3 shows a discrimination against the minority applicant. Case 4 shows a “reverse discrimination”.

The number of instances of reverse discrimination (case 4) is subtracted from the number of instances of discrimination against the “minority” applicant (case 3), so as to show the volume of “net” instance of discrimination.

In the CREDA survey the overall findings were as follows:

Number of vacancies tested	682	
	Number	Percentage
Discrimination against the dark-skinned applicant	195	28,6
Discrimination against the white-skinned applicant	17	2,5
Net discrimination	178	26,1
Case where at least one applicant was offered an interview	267	39,1
Net discrimination	178	66,7

The authors set out to calculate two different rates of net discrimination. In the first calculation the volume of net discrimination (178) is compared with the total number of vacancies tested (682), i.e. a rate of 26.1 per cent. In the second the volume of net discrimination is compared with the number of instances where at least one applicant was offered an interview (267), giving a rate of 66.7 per cent. In both cases the authors highlight the existence of “substantial discrimination” against the dark-skinned West Indian applicant.

The methodology employed in this survey, as in the comparable British and Netherlands surveys, contains the basic elements of the method later advocated by the International Labour Office (ILO). One of the authors of the 1979 article, who was responsible for the survey conducted in the Netherlands, in fact became the author of the ILO’s reference manual on testing ten years later,⁷ which confirmed the criteria for analyzing and counting the results that had been applied in the CREDA survey. One outcome must be assigned to each validly tested vacancy notice: either equal treatment or discrimination. The result is only meaningful if each *pair* of tests is considered and if the treatment received by both applicants is

⁷ Bovenkerk F., *A manual for international comparative research on discrimination on the grounds of "race" and ethnic Origin*, 1992, International Labour Office.

compared. If, for example, one of the applicants for a job is treated less favourably than the other, whereas the two are altogether comparable, then the record shows “racial” discrimination against the former.

It was in fact the methodology advocated by the ILO that determined which of the two methods of calculating the rate of discrimination in the 1979 survey was to prevail. The two calculations differ as to the reference number used as the denominator: either the total number of jobs tested, or only the number of instances where at least one of the applicants was offered an interview. The difference therefore corresponds to the number of instances where both applicants in a pair were rejected or received no reply. These latter instances are nowadays considered to be “unusable” and are not counted (see section 6.2.3 below). The “net discrimination rate” is nowadays calculated solely on the basis of those tests in which one or other, or both, of the applicants received a positive response — “valid and usable tests”. In the 1979 study the rate of discrimination was 66.7 per cent.

2.2.2 *Survey conducted by the Discrimination Observatory (2004-2006)*

In the period between the CREDA survey, which received minimal circulation, and the present ILO survey, the Discrimination Observatory, established by a Paris I University research centre towards the end of 2003,⁸ has done much to familiarize the French public with the practice of testing for the purposes of statistical diagnosis. As a result, testing and its outcomes are now widely publicized, especially by the media. A Discrimination Observatory survey, for instance, was recently the subject of a television documentary whose broadcast coincided with the publication of the survey’s findings, and in which some of the vacancy application tests were actually filmed.

The Discrimination Observatory’s two first statistically significant surveys involving testing for discrimination in access to employment on grounds of “origin” were produced in quick succession in 2004⁹ and 2005¹⁰, with the support of the ADIA interim agency. In many ways these surveys constituted a new departure for discrimination testing as a statistical measurement tool. The tests set out to incorporate a number of variables that had never previously been tested, such as place of residence, face, disability.¹¹ In the 2004 survey, in which only testing by mail was used, seven résumés together with a photo, reflecting in each case a different discriminatory criterion, were sent to each employer tested. The seven profiles included the following traits:

- male, French family name and first name, domiciled in Paris, white-skinned, standard appearance – what one could describe as a “reference résumé”;
- male, family name and first name of North African origin (Morocco), domiciled in Paris, standard appearance.

⁸ CERGORS : Centre d’Etudes et de Recherches sur la Gestion des Organisations et des Relations Sociales.

⁹ Amadiou J.-F., «Enquête “testing” sur CV», 2004, Adia / Paris I - Observatoire des discriminations.

¹⁰ Amadiou J.-F., «Discriminations à l’embauche. De l’envoi du CV à l’entretien», 2005, Observatoire des discriminations.

¹¹ The “face” variable corresponds to one of the possible interpretations of the “physical appearance” criterion listed as prohibited grounds for discrimination in French law since the *16 November 2001 Act* – see section 1.2 above. The place of residence, which it is known can indirectly be used for discriminatory purposes based on “origin”, is not as such included among the prohibited forms of direct discrimination.

As for the analysis and counting of the survey results, the Discrimination Observatory does not apply the method advocated by the ILO since the first international comparative testing survey. According to the method used, an outcome – equal treatment or discrimination – must be assigned to each vacancy notice tested, by comparing the response received by one or other of the two applications that were used to cause a given discriminatory criterion to vary. The final count of these results, by job vacancy, then serves to measure the statistical level of discrimination.

The Discrimination Observatory’s findings are not analyzed by job vacancy but are recorded by applicant. The resulting figure is therefore a global count, showing the total number of positive responses – i.e. offers of an interview – and negative responses received by each applicant. The published findings do not indicate if and when, out of the vacancy notices for which the «reference applicant» received a positive response, the other applicants also received a positive response (equal treatment) or a less favourable response or no response whatsoever (discrimination). The findings published by the Discrimination Observatory do not therefore highlight the instances of discrimination in the strict sense of the word, since these are not identified as such.

The results recorded by the Discrimination Observatory, for the applicant profiles separately and combined, closely reflect the experience of real applicants actually looking for work on the labour market. The latter are fully aware of the positive and negative responses they receive to the résumés they send and can calculate the proportion they represent, just as well as the proportion of résumés that never receive an answer. On the other hand, they know nothing of the other applicants for the same jobs or the number of replies they do or do not receive.¹² Consequently, the way the Discrimination Observatory presents its findings would seem to provide a better picture of real-life experience of discrimination on the labour market – at least as far as certain job applicants are concerned – than do the findings and indicators deriving from the ILO’s methodology. However, the fact remains that the latter is the only method that measures discrimination in the strict sense of the term.

Let us now examine the Discrimination Observatory’s findings that can be compared with those of the present survey. It is mainly the survey that was conducted in April-May 2004¹³ that is of most interest for the present purposes.¹⁴ This survey covered 258 vacancy notices vacancies in sales and marketing, posted in the press or at the ANPE (the national employment exchange), mostly for jobs located in the Paris area: customer liaison staff, salespersons, BTS-level technical sales staff. In response to the 258 résumés sent out for each vacancy, the applicants with a “French” first name and family name received 75 positive responses and 10 negative responses, whereas the applicants with a “North African” first

¹² Which is why, without testing, it is the victims themselves that are the least able to identify the discrimination they come up against — or the cases, which are fairly rare as far as “origin” is concerned, where the discriminatory choice is openly expressed.

¹³ Amadiou J.-F., *op. cit.*, note 9.

¹⁴ The survey conducted in February-March 2005 (see note 10) also involved testing on the basis of “origin”, by means of a résumé and, where the case arose, an interview. The survey confronted recruiters with the following applicants:

- a white-skinned male domiciled in Paris;
- a dark-skinned male from the West Indies domiciled in Paris;
- a female of North African origin living in the suburbs (therefore liable to be discriminated against on three counts).

However, none of the pairs to be found with these profiles corresponds to those used in the present ILO survey.

name and family name received 14 positive responses and 20 negative responses.¹⁵ The applicants with “French” names therefore received more than five times as many positive responses as those with “North African” names.

At the request of HALDE,¹⁶ the Discrimination Observatory carried out another survey in the winter and spring of 2006, in this case testing discrimination in employment on grounds of “origin”.¹⁷ Résumés were sent with a covering letter in January-February 2006, in response to vacancy notices posted on the internet sites of three major enterprises. Applications were only submitted by electronic mail, with no further action being taken in the form of telephone calls or interviews. The three enterprises – BNP, LVMH and SODEXHO – were chosen by the Discrimination Observatory because they had posted a significant number of vacancies at the time of the survey, were large companies and operated in different sectors.

The résumés sent corresponded to six different profiles, including:

- a «reference» profile, with a “French-sounding” name;¹⁸
- a profile, unaccompanied by a photograph, of a male with a “North African-sounding” name.

The Discrimination Observatory selected 20 vacancies for testing in each of the three enterprises; in all, therefore, 60 vacancies were tested. As HALDE points out, the non-response rate was high in this survey, irrespective of any form of discrimination. The numbers of positive responses received for the two profiles mentioned above were as follows:

<i>Positive replies</i>	BNP	LVMH	SODEXHO	<i>Total</i>
“Reference” résumé	3	7	13	23
“North African” résumé	1	5	10	16

The disparities between the two profiles are not in themselves negligible. Altogether, the reference résumés produced almost half as many positive responses again (44 per cent) as the résumés with “North African-sounding” names – 30 per cent more in the case of SODEXHO,

¹⁵ On the basis of the findings published by the Discrimination Observatory, it is impossible to determine exactly how many “usable tests”, as understood by the ILO, were obtained. Between the two applicants cited, for example, the maximum possible number of “usable tests” is 89 and the minimum number 75. In practice, the 75 vacancies for which the applicants with a French name received a positive reply necessarily provide usable tests, regardless of the response obtained by the other applicant — positive, negative, or non-existent. For the number of usable tests to rise above that figure, the vacancies for which an applicant with a French name received a negative response or no response at all would have to have produced a positive response for the applicant with a North African name. Since only 14 applicants with a North African name received a positive response, that is the maximum possible number of additional usable tests. In other words, the theoretical maximum number of usable tests is therefore 75+14 = 89.

¹⁶ Haute Autorité de Lutte contre les Discriminations et pour l’Egalité, “Résultats des tests de discrimination - Logement et emploi. Dossier de presse”, Wednesday, 5 July 2006.

¹⁷ Amadiou J.-F., “Synthèse du test du recrutement réalisé à la demande de la HALDE”, 2006, Observatoire des discriminations.

¹⁸ Haute Autorité de Lutte contre les Discriminations et pour l’Egalité, *op. cit.*, note 16.

40 per cent more from LVMH, and three times (200 per cent) more from the BNP. More than anything, the latter, extreme case highlights the lack of statistical significance of these findings; quite obviously, the differences recorded on the basis of such small numbers are not statistically reliable. “The number of positive replies is too small for any clear trend to be discerned”.¹⁹ The survey report therefore concludes that its findings do not provide conclusive evidence of discrimination. On the other hand, they do not provide conclusive evidence of the contrary, either.

¹⁹ Amadiou J.-F., *op. cit.*, note 17.

Part II
**NATIONAL AND LOCAL
SOCIO-ECONOMIC DATA**

The ILO recommends that discrimination tests be aimed at economic sectors and occupations that are representative of the employment areas covered by the survey²⁰ and that the profiles of the test applicants they use correspond to real jobseekers that are competing for employment on the labour markets that are being tested.

In order to demonstrate that the present survey meets these two criteria, a number of statistics are presented in the three sections making up this Part II. First, a number of macro data are presented in order highlight the labour supply and demand in the six employment areas covered by the testing. Next, the economic sectors and occupations are identified where the young jobseekers tend to congregate. Finally, data concerning the educational level, sex and “origin” of these first-time jobseekers on the labour market will be used to demonstrate that not all of them have the same chance of finding employment.

3 Macro data on the six towns involved in the survey

3.1 Economic sectors

Table 1 Paid and unpaid workers, by economic sector, in each of the six employment areas in 2004 (in percentages, male and female combined)

Status- Economic sector	Lille	Lyon	Marseille	Nantes	Paris	Strasbourg
Paid workers - Agriculture	0	0	0	2	0	0
Paid workers - Industry	11	16	8	15	6	13
Paid workers - Construction	5	5	4	5	2	4
Paid workers - Commerce	14	12	13	13	9	14
Paid workers - Services	65	60	67	58	76	64
Unpaid workers	5	7	8	7	7	5
Total	100	100	100	100	100	100
<i>In numbers</i>	341 588	773 506	400 891	364 947	1 650 574	265 350

Source: INSEE, 31 December 2004 estimate based on URSSAF and BRC sources (provisional figures)

Table 1 shows the composition of the active population as at 31 December 2004 in each of the six employment areas selected for testing.²¹

²⁰ Testing was carried out in the urban areas of Lille, Lyon, Marseille, Nantes, Paris and Strasbourg.

²¹ The drafting of Part II of this survey has involved a compromise among the various nomenclatures for economic activities (NES, NAF) and occupations (ROME, FAP) and among the different spatial terms (commune, employment area, urban unit, urban area) used in public statistics in France. For practical purposes, the data have been selected in such a manner as to constitute as far as possible a homogeneous unit. To analyze the economic fabric, preference has (unless otherwise indicated) been given to the Nomenclature Economique de Synthèse (NES), as in table 1 above in which the five sectors identified correspond to NES aggregations. The homogeneity criterion was less easy to satisfy in respect of spatial considerations. The local data presented in this section 3 refer to “employment zones”, as recent statistics are only available at this level. On the other hand,

Agriculture — virtually non-existent except in Nantes — and the construction sector account for roughly the same proportion of workers in each of the six employment areas, as does the “unpaid workers” group. By contrast, the proportions differ significantly from one employment area to another in the other sectors: for example, industrial workers account for 15-16 per cent of the active population in the Lyon and Nantes areas, compared with half that figure in Marseille and Paris. The figures for Paris in fact differ sharply from those for the other towns, with the services sector employing three-quarters of the active population as against two-thirds or less elsewhere.

In more global terms, the three sectors of services, commerce and construction, where most of the testing took place, account for over 75 per cent of the active population in all six employment areas.

3.2 Vacancy notices

Unlike the active population figures presented above, which can be culled from various sources, job supply and demand is not easy to establish at any given point. The statistics generated from the job vacancies posted by the ANPE do provide a possible source, but taking into account only vacancies handled by ANPE does somewhat limit the scope.

The annual survey on manpower requirements (*Besoins en Main-d'œuvre*, BMO) carried out jointly by UNEDIC and CREDOC proposes another approach, focusing as it does not on the vacancies actually proposed but on recruitment drives planned for the year to come. There is no guarantee that these plans will actually come to pass; in fact, in the questionnaire submitted to them, employers are asked to indicate any recruitment projects that they expect to have difficulty carrying out. Still, the survey findings are interesting, especially since they cover specific zones and therefore permit comparisons between different employment areas.

Before embarking on such comparisons, it would be well placed to mention the nomenclature used in the BMO survey. The results are in fact broken down by occupation, whereas in table 1 above it was the activity engaged in by the employer enterprise that was used to distribute the active population.

Table 2 thus shows the groups of occupations that are used in the BMO survey. The results concern all the recruitment drives planned for 2006 by employers throughout France. The biggest group, with 37.1 per cent of the recruitment projects, comprises occupations in sales, tourism and services. This is also the group with most of the low-skilled and medium/low-skilled jobs that the testing focuses on.

The other occupations concerned by the testing are in the “administrative functions”, “social and medico-social functions”, “construction and building labourers” and “other” categories. Altogether, these occupations make up 45 per cent of the total recruitment plans and about two-thirds of the low-skilled and medium/low-skilled jobs. The testing does not include any of the occupations listed as “middle-management functions”, “other technicians and senior employees” and, generally speaking, “administrative functions” and “social and socio-medical functions”.

for the 1999 population census data, which will be analyzed in sections 4 and 5 below, the authors have opted for “urban areas» since they correspond better to the perimeter within which the testing was carried out.

Table 2 Percentage distribution by occupational group of recruitment drives planned by employers for 2006 throughout France, in the occupations selected for testing

OCCUPATIONAL GROUP and occupations tested	<i>Number of projects</i>	%
MIDDLE MANAGEMENT FUNCTIONS	138 837	11.6
ADMINISTRATIVE FUNCTIONS	108 631	9.1
Receptionists and switchboard operators	30 811	2.6
Other administrative employees	18 220	1.5
SOCIAL AND MEDICO-SOCIAL FUNCTIONS	132 529	11.1
Nursing auxiliaries	19 383	1.6
SALES, TOURISM AND SERVICES FUNCTIONS	443 681	37.1
Hotel employees and supervisors (waiters, maîtres d'hôtel...)	98 530	8.2
Maintenance staff	72 637	6.1
Cashiers, self-service employees	51 488	4.3
Cooks	34 565	2.9
Representatives, travelling salespersons	33 554	2.8
Domestic employees and maternal assistants (home help)	33 342	2.8
Salespersons other than in food industry and personal equipment	22 168	1.9
Salespersons (food industry)	16 196	1.4
Salespersons (personal equipment, sports goods)	12 904	1.1
Butchers, bakers	10 304	0.9
Hairdressers, beauticians, manicurists	9 110	0.8
OTHER TECHNICAL STAFF AND SALARIED EMPLOYEES	40 839	3.4
CONSTRUCTION AND BUILDING LABOURERS	123 963	10.4
Unskilled building (shell) labourers	9 722	0.8
Skilled painters and building (finishing) labourers	9 462	0.8
Unskilled building (craftwork) labourers	8 288	0.7
INDUSTRIAL SECTOR LABOURERS	115 170	9.6
OTHER	91 741	7.7
Lorry drivers and long-distance drivers	19 019	1.6
Unskilled handling labourers	17 458	1.5
Messengers, drivers/delivery workers	11 449	1.0
Total	1 195 391	100.0

Source: UNEDIC-CREDOC, Enquête Besoins en Main-d'œuvre, 2006.

Field: Employers affiliated to UNEDIC with at least one employee in the third quarter 5005.

Table 3 below shows the recruitment plans of employers in each of the six employment areas selected for testing. As in table 1, Paris stands out from the rest, with middle management and administrative functions accounting for half of the recruitment projects as against a quarter in the other towns, whereas construction and industrial occupations are underrepresented in the recruitment drives shown for the capital. There is a notable difference in Marseille too, where the proportion of recruitment projects in social and medico-social functions is much larger than elsewhere. For the rest, sales, tourism and services functions make up roughly a third of the recruitment plans – as much as 44 per cent in Lyon.

Table 3 Percentage distribution by occupational group of recruitment drives planned by employers for 2006, in each of the employment areas tested

Occupational group	Lille	Lyon	Marseille	Nantes	Paris	Strasbourg
Middle management functions	17	14	15	15	28	14
Administrative functions	11	15	11	7	22	9
Social and medico-social functions	12	10	18	13	9	10
Sales, tourism and services functions	35	44	33	35	32	39
Other technical staff and salaried employees	3	3	3	4	2	3
Construction and building labourers	9	4	7	12	2	7
Industrial sector workers	7	4	5	9	2	9
Other	6	6	8	5	3	9
Total	100	100	100	100	100	100
<i>Number of recruitment drives</i>	<i>13 230</i>	<i>14 118</i>	<i>15 430</i>	<i>16 269</i>	<i>93 065</i>	<i>11 385</i>

Source: UNEDIC-CREDOC, Enquête Besoins en Main-d'œuvre, 2006

Field: Employers affiliated to UNEDIC, questioned at the end of 2005 on their recruitment plans for 2006

3.3 Unemployment rates

Since sections 4 and 5 below will refer to the 1999 general population census data, table 4 indicates the unemployment rates at the time.

The unemployment rates registered in 1999 in the six employment areas selected for tests vary widely. Marseille, with 18.8 per cent, has a much higher unemployment rate than Lille, with 12.5 per cent, and higher still than Lyon, Nantes and Paris, where it ranges between 10.2 and 11.0 per cent. Strasbourg has the lowest unemployment rate, at 8.1 per cent.

Between 1999 and 2005 the differences in unemployment rates narrowed somewhat, largely because of the opposite trends in Marseille and Strasbourg. Whereas unemployment dropped by 4.4 points to 14.4 per cent in the former, in Strasbourg it rose to 9.9 per cent. Of the six employment areas, it is now Nantes that boasts the lowest unemployment rate, with 8.8 per cent, while in Lyon, Lille and Paris the rate is slightly lower than in 1999.

Table 4 **Unemployment trends between 1999 and 2005* in each of the six employment areas (percentages, male and female combined)**

Employment area	1999	2002	2005
Lille	12.5	10.8	12.1
Lyon	10.2	7.9	9.1
Marseille	18.8	14.6	14.4
Nantes	10.6	8.5	8.8
Paris	11.0	10.1	10.9
Strasbourg	8.1	7.8	9.9

* Annual average, as reckoned by the ILO

Source: INSEE

Of the six employment areas selected for discrimination testing, the situation was worst in Marseille and Lille in 2005, while the unemployment rate was lowest in Nantes and Lyon

4 Economic sectors and occupations dominated by young workers

4.1 Sectoral orientation according to level of education

Sections 4 and 5 focus on the population whose conditions of employment the testing will endeavour to reproduce. As the testing involves young jobseekers with little or no professional experience who are asked to apply for low-skilled and medium/low-skilled jobs, it will be useful at this point to examine available statistics on young workers who have just completed their education, and especially those who have gone no further than the baccalaureate.

Table 5 Level of education of young workers completing their education (percentages, male and female combined)

Level of education	Number	Percentage
No qualifications	58 000	8
CAP or BEP, no diploma, last two years of school	61 000	8
CAP or BEP, with diploma	125 000	17
Baccalaureate, no diploma	29 000	4
Baccalaureate, with diploma	95 000	13
Bac+1 or Bac+2, no diploma	97 000	13
Bac+2, with diploma	138 000	19
Graduate school	77 000	10
Post-graduate or other institute of high education	62 000	8
Total	742 000	100

Source: CEREQ, Generation 1998 survey.

Field: CEREQ estimates, based on a sample of 54 000 persons completing their education in 1998

The surveys conducted by CEREQ among “generations”²² completing their education in 1992, 1998 and 2001 provide a very clear picture of this population group. Table 5 below thus illustrates the distribution by level of education of persons completing their education in 1998.²³ It shows that young people with the CAP, BEP or baccalaureate account for almost half of the school-leavers, with 37 per cent of that generation reaching Bac+2 (baccalaureate

²² The term “generation» is not used by the CEREQ in its usual sense, as it designates persons who completed their education in the same year, regardless of their age. The term “cohort” would have been more appropriate, albeit less evocative because less familiar. Be that as it may, in 1992, in 1998 and in 2001 the average age of persons completing their education was 21. In each year, therefore, the vast majority of the people concerned were “young”, and this justifies the use of the word “generation”.

²³ Although the results for the 2001 generation have been published, it was thought preferable for the purposes of this section to use the results for the 1998 generation, since the extrapolations presented in section 4.2 are currently available only for that generation. In practice the distribution of the 2001 generation by level of education is very similar to that of the 98 generation presented in table 5.

plus 2 years of higher education) or more and only 16 per cent completing their education without any kind of diploma.

Table 6 shows which economic sectors were favoured by young workers completing their education. For the generation as a whole, with all levels of education taken together, the figures show that 70 per cent found their first job in the services sector and 21 per cent in industry.

It is essentially in the relationship between these two sectors that the disparities between one level of education and another are noticeable. Some 56 per cent of young people with no diploma went into the services sector, 25 per cent into industry and 12 per cent into construction. And whereas 85 per cent of graduates and postgraduates went into the services sector, only 10 per cent went into industry and 2 per cent into the construction sector.

Young workers with a level of education between the CAP and the baccalaureate were situated somewhere between the two groups above. Most of these young people tended to seek jobs in the sectors that were selected for testing: the commerce, hotel and catering, transport, services, construct and health sectors thus attracted 60 per cent of holders of the CAP or BEP diplomas and 55 per cent of those with the baccalaureate. Over 51 per cent of young people with two years of post-baccalaureate education and 30 per cent of the graduates and post-graduates went into those sectors.

Table 6 Economic sector of the first employer of young people completing their education in 1998, by level of education (percentages, male and female combined)

Economic sector of the first employer (NES)	No diploma	CAP or BEP	Baccalaureate	Bac+2 years	Graduate and post-graduate	Total
Agriculture	4	4	3	2	ns	2
Industry	25	26	22	16	10	21
Construction	12	11	6	4	2	6
Services (of which:)	56	57	64	75	85	70
(commerce – including hotel and catering)	(19)	(19)	(25)	(16)	(10)	(18)
(transport)	(3)	(3)	(4)	(3)	(2)	(3)
(operational services for enterprises)	(4)	(4)	(3)	(2)	(3)	(3)
(services to the public)	(15)	(15)	(10)	(5)	(6)	(10)
(health, social work)	(5)	(8)	(7)	(21)	(7)	(11)
Undetermined	2	ns	2	ns	ns	1
Total	100	100	100	100	100	100

Note: The non-significant percentages (ns) are not indicated in the CEREQ tables and the totals for the columns do not therefore necessarily add up to 100.

Source: CEREQ, Generation 1998 survey

Field: Young people having found at least one job during the first three years of their working life (= 698 000 people, i.e. 94 per cent of the generation).

4.2 Sectors and occupations concerned by the testing

The first column of table 7 shows the distribution in March 2001 – after three years of active life – in the sectors selected for testing. As it stands no direct comparison is possible with table 6, as the economic sectors in each table refer to different nomenclatures, the NES in table 6 and the NAF in table 7.²⁴ The advantage of the latter is mainly for comparing the share of young workers in a given sector in March 2001 with that of all young people who worked in the same sector during the past three years — designated in table 7 by “Access rate”

Table 7 Share of young “generation 98” workers by sector after three years of active life (March 2001) and proportion of young people who worked in the same sector during those first three years (= “Access rate”)

Economic sector (NAF)	Share of young workers in the sector in March 2001	Access rate*
Construction	5.3 %	8.9 %
Retail trade, repairs	8.5 %	17.0 %
Hotels, cafés, restaurants	3.3 %	8.6 %
Transport	3.1 %	5.2 %
Operational services for enterprises	1.9 %	4.4 %
Personal and domestic services	1.0 %	2.4 %
Health and social work	10.1 %	13.8 %

* The access rate to the sector is the share of young people who worked in the sector during their first three years of active life in the total number of young people who completed their education in 1998 and held at least one job between 1998 and 2001.

Source: CEREQ, Generation 1998 survey (CEREQ extrapolation, PSB 2005)

The figures obtained show that a synchronic observation, on a specific date, takes into account only part of the young people who worked in an economic sector. For example, 8.5 per cent of young workers were employed in the retail trade in March 2001, but the proportion of those who worked in that sector during the first three years of their active life was double that figure (17 per cent). Similar, or even greater, disparities are apparent in the other sectors, too.²⁵

Table 8 contains a breakdown of the economic sectors selected for testing, with an indication in each case of the five occupations most favoured by young workers. It thus combines two approaches that were taken separately in the previous tables:

²⁴ “Services to the public” listed in table 6, for example, does not have the same content as “Personal and domestic services” in table 7.

²⁵ Note that it is not possible to add together the various access rates to arrive at the total proportion of young “98 generation” workers who were employed in one or other of the sectors selected for testing, since people who worked in more than one sector would then be counted more than once.

- one refers to the principal activity of the employer enterprise and entails making a distinction between commerce, services, construction, etc.
- the other focuses on the occupation itself, on the nature of the activity and on the responsibilities and skills that go with it.

Consequently, the same occupation may appear in more than one economic sector. For instance, in table 8 unskilled workers in handling appear both under operational services for enterprises and under commerce and transport. Similarly, maintenance may be carried out either for a company offering operational services for enterprises or for a health or social work establishment.

Table 8 Main occupations⁽¹⁾ held in each sector⁽²⁾ by young “generation 98” workers in March 2001 (percentage share of occupation in the sector)

CONSTRUCTION		OPERATIONAL SERVICES	
B4. SL* in building (finishing)	18 %	T3. Guarding and security worker	21 %
B0. USL* in building (shell)	15 %	T4. Maintenance workers	19 %
B3. USL in building (finishing)	11 %	L2. Administrative employees (enterprises)	8 %
B2. SL in building (shell)	10 %	J0. USL in handling	6 %
B7. Building and public works supervisors	6 %	R2. Representatives	4 %
COMMERCE		HEALTH, SOCIAL WORK	
R1. Salespersons	23 %	V1. Nurses, midwives	24 %
R0. Cashiers, self-service employees	23 %	V0. Nursing auxiliaries	18 %
R3. Supervisors (shops and intermediaries)	8 %	V4. Professional social workers	14 %
J0. USL in handling	6 %	T4. Maintenance workers	9 %
S0. Butchers, bakers	5 %	V3. Para-medical occupations	9 %
HOTELS AND RESTAURANTS		PERSONAL SERVICES	
S2. Hotel employees and supervisors	58 %	T0. Hairdressers, beauticians	50 %
S1. Cooks	20 %	T2. Maternal assistants	23 %
S3. Hotel, café and restaurant managers	5 %	T1. Domestic employees	8 %
R1. Salespersons	2 %	K0. Craft workers	3 %
R2. Representatives	2 %	V0. Nursing auxiliaries	1 %
TRANSPORT		(1) FAP nomenclature of occupational families	
J5. Administrative and commercial workers	27 %	(2) NAF codes	
J3. Drivers	19 %	* SL=skilled labourers **USL=unskilled labourers	
J0. USL in handling	12 %	Source: CEREQ, Generation 1998 survey (<i>CEREQ extrapolation, PSB 2005</i>)	
J4. Transport workers	9 %		
J1.SL in handling	4 %		

Most of the occupations listed correspond to vacancy notices selected for testing in the course of the present survey,²⁶ except for the health and social work sector where only nursing auxiliaries were tested. Note that the bulk of the employment opportunities in certain sectors

²⁶ Cf. section 7.1.

are sometimes concentrated in particular occupations. For example, 78 per cent of young employees in hotels and restaurants are listed either as hotel employees and supervisors (58 per cent) or cooks (20 per cent). Similarly, 73 per cent of young workers in personal services fall into the hairdresser (50 per cent) and maternal assistant (23 per cent) categories.

4.3 Comparison of the six towns tested

The figures from the CEREQ “Generation 98” survey shown above were for young workers in France as a whole, and the samples are such that extrapolations at the local territorial level are impossible.²⁷

Pending detailed results of the new population census under way since 2004, we are forced to rely on 1999 census figures in order to narrow our observations down to each of the six urban areas that will be the subject of our testing.

Table 9 Economic sectors of employed workers in the 20-24 age group in each of the six urban areas in the 1999 population census (percentages, male and female combined)

Economic sector (NES)	Lille	Lyon	Marseille	Nantes	Paris	Strasbourg
Agriculture	1	1	1	3	0	1
Industry	14	16	9	14	10	16
Construction	4	5	5	6	4	6
Services	81	78	85	77	86	77
(of which:)						
(retail trade repairs)	(13)	(11)	(15)	(11)	(12)	(11)
(transport)	(4)	(5)	(4)	(4)	(5)	(5)
(operational services)	(14)	(13)	(8)	(12)	(10)	(13)
(hotels and restaurants)	(7)	(7)	(9)	(7)	(8)	(8)
(personal and domestic services)	(3)	(3)	(3)	(3)	(3)	(2)
(health, social work)	(9)	(8)	(8)	(8)	(7)	(8)
Total	100	100	100	100	100	100
<i>Numbers</i>	<i>28 315</i>	<i>43 049</i>	<i>28 634</i>	<i>17 920</i>	<i>288 634</i>	<i>17 438</i>

Source: INSEE, data taken from RP99, communicated by INSEE specifically for this survey.
Field: employed workers in the 20-24 age group, polled at their place of residence.

The figures in table 9 are for young active workers of 20 to 24 years of age who were polled in 1999 in one of the six urban areas concerned. They have been distributed among the various economic sectors used in the previous tables.

As for the actively employed workers of all ages taken together in the 2004 census,²⁸ the main difference between the six areas is in industry, which attracts a smaller proportion of young workers in Marseille and Paris than in the four other areas. For the rest, the sectoral distribution of young workers is roughly the same in all six urban areas, particularly among the sectors selected for testing. In every area “Commerce” accounts for between 10 and 15

²⁷ The “Generation” survey is, however, designed to allow extrapolations at a regional level.

²⁸ See table 1 in section 3.1.

per cent of active young workers in the 20-24 age group, as does “Operational services” – except in the case of Marseille – followed by the hotel and restaurants sector and the health and social work sectors, each of which attract between 7 and 9 per cent of young workers in that age group in all six areas.

5 Access of young workers to employment

5.1 Level of education by sex and “origin”

Now that we have identified the economic sectors towards which young workers are drawn, this section will focus on their conditions of access to employment and on the possible difficulties they encounter.

This means looking more closely at the profile of young people completing their education and distinguishing between them as to sex and their parents’ “origin”. These two criteria were incorporated into the CEREQ “Generation” surveys from which the following figures for the “1992” and “2001” generations have been taken.

Table 10 compares the level of education of young men and women leaving the education system in 1992 and 2001. In 1992 the level attained by men was significantly lower than that attained by women. Only 16+28 = 44 per cent of young men reached the level of the baccalaureate or higher, as against 22+31 = 53 per cent for women. In 2001 the level attained by young people completing their education was considerably higher, though the disparity in favour of young women was even greater: 53 per cent of young men left with at least the baccalaureate, compared with 68 per cent of young women, among whom there was a sharp increase in those with two additional years of university (45 per cent).

Table 10 Level of education of young people completing their education in 1992 and 2001, by sex (percentages)

Level of education	GENERATION 1992		GENERATION 2001	
	Men	Women	Men	Women
No diploma	27	22	21	13
CAP - BEP diploma	29	25	25	19
Baccalaureate	16	22	23	23
Bac+2 or higher	28	31	31	45
Total	100	100	100	100

Source: CEREQ, Generation 1992 and 2001 surveys.

Field: samples of 27 000 and 10 000 people leaving the education system in 1992 and 2001, respectively.

Table 11 below takes into account the “origin” of the parents, identified by CEREQ from their place of birth, without any criterion as to nationality. The profiles of three of the four groups are similar to those of the testers selected in the present survey: i.e. young people both of whose parents were born in France, young people one or both of whose parents were born in North Africa, and young people one or both of whose parents were born in sub-Saharan

Africa. A fourth group comprises young people one or both of whose parents were born in southern Europe.

Table 11 Level of education of young people leaving the educational system in 1992 and 2001 according to their parents' "origin"* (percentages, male and female combined)

Level of education	1992 GENERATION				2001 GENERATION			
	France	Southern Europe	North Africa	Sub-Saharan Africa	France	Southern Europe	North Africa	Sub-Saharan Africa
No diploma	30	37	47	44	15	18	34	38
CAP - BEP diploma	21	22	15	13	46	51	45	45
Baccalaureate	19	21	15	20	39	31	21	17
Bac+2 or higher	30	20	23	23	39	31	21	17
Total	100	100	100	100	100	100	100	100

* "Origin" is defined by the place of birth, with a distinction between those with both parents born in France and those with one or both parents born in southern Europe, North Africa or sub-Saharan Africa.
N.B.: The CAP, BEP and baccalaureate diplomas are not separated in CEREQ's findings for the 2001 generation.

Source: CEREQ 1992 and 1998 generation surveys (extrapolation by R. Silberman and I. Fournier) and 2001 generation survey.

In the 92 generation young people with both parents born in France completed their education without obtaining any diploma less frequently than did the others, and more of them reached the baccalaureate level or higher. For the 2001 generation the general level on completion of people's education improved over the 92 generation regardless of "origin", though with some disparities. The proportion of young people with parents born in France or southern Europe who have no diploma halved, dropping from 30 to 15 per cent and from 37 to 18 per cent, respectively, from one generation to the other. This proportion was also smaller for young people with parents born outside Europe, but to a lesser extent, dropping from 47 to 34 per cent for those with parents born in North Africa and from 44 to 38 per cent for those with parents born in sub-Saharan Africa.

Although this shows that more and more young people complete their education with some kind of diploma, the improvement in the level of education varies here again according to the "origin" of the parents: the increase in the proportion of young people with diplomas is particularly noticeable among those with "Bac+2 or higher" whose parents were born in France or southern Europe, whereas for young people with parents born in North or sub-Saharan Africa the increase is essentially in the "CAP-BEP diploma" and "Baccalaureate" categories.

It would seem, then, that the testing for the present survey, which will focus on low-skilled and medium/low-skilled jobs, corresponds to the vacancies for which more than three-quarters of the 2001 Generation of "North African" or "sub-Saharan" origin are likely to apply, given the fact that their level of education is the baccalaureate or less, and around two-thirds of the other two categories of young people.

5.2 Unemployment rate: an indicator of problems of access to employment

Now that we have examined the level of education of young active workers we shall move on to determine whether they all enjoy equal access to the labour market or if there are disparities according to their sex or “origin”.

The figures shown in table 12 are taken from the employment survey conducted every year by France’s National Institute for Statistics and Economic Studies (INSEE). The data indicate, for three different dates and identical levels of education, the unemployment rate among young men and women who completed their education one to four years earlier.

Irrespective of the date and of the sex, the unemployment rate falls as the level of education improves. Thus, around half of the young people without any diploma find themselves unemployed at the start of their active life, compared to 10 to 15 (depending on the year) among those who go beyond the baccalaureate.

Table 12 Unemployment rate⁽¹⁾ of young active workers⁽²⁾ according to sex and level of education (percentages, metropolitan France)

Level of education	1995		2000		2005	
	Men	Women	Men	Women	Men	Women
Certificate or no diploma	42.7	59.4	46.9	54.7	44.4	49.2
CAP/BEP or equivalent	23.9	35.4	21.6	32.9	23.7	33.7
Baccalaureate or equivalent	14.9	27.1	12.1	20.4	15.1	19.5
Higher than baccalaureate	15.2	15.4	8.9	11.6	11.5	10.3

(1) As understood by the International Labour Office
(2) Active workers who completed their education one to four years earlier

Sources : INSEE, Employment surveys

It is also apparent from this table that young women are much more likely to be unemployed than young men with the same level of education, at all levels, with the notable exception of higher education where the disparity in unemployment level between the two disappears.

Table 13 also compares unemployment rates, but now taking into account the “origin” of the parents. Here again the data are taken from the 92 and 98 generations studied by CEREQ. The unemployment rate for both these generations is measured after three and five years of active life – in 1995 and 1997 for the 92 generation, and in 2001 and 2003 for the 98 generation.

Table 13 Unemployment rate in the 1992 and 1998 generations after three and five years of active life, according to “origin” of parents (percentages, male and female combined, levels of education combined)

Origin of parents	1992 GENERATION		1998 GENERATION	
	after 3 years of active life	after 5 years of active life	after 3 years of active life	after 5 years of active life
Both born in France	14.9	15.2	10.2	10.4
One or both born in southern Europe	14.6	15.9	11.8	12.6
One or both born in North Africa	26.5	27.3	20.1	21.1
One or both born in sub-Saharan Africa	(25.3)	(24.3)	(24.3)	(19.4)

N.B.: The unemployment rates between brackets are not altogether reliable, owing to the small numbers involved.

Source: CEREQ, 1992 and 1998 Generation surveys (extrapolation by R. Silberman and I. Fournier)

For both generations and both observation dates, the unemployment rate of young people with one or both parents born in southern Europe is virtually the same as that of those with both parents born in France. By contrast, the unemployment rate of young people with both parents born in North or sub-Saharan Africa is almost twice as high.

Table 14 again compares the situation of young workers according to “origin”, but here also in terms of the same level of education. The comparison made by CEREQ is no longer of unemployment rates but of the proportion of young people who found stable employment quickly during the three first years of their active life. Such rapid access to stable employment is more common – for the same level of education and at all levels – among young people with both parents born in France than for those with one or both parents born abroad, irrespective of the country.

Table 14 Percentage of young people of the 2001 generation who quickly found stable employment*, according to level of education and “origin” of their parents

Level of education	Both parents born in France	One or both parents born abroad
No diploma	47 %	31 %
Secondary school diploma	73 %	61 %
Bac+2 diploma	81 %	78 %
Bac+3 diploma, or better	77 %	72 %
Total	71 %	57 %

* Direct access to employment within three months of leaving the education system, without being unemployed or inactive or engaging in further studies for any length of time during the three following years.

Source: CEREQ, 2001 Generation survey

Two points should be noted:

- the disparities between young people of “French origin” and those of “foreign origin” are especially large in the case of levels of education that do not go beyond the baccalaureate, i.e. the profiles corresponding to the testing carried out in the present survey;
- the disparities would probably be larger if the young people whose parents were born in southern Europe – and whom table 13 showed as suffering from unemployment rates that were comparable to those of young people whose parents were born in France – had been distinguished from young people whose parents were born in North or sub-Saharan Africa, instead of appearing as a single category of young people with “one or both parents born abroad”.

5.3 “Origin” and unemployment rates of young people in the six urban areas tested

By taking into account the place of birth of the parents, and in some cases their nationality, large-scale national surveys – CEREQ’s “Generation” survey, INSEE’s “Employment” survey, INED and INSEE’s “Family history survey” — thus enable us to distinguish, among people of French nationality, those who are often described as being “of immigrant origin”. However, the samples used are too small to be able to extend the analysis to the six urban areas concerned by the survey.

Comparisons, albeit summary, between the six urban areas selected for testing, are only possible with data taken from the general population census. In so far as the testing uses applicants who are all of French nationality and born in France (albeit “apparently of foreign origin”) the most satisfactory approach would appear to be to compare the nationality of people at the time of the census with their nationality at birth. This has been done in table 15, which provides data on young active workers in the 20-24 age group included in the 1999 census in each of the six urban areas concerned by the testing (the census that began in 2004 has not yet generated similar data).

Bearing in mind the small numbers at the local level, only four groups of young active workers have been identified:

- French at birth;
- French by acquisition, whose nationality at birth is suggestive of a “European origin” — mostly young people of Spanish, Italian or Portuguese nationality at birth;
- French by acquisition whose nationality at birth is suggestive of a “non-European origin” — mostly young people born with the nationality of a North African or sub-Saharan country;
- foreigners — of all nationalities.

Table 15 **Distribution of young active workers in the 20-24 age group included in the 1999 census in each of the six urban areas, according to their nationality at the time and their nationality at birth (percentages, male and female combined)**

Nationality	Lille	Lyon	Marseille	Nantes	Paris	Strasbourg
French at birth	39 034	49 277	41 897	23 914	302 794	18 852
French by acquisition:						
- "of European origin"	664	1 238	294	124	12 095	411
- "of non-European origin"	934	2 521	1 386	447	17 511	1 077
Foreigners	1 664	3 238	1 856	600	36 596	1 673
Total	42 296	56 274	45 433	25 085	368 996	22 013
French at birth	92.3	87.6	92.2	95.3	82.1	85.6
French by acquisition:						
- "of European origin"	1.6	2.2	0.6	0.5	3.3	1.9
- "of non-European origin"	2.2	4.5	3.1	1.8	4.7	4.9
Foreigners	3.9	5.7	4.1	2.4	9.9	7.6
Total	100.0	100.0	100.0	100.0	100.0	100.0

Source: INSEE, data extrapolated from the RP99, communicated by INSEE specifically for this survey.
Field: active people in the 20-24 age group (employed and unemployed)

The French at birth, on the one hand, and the French by acquisition “of European origin”, on the other, correspond to the two types of applicant used in the testing, if only approximately.

In line with the population census questionnaire, the term “French by acquisition” is used here to describe any person who acquired French nationality in any way: by right, by declaration or by naturalization. The group of French by acquisition “of non-European origin” is therefore mainly composed of young people born in France of non-European parents who became French by right upon attaining their majority. Most of these young people correspond directly to the applicants “of North African origin” and of “sub-Saharan origin” used in the testing for the present survey.

The “French by birth” group comprises young people born in France of a parent born in France as well as those born of a French parent: most of them correspond to the applicants “of metropolitan French origin” used in the testing for the present survey. But the French by birth also include young people born in France of a parent born in a former French department or territory, notably in Algeria, sub-Saharan Africa and the Comoros prior to independence. Most of these young Frenchmen and Frenchwomen by birth will tend to correspond to the applicants of “apparent North African or sub-Saharan origin” in the discrimination tests. In table 15 above, the numbers and proportion of French by acquisition reflect only an underestimated fraction of the French “of apparent foreign origin”.

Table 16 offers a comparison of unemployment rates among the various groups of young French people that can be identified from the census. In the areas to be tested the unemployment rates of young French people “of European origin” are comparable to those of young Frenchmen and Frenchwomen by birth, whereas those of the young French by acquisition “of non-European origin” are generally twice as high.

Table 16 Unemployment rates of young active workers in the 20-24 age group included in the 1999 census in each of the six urban areas, according to their nationality at the time and their nationality at birth (percentages, male and female combined)

Nationality	Lille	Lyon	Marseille	Nantes	Paris	Strasbourg
French at birth	29 %	19 %	33 %	24 %	17 %	16 %
French by acquisition:						
- "of European origin"	(26 %)	20 %	(31 %)	(46 %)	15 %	(24 %)
- "of non-European origin"	42 %	37 %	58 %		29 %	37 %
Foreigners	48 %	34 %	51 %	(49 %)	28 %	34 %
Total	30 %	21 %	34 %	25 %	19 %	19 %

Source: INSEE, data extrapolated from the RP99, communicated by INSEE specifically for this survey.

Field: active people in the 20-24 age group

N.B.: The percentages in brackets are not entirely reliable because of the small numbers involved.

These initial unemployment rate figures point to the existence of discrimination in employment in France on grounds of "origin". Presumably, if the French by birth "of non-European origin" could be distinguished from the other French by birth, the disparities in the unemployment rates would be even greater. The effect of discrimination in access to employment on grounds of "origin" is certainly underestimated in the figures shown in table 16.

This hypothesis will be borne out by testing in the field.

Part III
**CONDUCT OF THE SURVEY
BY TESTING**

General methodology of the International Labour Office

5.4 National survey series sponsored by the ILO (1993-2006)

In 1992 the International Labour Office defined a testing methodology²⁹ that was derived from the first international comparative studies employing this technique. As indicated earlier in the presentation of the CREDA survey, French researchers had taken part in these initial studies in France during the 1970s.

France, however, was not included in the first series of national surveys testing discrimination in access to employment that the ILO organized from 1993 onwards, as part of its world programme to combat discrimination against migrant workers and ethnic minorities in the world of work.

Surveys of discrimination by testing were, on the other hand, carried out in several European countries: in the Netherlands in 1993-94,³⁰ in Germany in 1993-94,³¹ in Spain in 1994-95,³² and in Belgium in 1996-97.³³ Moreover, a report on a field study in the United States, published in the same series, used the ILO methodology to analyze the findings of four surveys by testing already conducted in the country between 1990 and 1994.³⁴

It was with Italy that a new series of surveys conducted under the auspices of the ILO's world programme against discrimination began in 2003.³⁵ Two national surveys by testing of discrimination in access to employment on grounds of "origin" followed in rapid succession in 2005-06: the first in Sweden³⁶, and the second – described in the present report – in France.

²⁹ Bovenkerk F., *A Manual for International Comparative Research on Discrimination on the Grounds of "Race" and Ethnic Origin*, 1992, International Labour Office.

³⁰ Bovenkerk F., Gras M.J.I., Ramsøedh D., *Discrimination against migrant workers and ethnic minorities in access to employment in the Netherlands*, 1995, International Migration Papers No. 4, International Labour Office.

³¹ Goldberg A., Mourinho D., *Labour market discrimination against foreign workers in Germany*, 1996, International Migration Papers No. 7, International Labour Office.

³² Actis W., Angel de Prada M., Pereda C., *Labour market discrimination against migrant workers in Spain*, 1996, International Migration Papers No. 9, International Labour Office.

³³ Arriijn P., Feld S., Nayer A., *Discrimination in access to employment on grounds of foreign origin: the case of Belgium*, 1998, International Migration Papers No. 23, International Labour Office; Nayer A., Smeesters B., (new edition).

³⁴ Bendick J. (Jr.), *Discrimination against racial/ethnic minorities in access to employment in the United States: Empirical findings from situation testing*, 1996, International Migration Papers No. 12, International Labour Office.

³⁵ Allasino E., Reyneri E., Venturini A., Zincone G., *Labour market discrimination against migrant workers in Italy*, 2004, International Migration Papers No. 67, International Labour Office.

³⁶ Attström K., *Discrimination in employment against second generation Swedes of immigrant origin*, 2007, International Migration Papers, forthcoming issue, International Labour Office.

These two national surveys are of exceptional scope, since six series of tests were carried out in each case as against two (Netherlands, Germany) or three (Spain, Belgium, Italy) in the earlier surveys. In Sweden two series of tests were held, one involving male-male pairs and the other female-female pairs in each of the country's three main urban areas — Göteborg, Malmö and Stockholm. In France a single series of tests was conducted in six of the country's main urban areas: by female-female pairs in three cases — Marseille, Paris, Strasbourg — and by male-male pairs in the three others — Lille, Lyon, Nantes.

In all some 2440 tests were carried out in the six French towns,³⁷ in which 2323 vacancy notices were validly tested (*valid tests*); of these 1100 generated results that could be used in calculating the net discrimination rate (*valid and usable tests*). By comparison the Netherlands study had been based on 567 valid tests of which 357 had been declared usable, the German study 1726 tests of which 474 were usable, the Spanish study 552 tests of which 385 were usable, the Belgian study 1111 tests of which 637 were usable, and the Italian study 633 tests of which 533 were usable.³⁸

5.5 General principles of the ILO methodology

5.5.1 Choosing the vacancy notices to be tested

The ILO recommends that testing be carried out in employment areas and on vacant posts where the profiles of the two applicants used in each pair of tests are actually competing for jobs on the labour market. To be more precise, the survey must ensure that a form of competition for the vacancies advertised genuinely exists among real applicants whose profiles correspond to one or other of the two test applicants.

The ILO proposes that the characteristics of the job supply and demand in each of the employment areas selected for the survey be studied before deciding what type of activities or occupations most need to be tested. It is not necessarily possible, or even desirable, to select strictly and uniformly only those jobs, or only a predetermined proportion of the various sectors, where the “test applicants” are to apply, inasmuch as the importance of the different spheres of activity varies from one area to another. In any case, the test should not focus on activities that are not representative of the local market.

At the same time the ILO recommends that the representation of the various groups of jobs concerned by the level of skills selected for testing should be more or less balanced. If, for instance, three spheres of activity have been given priority for testing — often a compromise reached in the survey procedure — the tests should as far as possible reflect each of these spheres equally.

³⁷ In the ILO methodology, and henceforth throughout this report, the word “test” should be taken to mean the “vacancy notice tested”; in other words *one* test invariably comprises *two* job applications, which means that in the survey conducted in France 4880 applications were tested.

³⁸ The United States study is different from the others. Although it analyzes the results of four surveys previously carried out in the country independently of the ILO programme, they do correspond in sufficient detail to the ILO methodology. The four surveys generated 1209 valid tests, of which 815 were declared usable.

Again, so as to stick fairly closely to the actual situation on the labour market, the ILO suggests using the various channels for finding employment that are available to the public, such as vacancies advertised by employers in the general or specialized press, in free advertising magazines or on the Internet, and even public notices posted directly in buildings and shops. There are also the vacancies posted on notice-boards or on the Internet by public placement services, other than those where the latter are themselves responsible for the selection process from start to finish.

The intention, of course, is to test the employers themselves, not the labour market intermediaries. By the same token, interim agencies are not tested either, since even if some form of discrimination were detected it would still be impossible to determine whether it stemmed from the intermediary's own initiative or from a directive given by the client enterprise, whose characteristics remain unknown. If, on the other hand, a test established that a temporary employment agency or public or private placement service applied the principle of equal treatment at its own level, there is no certainty today that discrimination will not reappear "elsewhere", via the employers using the intermediaries' services.

5.5.2 The test applicants and the test supervisors

Two applications are submitted for each vacancy notice tested, and the test applicants always operate in pairs. Each of the applicants applies for the same vacancy as the other, and does so in exactly the same way.

The three principal ways of making initial contact with the employer that are recommended by the ILO are: a telephone call, the submission of a résumé by postal or electronic mail with the usual covering letter, and direct physical contact with the employer. The ILO suggests that all three methods be tested, generally depending on what the vacancy notice indicates.

Whether or not the physical presence of the applicant has been tested in his/her initial contact with the employer, the ILO methodology requires that the recruitment procedure be pursued up to an actual interview with the recruiter whenever both test applicants receive such an offer. Consequently, supervising the test situation means ensuring that, apart from the criterion being tested, the two applicants are comparable both from the standpoint of their résumé and from that of their physical appearance.

The two test applicants must therefore submit résumés that are strictly equivalent in terms of school history, training and qualifications, experience, possible movements and domicile, without of course being absolutely identical so as not to arouse suspicion. Moreover, since the object is to verify manifestations of discrimination solely on grounds of "origin", the applicants should also be similar in terms of age, type, physical appearance (height, weight, presentation), wear more or less standard clothing and hairstyles, and use standard body language and speech, without any character trait that is too distinctive (excessively reserved or exuberant, etc.).

All in all, the pair of applicants should appear average but still plausible for the job vacancy being tested, with only their apparent origin standing out – this being the criterion that needs to be isolated, all things otherwise being equal. This apparent origin could be reflected in each case by a first name and family name perceived as indicative or, for example, by a stereotypical skin colour.

The young people to be used as test applicants have to be scrupulously chosen. They have to be able to meet all the criteria described above. They must all be equally plausible as applicants for the various types of jobs to be tested. And they must be able to maintain the rigour and adaptability, as well as the force of conviction and sense of reserve, that the role-play calls for in the testing.

The ILO suggests using students or actors, and recommends that the survey supervisors audition a dozen or so potential applicants for each series of tests planned. Four candidates should be selected each time, two for each of the apparent “origins” that the employers will come up against. It is recommended that several people make up the panel that chooses the testers, so as to be able to compare notes.

The four chosen candidates must rotate in the various tests, so that each of the four possible pairs of applicants is used (each pair of testers reflecting one each of the two ostensible “origins”). The intention here is to minimize any possible bias resulting from the individual performance of one pair or another. A statistical test will, in addition, be carried out to verify that the results obtained by four pairs are not too different from the average (see section 11.2 in “Part IV: Results of the survey”).

The ILO methodology requires that the future testers be properly prepared for their task. They should receive training in the various skills needed for the survey:

- explanation of the purpose and procedure of the survey, of the methodological rules and of the research tools;
- building up the character and personality of the applicants for the vacancies to be tested, acquiring role-play techniques;
- learning how to handle job interviews, by telephone or face to face.

The methodology also calls for the presence of a test “supervisor” at each site who is responsible for managing the team of testers for the proper conduct of the survey. The supervisor’s main tasks will be:

- to collect and prioritize the vacancy notices to be tested;
- to organize the work and schedule of the testers — particularly for interviews;
- to make sure that the survey conforms to established procedure;
- to ensure compliance with the rules for testing;
- to compile all the data to be used in analyzing the tests;
- to follow up the survey and assess progress.

Supervisors need to be trained in ILO testing methods and must have a thorough understanding of the principles involved. They will be called upon to take decisions concerning the tests to be carried out, and the pursuit, suspension and classification of each test, if necessary in consultation with the testers.

A format will have to be decided upon for entering by hand or electronically all the relevant data concerning the successive phases of the recruitment process. The data will be entered as accurately as possible by the testers, with the assistance of their supervisors, immediately after each contact with the employers, so as not to forget any useful detail.

5.5.3 *Analyzing and evaluating the tests*

Not all the tests necessarily produce usable results, and usually a small number prove not to be valid from the very first contact with the employer. A larger number of tests will probably turn out to be unusable for purposes of calculating the discrimination rates.

Non-valid tests correspond to applications for vacancies where, although the test has been started, the employer was not, or could not be, correctly implicated in the testing process. For instance, one of the two testers may have failed to contact the employer, or forgotten to give his or her first name and family name, and so on. However, once the two testers have established their first contact with the employer under the proper conditions, the test is considered valid.

Unusable valid tests concern vacancy notices that have been validly tested but where it is impossible to decide whether there has been some form of discrimination or not. This can stem from two types of situation:

(1) The first situation arises when *both* applicants are rejected or receive no response prior to any interview with the employer. Of course, the reason may be simply that the profile of the two testers does not fit the requirements of the job — a specific diploma, etc. — or that the employer has already opted for a third, and genuine, applicant whose qualifications and “origin” remain unknown. In both instances the employer has not really been in a position to choose between the two testers, and it cannot be said from the testing process whether or not there has been some form of discrimination.

(2) The second situation occurs when, after *both* testers have received a positive response from the employer at the initial stages, the test is nevertheless abandoned, either because one of the testers was not available to attend an interview with an employer, or because the employer requested official documents or personal data — certificates, social security number, etc. — or proposed that both testers undergo a practical assessment at the workplace that they were unable to accept. In such cases it is impossible to guess which of the testers the employer might have chosen had the test been pursued.³⁹

There remain the **valid usable tests**, which include all the instances where it is possible to determine that there has been discrimination, or equal treatment:

(1) In the first place there are the vacancy notices for which, at some phase prior to obtaining a face-to-face interview with the recruiter, the test applicants have received responses that are clearly different and to the obvious disadvantage of one of them, whereas they are both in a similar situation. The existence of discrimination is then registered against the applicant who has been treated less favourably, and the test is over.

³⁹ During the survey in France the ground rules agreed upon with the ILO were applied strictly, and it was therefore decided that, whatever the reason, these tests were inconclusive and unusable, and that they had to be left out of the accounting altogether and replaced by other tests. That said, some of these tests warrant some discussion as to what they mean in terms of discrimination, and this we have done in section 8.2 of Part IV, “The survey’s findings”.

(2) There are also the vacancy notices that during the initial phases give rise to the apparently equal and positive treatment of both test applicants, with each of them being offered a face-to-face interview with the recruiter; the obvious conclusion at this stage is that two testers whose only apparent difference is their “origin” have received equal treatment, irrespective of any genuine applicants there might be. The test continues. The equal treatment that was so far apparent is confirmed if after the interview the testers are finally both rejected or if both receive a positive proposal — employment, try-out — whereas it will change to discrimination if one of the test applicants is eventually treated less favourably than the other even though they are still comparable⁴⁰. In either case, the test is of course over.

All the surveys carried out hitherto have recorded far more tests displaying some form of discrimination against the test applicants of apparent extra-European origin than against applicants of apparently European or native origin. The surveys conducted by the ILO describe the first as **minority applicants** and the second as **majority applicants**.

The relatively small number of cases of discrimination against majority applicants is deducted from the far greater number of instances of discrimination faced by minority applicants, the result indicating, in terms of volume, the net discrimination gap recorded between the two types of applicant. This gap is then compared with the total number of valid usable tests carried out — which in addition to the two previous types of case includes the instances of equal treatment — to show the **net discrimination rate**.⁴¹

Net discrimination rates can be calculated for each stage in the recruitment process, by comparing each time the net discrimination gap recorded for the stage concerned with the total number of valid usable tests. The total of these rates at the various phases is the **net aggregate discrimination rate**.⁴² All these calculations are illustrated in Part IV in which the findings of the survey are discussed.

5.5.4 *Verifying the statistical significance of the discrimination rates*

The significance of a rate or proportion depends very much on the number of people from which the rate or proportion is calculated. This is especially the case if the numbers are very small, when it can pose something of a problem. A typical example is shown above, in section 2.2, taken from the tests carried out by the Discrimination Observatory for HALDE in the spring of 2006.⁴³

⁴⁰ In most cases, any discrimination recorded at this stage cannot really be analyzed in the same way as during the initial recruitment stage. This point is discussed in greater detail in section 8.2 of Part IV, “The survey’s findings”.

⁴¹ Alternatively, a gross discrimination rate can be calculated for each of the two types of applicant, by comparing the number of instances of discrimination encountered by each type with the total number of valid and usable tests. The difference between the gross rate of discrimination against the minority applicants and the gross rate of discrimination against the majority applicants is then the net discrimination rate.

⁴² The same detailed calculation, by recruitment stage and in the aggregate, can be applied to the gross discrimination rates for each type of applicant.

⁴³ Amadiou J.-F., “Synthèse du test du recrutement réalisé à la demande de la HALDE”, 2006, Observatoire des discriminations.

How many valid and usable tests are needed for a net discrimination rate of “x” per cent to be significant, i.e. significantly different from 0 per cent? Conversely, for a given number (N) of valid and usable tests, what is the minimal net discrimination rate (*mndr*) below which, with a small margin of error, the hypothesis that discrimination exists is not really tenable?

The statistical significance test applied and the calculations made in accordance with the ILO methodology⁴⁴ can be illustrated by the following formula:

$$mndr = \frac{1,96}{\sqrt{N}}$$

The ILO recommends that each survey site accumulate a sufficient number of valid and usable tests to ensure that a net discrimination rate of 15 per cent or more is significant: *mndr* = 0.15 gives *N* = 170.7, rounded off to 175 as a precautionary measure. In other words, the ILO methodology requires that at least 175 valid and usable tests be compiled at each site, on the assumption that the net discrimination rates recorded will be higher than 15 per cent – which has easily and systematically been the case in the national surveys conducted in the past⁴⁵ and, as we shall see, is again the case in the French survey.

6 The procedure used in the French survey

As the reference manual for the methodology advocated by the ILO itself points out,⁴⁶ the general methodological principles need to be specified, so that they can be adapted to the economic and social reality of each country and so that the problems encountered in national public policies can be taken into account. This is especially true of the types of vacancy notices to be tested and of the types of applicant profiles that will test them.

6.1 Specifications of vacancy notices tested

The DARES research centre of the Ministry of Employment and Social Cohesion and of Housing in France opted to test “racial” discrimination in access to employment in six of the country’s principal urban areas: Lille, Lyon, Marseille, Nantes, Paris and Strasbourg. These six employment areas were chosen for a variety of reasons:

⁴⁴ For details on this statistical test and these calculations cf. Bovenkerk F., *A Manual for International Comparative Research on Discrimination on the Grounds of "Race" and Ethnic Origin*, 1992, International Labour Office, p. 23; and Arriijn P., Feld S., Nayer A., *Discrimination in access to employment on grounds of foreign origin: the case of Belgium*, 1998, International Migration Papers No. 23, International Labour Office

⁴⁵ The French survey abides strictly by the methodological rule that all abandoned tests and all double rejections prior to an interview must be declared unusable, excluded from the calculation of discrimination rates and replaced by the same number of usable tests. For results arrived at in the French survey to be comparable to those established in a survey carried out in some other country, this same rule must be applied in both cases.

Such is not the case, however, with the national surveys carried out so far, which have treated a considerable number of abandoned tests and double rejections as if they were usable. Before any comparison can be made with the results obtained for France, the counting or the calculation of rates in these surveys therefore has to be reviewed. This implies an upwards adjustment of the discrimination rates that these surveys indicate. Incorporating abandoned tests and double rejections in the denominators of the rates is tantamount to assuming that all these tests correspond to equal treatment...

⁴⁶ Bovenkerk F., op. cit., footnote 44.

- the size and composition of their active population, especially the presence within the population of people corresponding to the profiles of the applicants to be used in the testing;
- the number and variety of vacancy notices in the six areas;
- their distribution over the national territory.

DARES and the ILO decided to restrict the testing to vacancy notices for low-skilled and medium/low-skilled jobs, essentially for two reasons:

- the assumption that this level of skills is where competition is most direct between job applicants who look foreign in “origin” and other applicants;
- the difficulty of submitting résumés citing diplomas that the recruiters might want to check and, even more so, the difficulty of training test applicants sufficiently for their knowledge of various skilled jobs to be credible in the recruitment interviews.

Several factors were taken into account when specifying the occupational fields and types of jobs to be tested:

- the volume of jobs and vacancies generated, at the level of skills selected, by the various occupational fields and trades represented in each of the employment areas tested;
- the desire not to over-represent or under-represent the fields or jobs known for their traditional “ethnicization”;
- in order to reduce the number of discrimination tests that cannot be pursued, the avoidance of trades where the recruitment process often involves the presentation of certificates and other official documents or having to undergo a practical assessment on the job;
- the objective of concentrating the testing on three occupational categories that are common to all six employment areas, so as to obtain statistically significant results for those categories;
- the decision to use the same three occupational categories in France as in the survey conducted in Sweden, in the hope that the data by occupational field might be comparable between the two countries.

The last two factors listed led to the following occupational fields being given priority in the testing carried out in each of the six French towns:

- for tests carried out by men — in Lille, Lyon and Nantes :
 - jobs in sales and commerce,
 - jobs in hotels and restaurants,
 - jobs in transport, services to enterprises and collective services, building and public works;
- for tests carried out by women — in Marseille, Paris and Strasbourg:
 - jobs in sales and commerce,
 - jobs in hotels and restaurants,
 - jobs in health and social work, personal services, reception and secretarial work

Under “personal services” — maternal assistant, domestic help, etc. — it was decided to test only vacancy notices posted by agencies providing the services and not the persons concerned directly.

There was one more constraint to be added to the specifications for the occupational fields: namely, the actual availability, in each employment area, of a sufficient number of vacancies in the activities and trades selected, bearing in mind that the ultimate objective was to obtain 175 valid and usable tests in each area within a period of time that could not be prolonged indefinitely. Given this constraint, the distribution by field of the discrimination tests carried out was also, and above all, dependent on the availability of vacancies on each site and for the duration of the survey.

The two tables below show the percentage distribution of all the valid tests carried out, whether usable or not, in the three groups of occupational fields that were given priority in the testing: the female and male pairs are shown separately, as they did not test exactly the same occupations. Table 1 breaks the figures down further among the six employment areas concerned by the survey, while table 2 identifies, for each occupational field, the families of jobs most frequently tested.

Table 1 Percentage distribution of occupational fields in all the tests carried out in each of the six sites concerned by the survey

Occupational field (FAP-2003)	MALE PAIRS			FEMALE PAIRS		
	LILLE	LYON	NANTES	MARSEILLE	PARIS	STRASBOURG
S. Hotels and restaurants	39.4	35.9	35.1	47.2	38.6	38.8
R. Commerce	35.3	31.8	27.5	22.5	32.9	35.0
Other fields tested	25.3	32.3	37.4	30.3	28.5	26.2
Total	100.0	100.0	100.0	100.0	100.0	100.0
<i>Number of tests</i>	<i>391</i>	<i>427</i>	<i>382</i>	<i>422</i>	<i>407</i>	<i>294</i>

Table 2 Percentage distribution by occupational field, broken down by the most represented occupational families, of all tests carried out by the male and female pairs

OCCUPATIONAL FIELD and family of occupations (FAP)	Male pairs	Female pairs	Total
S. HOTELS AND RESTAURANTS	36.4	41.8	39.0
of which: S261. Cafe and restaurant waiters	(17.9)	(31.0)	(24.2)
S140. Cooks	(13.9)	(6.5)	(10.3)
<hr style="border-top: 1px dashed black;"/>			
R. COMMERCE	31.6	29.6	30.6
of which: R160 to R165. [<i>Shop salespersons</i>]	(14.7)	(16.3)	(15.4)
R283. Representatives for individuals	(7.9)	(5.4)	(6.7)
R060 and R061. [<i>Self-service employees and cashiers</i>]	(7.3)	(4.0)	(5.7)
<hr style="border-top: 1px dashed black;"/>			
OTHER OCCUPATIONAL FIELDS TESTED	32.0	28.6	30.4
T. PERSONAL AND COMMUNITY SERVICES	9.5	15.8	12.6
of which: T460. Maintenance staff	(5.1)	(4.6)	(4.9)
T160. Domestic employees	(0.7)	(5.5)	(3.0)
T060. Hairdressers, beauticians	(2.3)	(3.5)	(2.8)
J. TOURISM AND TRANSPORT	9.4	0.4	5.0
of which: J020. Handling workers	(3.3)	(0.1)	(1.7)
J342. Delivery workers	(2.9)	(0.3)	(1.6)
J343. Lorry drivers	(3.0)		(1.5)
L. MANAGEMENT, ADMINISTRATION	2.3	7.0	4.6
of which: L260. Reception and information workers	(0.3)	(3.4)	(1.8)
L060. Office secretaries and similar	(0.9)	(2.7)	(1.8)
B. BUILDING, PUBLIC WORKS	7.3		3.8
of which: B441 to B444. [<i>Miscellaneous building labourers</i>]	(4.0)		(2.1)
B240. Bricklayers	(2.0)		(1.0)
V. HEALTH, SOCIAL, CULTURAL AND SPORTING ACTIVITIES	1.0	5.4	3.1
of which: V060. Nursing assistants	(0.7)	(3.7)	(2.2)
V481. Social and cultural organizers	(0.4)	(1.3)	(0.8)
D. ENGINEERING, METALLURGY	1.3		0.7
of which: D020. Unskilled metal-forming labourers (...)	(0.5)		(0.3)
D541. Motor vehicle bodywork	(0.4)		(0.2)
W. TEACHING, TRAINING	0.4		0.2
of which: W180. Driving school instructors	(0.4)		(0.2)
A. AGRICULTURE, NAVY, FISHING	0.8		0.4
of which: A140. Market gardeners, horticulturists	(0.6)		(0.3)
Total	100.0	100.0	100.0
<i>Number of tests</i>	<i>1 200</i>	<i>1 123</i>	<i>2 323</i>

6.2 Profile specifications for testers

Turning now to the profile specifications for the test applicants, the specifications adopted in France are described below.

It was decided that all the test applicants should appear to be between 20 and 25 years of age. It was important to control the age variable, as the tests were not concerned with this possible discrimination criterion but only with the “origin” or “real or supposed membership of an ethnic group, nation or race”. The age group selected will enable us to measure the extent of discrimination in access to employment on grounds of “origin” encountered by jobseekers embarking upon their active life and coming up against employers on the labour market for the first time. The résumés of all the test applicants accordingly showed only the professional experience of a beginner.

The series of discrimination tests were carried out, in three of the six urban areas, by pairs of female applicants and, in the three others, by pairs of male applicants. The object here was solely to take into account the real active population in France and on the French labour market, so that the survey would reflect this reality. The fact remains, however, that the results of the tests measure discrimination in access to employment on grounds of real or assumed origin and nothing else, irrespective of any discrimination on grounds of sex : the “origin” variable varied from one of the applicants in a pair to another, but the “sex” variable was still controlled within each pair.

Given what is known about discrimination on grounds of “origin” in France, DARES, the ILO and ISM-Corum (the agency chosen to conduct the survey) decided that the tests would focus on discrimination in access to employment encountered, on the one hand, by young active workers generally perceived in France as being “of North African origin” and, on the other, those generally perceived as being “of African origin”. It was agreed that the test applicants would all be of French nationality, so as to be sure that there was no difference between them in terms of legal status and to counter any attempt by recruiters to plead problems of residence or work permit. More precisely, it was decided that the applicants’ profiles would all correspond to the segment of the population often referred to as “second generation immigrants” – and who could just as well be described as “first French-born generation”.

The testing conducted for the present survey thus confronted recruiters with two 20/25-year-old French applicants born in France, both of whom went to school and/or trained in metropolitan France and were ostensibly altogether comparable from the standpoint of their training and professional experience. One of the applicants had a first name and family name suggesting a “metropolitan French origin”, the other had names suggesting either a “North African origin” or a “sub-Saharan origin”.

Bearing in mind that the ILO methodology recommends that each origin be represented by two different testers during the testing operation, the first names and family names of the applicants used for the present survey were as follows:

- masculine names suggestive of a “North African origin”:
Kader LARBI and Farid BOUKHRIT
- feminine names suggestive of a “North African origin”:

Farida LARBI and Latifa BOUKHRIT

- masculine names suggestive of a “sub-Saharan origin”:

Bakari BONGO and Kofi TRAORE

- feminine names suggestive of a “sub-Saharan origin”:

Aminata BONGO and Bintia TRAORE

- masculine names suggestive of a “metropolitan French origin”:

Julien ROCHE and Jérôme MOULIN

- feminine names suggestive of a “metropolitan French origin”:

Marion ROCHE and Emilie MOULIN

The same first and family names were used to suggest the same “origin” on all the sites where the “origin” was supposed to appear in the tests. The “origin” variable was distributed as follows among the six employment areas tested:

Lille (men)	“North African origin”/“metropolitan French origin”
Lyon (men)	“North African origin”/ “metropolitan French origin”
Marseille (women)	“Sub-Saharan origin”/“metropolitan French origin”
Nantes (men)	“Sub-Saharan origin”/“metropolitan French origin”
Paris (women)	“Sub-Saharan origin”/“metropolitan French origin”
Strasbourg (women)	“North African origin” /”metropolitan French origin”

Apart from their names, and for testing meetings or face-to-face interviews between applicants and recruiters, their physical appearance had to conform to the racial stereotype of the origin they were supposed to suggest. The applicants of “sub-Saharan origin” were the only ones with black skins.

In order to keep the same designations as in other national testing surveys conducted under the ILO’s auspices, the applicants who were supposed to suggest a “metropolitan French origin” will be identified as **majority applicants** and those suggesting a “North African origin” or a “sub-Saharan origin” as **minority applicants**.

6.3 Details regarding the analysis of each test in France

As mentioned before, the ILO’s general methodology requires that each test carried out be classified under one of the following three broad headings:

- non-valid tests, i.e. vacancies notices that were not, or could not be, properly tested;
- unusable valid tests, i.e. vacancy notices that generated a refusal or no response at the first recruitment stage, or which led to a test that could not be completed even though both testers received a positive response in the initial stage;
- valid and usable tests, i.e. vacancy notices generating a different response from the employer for each of the two testers at any stage of recruitment (*discrimination*), or

generating the same response for both, whether positive or negative, in the last phase (*equal treatment*).

The ILO's general methodology also requires that, when analyzing valid and usable tests, it be possible to make a systematic distinction between those pointing to discrimination against the minority applicant, those pointing to discrimination against the majority applicant and those indicating equality of treatment between the two applicants, in order to arrive at the net discrimination rate.

Of all the national surveys by testing conducted under the responsibility of the ILO, the survey carried out in France in 2005-06 is so far only the second (with the 1996-97 Belgian survey) to have tested each of the three forms of initial contact with an employer: telephone call, submission of a *résumé* by postal or electronic mail, and submission of a *résumé* in person at the place of work.

The testing in France highlighted the many different responses that test applicants could receive even at this initial stage, and therefore the variety of developments that might follow. It was at this point that a real difficulty arose in ensuring that the different situations conformed to the definitions and scenarios of the general methodology. When, for instance, an employer says to one of the testers that he/she will call him/her back and asks the other to send him a *résumé* by mail, is this is this equal different treatment or not? If it constitutes different treatment, then to whose advantage is it? And if is taken as equal treatment, what is the next stage?

The rules that were eventually set to determine the outcome of each test – since they happened to be applicable to all the tests carried out in France without exception – made the general methodology more complex, but also more accurate, in several respects.

In the first place, some of the responses recorded after initial contact was made seem neither to qualify as clear **rejection** of the application nor to mean certain access to the next stage, i.e an **interview** with the employer. Here are some examples:

- “*We’ll phone you.*”
- “*Get in touch with us again later!*”
- “*Send us a résumé!*”

All three replies are possible during a preliminary telephone call, whereas only the first two fit the other forms of initial contact – submission of a *résumé* by mail or in person. In all three cases, the response leaves the applicant at the same intermediate stage of being “**on standby**”.

In addition to the three normal types of response – rejection, standby, interview – there is a fourth type whereby an employer, right from the start, proposes that the applicant undergo an objective **assessment** at the same time as, or even before, an **interview**. In this case, the employer may straightaway ask for official documents attesting to the applicant's qualifications – certificates, diplomas, etc. – or make an appointment with the applicant for a practical assessment on the job. In both instances, the test applicant is unable to follow up the test. It is, however, still useful to keep track of such situations because of their general relevance to the issue of discrimination.⁴⁷

⁴⁷ This point will be expanded upon in section 8.2. of Part IV “The survey's findings”.

Secondly, a cross-comparison now has to be made of all the possible combinations of responses to either of the testers in the French survey. This is done in table 3, in which the majority applicants are set against the minority applicants according to the outcome of their initial contact with the employer, regardless of how contact was made. It is at this initial stage that the employers' responses vary most widely, with some of them – mostly “standbys” where he/she asks for a résumé to be sent by mail or submitted in person – logically disappearing from the range of possible responses as the recruitment process progresses.

The white diagonal squares in the table cover all the instances where both test applicants received the same response from the employer. When two testers receive an immediate refusal (upper left square) the test is complete and deemed unusable. At the opposite extreme, the lower right square represents tests that were not pursued because the testers could not undergo the assessment that they were offered; these tests are also unusable.

Between these extremes, the two middle white squares are for tests that are to be pursued, as both testers received equal treatment at the initial contact stage – either two standby proposals or two interview offers – both of which have to be followed up according to the survey specifications.

By contrast, if only one of the two testers has been asked to stand by and the other has either been rejected or has been offered an interview or an assessment, or *a fortiori* if one of the testers has been offered an interview or assessment while the other has been rejected or asked to stand by, then the record will show discrimination and the test is over.

Table 3 Cross-comparison of the replies obtained by the majority and minority applicants after their initial contact with the employer

Majority applicant		Minority applicant			
		Refusal (-)	Standby (=)	Interview (+)	Assessment (+)
Refusal	(-)	Refusal (-)	Standby (=)	Interview (+)	Assessment (+)
Standby	(=)	Refusal (-)	Standby (=)	Interview (+)	Assessment (+)
Interview	(+)	Refusal (-)	Standby (=)	Interview (+)	Assessment (+)
Assessment	(+)	Refusal (-)	Standby (=)	Interview (+)	Assessment (+)

The dark grey squares under the diagonal include all instances of discrimination in favour of the majority applicants; above the diagonal, the light grey squares include the instances of

discrimination in favour of the minority applicants. The results presented in Part IV will show that there are far more of the former than of the latter.

So as not to overlook any detail, the point must be made that one particular case raises a question of interpretation: if one of the testers is offered an interview and the other an assessment, it cannot necessarily be inferred that there has been a difference of treatment, and certainly not in favour of any one applicant. This kind of situation, however, is extremely rare: only 2 instances out of the 2,440 tests carried out in France. Consequently, offers of an interview or assessment will hitherto be taken together without any risk of this distorting the result of each test.

6.4 More details about the recruitment process and final count

When both applicants are asked to stand by or are offered an interview or assessment at the initial contact stage, the recruitment procedure make take different paths, depending on whether the option of further progress is proposed or not at each recruitment stage. The diagram in table 4, which summarizes all the possible variations in the testing process depending on the outcome at each stage, shows the overall picture for the present survey:

Table 4 Recruitment process for all tests, according to the outcome of each stage

<p>INITIAL CONTACT (by telephone, or by submission of résumé by mail or in person)</p> <ul style="list-style-type: none"> - contact not established⁽¹⁾ or test distorted⁽²⁾ => Non-valid test - both applicants rejected => Non-valid usable test - one applicant selected => VALID USABLE TEST - both applicants on standby => Test to be pursued - interview offered to both applicants => Test to be pursued - assessment proposed for both applicants => Test to be pursued 	<p>STANDBY, following which:</p> <ul style="list-style-type: none"> - both applicants rejected => Non-usable valid test - one applicant selected => USABLE VALID TEST - both applicants offered an interview => Test to be pursued - both applicants offered an assessment => Test to be pursued - résumés not sent => Test not pursued
<p>INTERVIEWS WITH THE EMPLOYER, following which:</p> <ul style="list-style-type: none"> - both applicants rejected => USABLE VALID TEST - both applicants rejected => USABLE VALID TEST - try-out offered to both applicants => USABLE VALID TEST - employment offered to both applicants => USABLE VALID TEST - interviews not followed up⁽⁴⁾ => Test not pursued <p>ASSESSMENT OF SKILLS (without prior interview)</p> <ul style="list-style-type: none"> - assessment not followed up⁽⁵⁾ => Test not pursued 	<p>INTERVIEWS WITH THE EMPLOYER, following which:</p> <ul style="list-style-type: none"> - both applicants rejected => USABLE VALID TEST - one applicant selected => USABLE VALID TEST - try-out offered to both applicants => USABLE VALID TEST - employment offered to both applicants => USABLE VALID TEST - interviews not followed up⁽⁴⁾ => Test not pursued <p>ASSESSMENT OF SKILLS (without prior interview)</p> <ul style="list-style-type: none"> - assessment not followed up⁽⁵⁾ => Test not pursued

(1) Contact not established when both applicants unable to contact the employer (wrong contact data) or unable to do so in the same conditions (answering machine in one case, etc.).
(2) Tests distorted when one of the applicants forgot to give his/her name or when applicants did not identify themselves the same way (one appeared more mobile than the other, etc.).
(3) Résumés not sent when employer asked for official documents (identity card, social security number, etc.) to be attached.
(4) Interview not followed up for planning reasons (applicant not avail at the time proposed by employer, late arrival for interview, etc).
(5) Assessment not followed up when impossible for testers to do so (assessment of skills on the job) or to produce fake documents (assessment of skills based on credentials: certificates, diplomas, etc.)

From top to bottom the table is a visual representation of three possible kinds of follow-up to the initial contact: standby for both applicants, interview for both applicants, or assessment for both applicants (that the testers cannot follow up).

The standby stage is an intermediate selection stage, or rather simply a postponed stage in terms of initial contact. Tests that are not followed up at the intermediate standby stage (and the same will apply to the final interview stage) are similar to the tests that are not valid from the start, inasmuch as they both become unusable. On the other hand, the vacancy notices that lead to a selection in favour of one of the testers at the intermediate or final stage are added to those for which a tester was selected from the start, thus increasing the number of instances of discrimination recorded in the survey.

Two possible configurations encountered at the intermediate or final stage call for some explanation.

First case: when the two applications on standby eventually both end up with a rejection, the latter appears deferred in formal terms but in substance is not really any different from an immediate double rejection at the initial stage. Often, a double standby reflects the inability of the person in charge of recruitment to deal with the applications at the time of the initial contact, and in practice it is tantamount to the initial stage not even having been started. Again, when the applicants are on standby simply because they are asked to submit résumés, it can often be a way of collecting several applications before even looking at them, and here too the initial stage cannot really be said to have started. Finally, it is always possible that a third applicant has already been selected by the time the two testers make initial contact, and that putting them on standby is just a precaution taken by the employer in case the selected applicant fails to make the grade. Whatever the explanation, there is no certainty that, when an employer eventually rejects both deferred applications, he/she was ever in a position to choose between the two test applicants and really study their applications. A deferred double rejection therefore ultimately means a non-usable test.

Second case: when the interviews with the two testers lead eventually to two identical proposals, whether positive (try-out or firm offer of employment) or negative (eventual double rejection), these constitute valid and usable tests that point to equality of treatment. Even in cases where the test ends in a double rejection after the interviews, the test applications have passed the preceding stages during which the employer considered them before agreeing to meet the applicants in person. These interviews show that the test applications correspond at least to some extent to the vacancy, and that the post has not yet been filled. By contrast, a double rejection right from the start or a double standby (as in the previous case) indicates the contrary, namely, that the applications are not appropriate or that the post has been filled, and the employer has therefore not really been in a position to select either one of the two testers.

1. Non-valid (and non-usable) tests

= 117 tests

- 1.1. Mistakes liable to distort the result = 84 tests
(one of the testers forgot to give his/her name; one of the testers spoke to someone on the telephone while the other only got an answering machine; too long a gap between the two telephone calls, etc.)
- 1.2. Employer not contacted = 33 tests
(in the case of an initial telephone call, only one or neither of the testers managed to speak to the employer, or even to leave a message; in the case of a résumé sent by email, non-delivery of the email)

2. Valid (but non-usable) tests

= 1223 tests

- 2.1. Immediate rejection of both applicants, with no offer = 761 tests
 - *post already filled* (= 318 tests)
 - *unsuitable profiles (missing qualifications, domicile too far away, sex, etc.)* (= 104 tests)
 - *other reasons* (= 39 tests)
 - *“passive” rejection (no reply to either of the two testers*)* (= 300 tests)
- 2.2. Deferred rejection of both applicants, after being put on standby = 249 tests
 - *employer promises to return call but doesn’t* (= 145 tests)
 - *employer asks for a résumé, but does not follow up* (= 104 tests)
- 2.3. Tests not pursued, in spite of an offer at the initial stage = 213 tests
 - *résumé not sent (request for official documents)* (= 18 tests)
 - *offer of assessment of skills on the job* (= 91 tests)
 - *planning schedule problem, interview cancelled, etc.* (= 104 tests)

3. Valid and usable tests

= 1100 tests

- *offer in favour of one of the two testers at the recruitment stage* (= 977 tests)
- *offer made to both testers after final interview* (= 38 tests)
- *rejection of both applicants after final interview *** (= 85 tests)

* Either after the applicants left messages on the answering machine or after the initial submission of a résumé (where the vacancy notice did not give a call-back telephone number)

** This has to be the final interview for the job proposed by the employer after the initial contact; if it is simply an incidental encounter when the applicant first submits a résumé, the double rejection is of type "2.1." and the test is non-usable.

Once all the tests have run their course, a final count can be made of the non-valid tests, the non-usable valid tests and the usable valid tests (see previous page). Altogether, 1,100 valid and usable tests of discrimination in access to employment were carried out in the survey in France, covering every form of initial contact, every activity or occupation, every combination of “origins”, and all six urban areas. It is on the basis of these 1,100 tests that the net discrimination rate for France will be calculated, according to the methodology applied in the ILO’s national surveys.

The following table shows the percentage distribution of these 1,100 valid and usable tests, broken down into:

- the three categories of occupational fields that were given priority in the testing (male and female pairs appear separately as they did not test exactly the same occupations);
- the six employment areas concerned by the survey.

Table 5 Percentage distribution by occupational field of the valid and usable tests obtained on each of the six sites concerned by the testing

Occupational field (FAP-2003)	MASCULINE PAIRS			FEMININE PAIRS		
	LILLE	LYON	NANTES	MARSEILLE	PARIS	STRASBOURG
S. Hotels and restaurants	43.5	41.4	37.8	50.5	45.5	47.7
R. Commerce	33.3	26.3	27.5	24.0	27.5	32.6
Other fields tested*	23.2	32.3	34.7	25.5	27.0	19.7
Total	100.0	100.0	100.0	100.0	100.0	100.0
<i>Number of tests</i>	<i>177</i>	<i>186</i>	<i>193</i>	<i>188</i>	<i>178</i>	<i>178</i>

* For the most part, these are “Personal and community services”, “Tourism and transport”, “Management and administration”, “Building and public works” and “Health and social work”. The details on these fields were given in the table at the end of section 7.1.

All in all, over 175 tests were carried out in each of the six employment areas, in keeping with the statistical significance criterion imposed by the ILO methodology.⁴⁸

⁴⁸ See section 6.2.4.

Part IV
THE SURVEY'S FINDINGS

7 Overall results of the discrimination tests

7.1 Summary of valid tests as a whole

Under the methodology recommended by the ILO, the calculation of the discrimination rates is based essentially, and exclusively, on the tests qualified as valid and useful. However, as a first step, the results of all the valid tests carried out – irrespective of whether they subsequently proved to be usable for calculation purposes or not – will provide an indication of the recruitment practices of the employers tested.

Among the six urban areas concerned by the survey, 2,323 valid tests were carried out⁴⁹. These are illustrated in figure 1 below, according to the response obtained at each stage in the recruitment process and without making any distinction for the time being as to whether they started with a telephone call, with the mailing of a résumé or with the submission of a résumé in person.⁵⁰

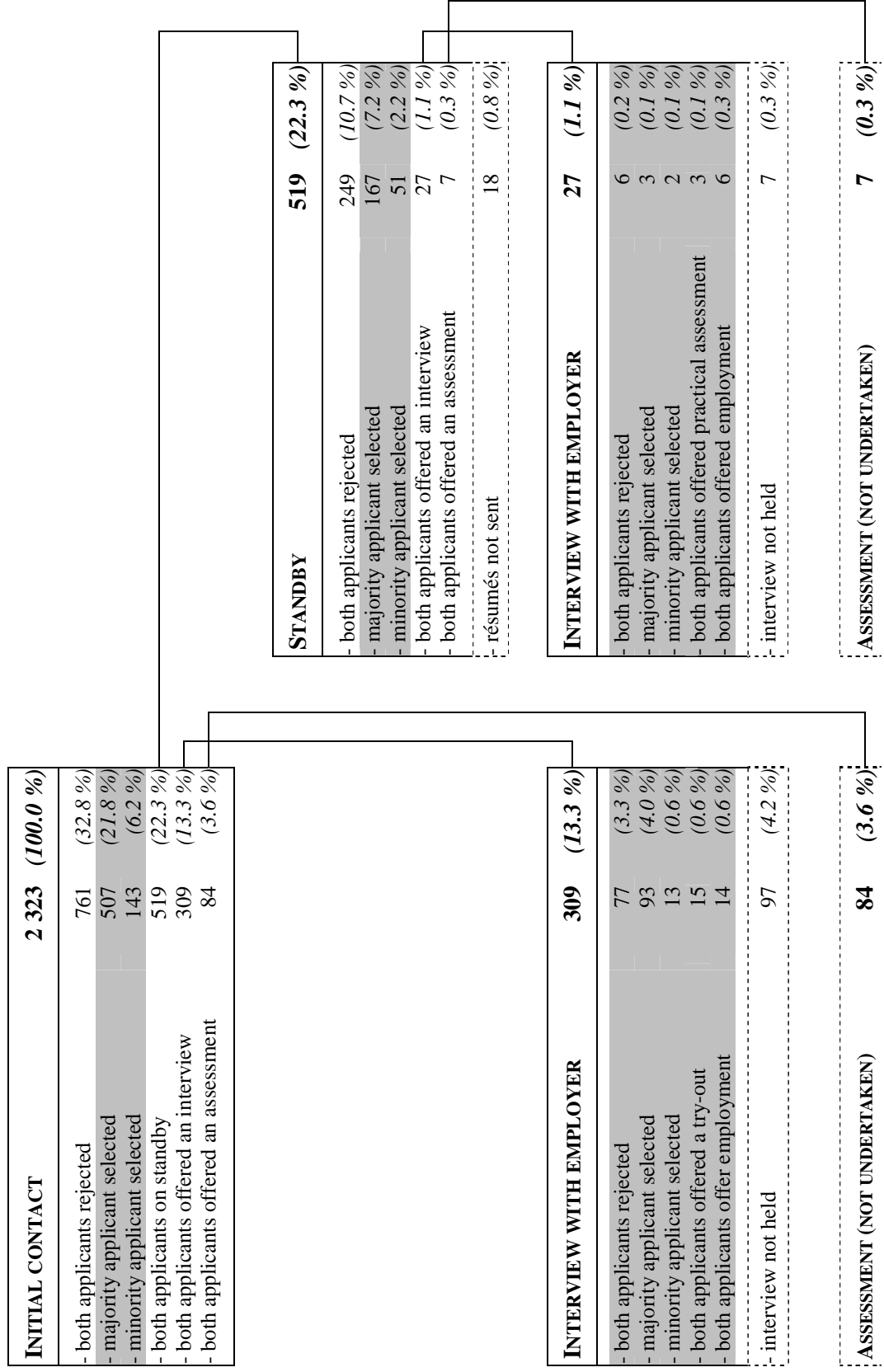
At the initial contact stage, both applicants were rejected outright in one-third of the cases, usually because the employer said that the post was already filled. Next to these “immediate rejections”, the most frequent reaction was to give a different answer to each of the two applicants, one being treated more favourably than the other. The selection was made right from the start in 28 per cent of all valid tests, and three times out of four was in favour of the majority applicant. Since the two applicants presented similar skills and similar profiles – and in the case of telephone calls adopted the same attitude – the employers concerned had little to go on besides the sound of the first name and family name in order to make their choice, which was discriminatory.⁵¹

⁴⁹ A reminder: this total does not include 117 tests that were deemed non-valid from the start because of problems and mistakes that could have affected the outcome: either one of the applicants forgot to give his/her name or mentioned a skill to the employer that the other applicant did not mention (knowledge of a foreign language, mobility, availability) or the employer could not be contacted (wrong contact data) or was contacted only by one of the applicants (the other could only get an answering machine).

⁵⁰ The detailed results according to form of initial contact will be described in section 9.

⁵¹ In tests that began with the submission of a résumé in person, the employer’s reaction may have been influenced by the applicants’ “family name” as well as by the “physical appearance (i.e. features) — two prohibited discriminatory criteria in French law (see section 1.2 above). However, these initial contacts by résumé accounted for only 5 per cent of all valid tests (see section 9 for detailed summary according to form of initial contact).

Figure 1 Results obtained at each stage in the recruitment process – percentage calculated from the 2,323 valid tests carried out



If the immediate double rejections and the instances where a preference was shown for one of the two types of applicant from the start are added together, then in almost 61 per cent of the valid tests there was no reason to pursue the test beyond the initial contact. This leaves close to 39 per cent of the tests to be pursued, with both of the applicants receiving identical offers from the employer.

In a third of the tests to be pursued — 13.3 per cent of all valid tests — both applicants were offered an interview, either at a specific time or at a more approximate time, e.g. “in the morning” or “after work”. These recruitment practices, where the employer seems concerned above all with forming a visual impression of the applicant, mainly concerned jobs involving direct contact with customers, especially in the restaurant sector.⁵²

Other, far less numerous, employers (only 3.6 per cent of the valid tests carried out) straightaway offered the two applicants an opportunity to undergo a practical assessment, or to submit documentation attesting to their qualifications — diplomas, permits, testimonials from former employers. This method of selection, involving assessment by credentials or on the job, constitute good practice in terms of prevention of discrimination, because the employer seems committed to selecting applicants on the basis of objective and legitimate criteria, depending on their real and practical suitability for the post to be filled.

Finally, a fairly common strategy at the initial contact stage, since it concerns 22.3 per cent of the valid tests, is for the employer to put both applicants on standby: “Send me your résumé!” following an initial telephone call, “Call me back later!” or “We’ll get in touch with you.”

In half of these cases — 249 tests out of 519 on standby — the employer did not contact either of the two applicants, or called back to say that their applications had not been selected, or else informed them of the fact when the two test applicants called a second time. Generally speaking, this was when the employer, when the initial contact was made, had mentioned that someone had already been accepted for a try-out but asked the testers for a résumé in case the person concerned did not work out. The double rejections can therefore be assimilated to the double cases of “immediate rejection” recorded at the initial contact stage, since in both cases the post is already filled – the only difference being that in the second instance the employer, as a precaution, keeps the option open of reverting to the applications he has received.

In less than half of these standby cases (218 tests out of 519) the employer eventually only gets back to one of the two applicants – nearly three times out of four the majority applicant. Here again, the selection would appear to be discriminatory, as the employer could only base his/her decision on two profiles that were to all intents and purposes identical except for the first name and family name of the applicants — and their physical features in the few cases where the employer met them when they originally submitted their résumé.

All in all, only 34 of the 519 tests on standby ended in the offer of an interview or a practical assessment for both applicants. Putting applicants on standby thus usually seems to be a way of politely, or prudently, eliminating a large number of applicants without rejecting them outright when they first make contact.

⁵² See below in section 10.2.

The next stage in recruitment (interview or practical assessment) was offered to both applicants in only 427 tests, in most cases at the initial contact stage ($309 + 84 = 393$ cases) and otherwise after being put on standby ($27 + 7 = 34$ cases). In other words, no more than 18 per cent of the employers validly tested chose to meet the applicants before making their decision, whereas more than double that number ($21.8 + 6.2 + 7.2 + 2.2 = 37.4$ per cent) rejected one of the test applicants before even meeting him/her – the minority applicants in three cases out of four.

Normally, these 427 tests should have been pursued until the employers had made their choice after meeting the two applicants in person. However, this was not always possible. Problems of availability and planning schedule⁵³ led to almost one-third of the offers of an interview not being followed up ($97 + 7 = 104$ tests out of $309 + 27 = 336$). As for the $84 + 7 = 91$ tests where an assessment of each applicant on the job, or on the basis of credentials, was supposed to coincide with a meeting with the employer, these were all abandoned, either because of the impossibility of supplying the documents requested or because of the unavailability of the testers for the practical assessments scheduled.⁵⁴

In the 232 interviews that were actually attended by both testers, half of the employers subsequently selected one of the applicants. Once again, the majority applicant was selected far more often ($93 + 3 = 96$ tests) than the minority applicant ($13 + 2 = 15$ tests). More than half of the remaining employers, on the other hand, continued to treat the two testers equally after the interview and either eventually rejected both applications or, more rarely, made both of them an offer of a try-out, or even of a definite job.

Table 1 below summarizes the overall results obtained at each stage of recruitment. It shows that, of the 2,323 valid tests carried out, 1,010 (or 44 per cent) rapidly ended in both applicants being rejected, either at the initial contact stage (761 cases) or after being put on standby (249 cases). Since their manpower requirements were already filled, it is fair to say that these employers were never in the situation of having to choose between the two types of applicants they were presented with, and that the tests were therefore not usable for the purposes of measuring potential discrimination.

⁵³ Usually when an interview for another test lasted too long and prevented an applicant from being on time for the next interview scheduled, or when the location chosen by the employer for the interview was too far away and involved a lot of travel, etc.

⁵⁴ For instance when a hairdresser, looking for an assistant, invited the applicant to take a technical test, or when a transport entrepreneur on the verge of employing the two applicants asked them to bring their drivers' license, mentioning in the process that they would receive further training for driving articulated lorries.

Table 1 Synthesis of results

<p>2 323 valid tests carried out</p> <ul style="list-style-type: none"> - 761 both applicants rejected at the initial contact stage - 249 both applicants rejected after being on standby <hr/> <p>= 1 313 tests to be pursued until the employer makes a choice identifiable as being discriminatory or otherwise</p> <ul style="list-style-type: none"> - 18 tests not pursued (submission of résumé cancelled) - 104 tests not pursued (interview not held) - 91 tests not pursued (assessment not followed up) <hr/> <p>= 1 100 tests where the employer was placed in the position of making a choice identifiable as discriminatory or not discriminatory (“valid and usable tests”)</p>
--

Of the 1,313 remaining tests, 213 (16 per cent) could not, for a variety of reasons, be pursued beyond the initial contact or being placed on standby, although the employer gave the two applicants the option of carrying on. Consequently, only 100 tests could be pursued in such a way as to place the employer in a position of making a recruitment decision vis-à-vis the two applicants, measuring first the possible influence of the mere sound of the first name and family name, and secondly – for employers who had not treated them any differently at the initial stage – by having them meet the two testers face to face.

As advocated in the methodology recommended by the ILO, the calculation of the discrimination rates presented in the following chapters was based first of all on these 1,100 valid and usable tests. However, it would seem advisable also, at certain points in the analysis, to take into account the 213 tests that were not pursued. The reason for this is that a good number of them are tests where the employer displayed good practice in terms of non-discrimination by offering both applicants an opportunity to undergo an assessment on the basis of their credentials or on the job. The considerations that follow will demonstrate that removing these tests from the calculation automatically “emphasizes” the discrimination rates obtained.

7.2 Detailed summary of valid and usable tests

Figure 2 again presents the results obtained at each stage of the recruitment process, but now restricting the exercise to “valid and usable” tests alone — i.e. minus the 1,010 tests where both applicants were rejected at the initial contact stage or after being on standby, and the 213 tests that could not be pursued further. The reference number – which is given the value of 100 per cent – now consists solely of valid and usable tests.

Figure 2 Calculation of the net discrimination rate solely on the basis of the valid and usable tests

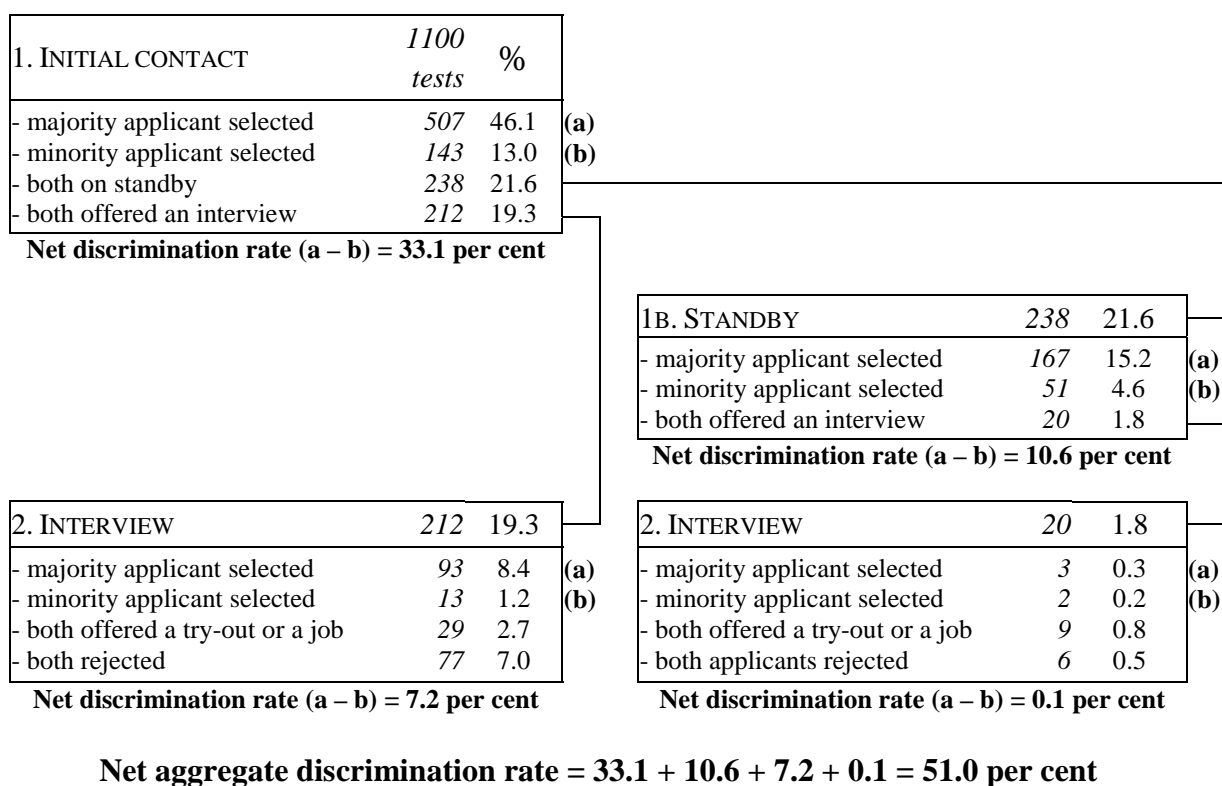


Figure 2 thus shows that 46.1 per cent of the employers contacted selected a majority applicant at the initial contact stage, whereas barely a quarter of that proportion (13.0 per cent) opted for the minority applicant right from the start. Altogether, almost 60 per cent of the employers favoured one of the two applications from the very beginning.

Of the remaining 40 per cent, half of the employers simply asked the two applicants to stand by — “Send me a résumé!” and/or “We’ll call you back” – while the other half offered them an interview directly. Most of the 238 standby cases enabled the employers to take their decision before even meeting the applicants anyway, in three-quarters of the cases opting for the majority applicant. A mere 20 pairs of applicants eventually managed to get beyond the standby stage and obtain an interview for each of them, thus joining the 212 pairs that were given this opportunity right from the initial contact.

In a third of these 212+20 = 232 double interviews, the employer ended up not taking either of the two applicants. On a few occasions, he/she offered both a try-out or even a definite job. In half the instances, finally, the employer selected one of the applicants, again with a strong bias in favour of the majority applicant, who was chosen in 93 + 3 = 96 cases compared with 13 + 2 = 15 cases for the minority applicants.

In the course of the three recruitment stages, the decisions taken by the employers were thus very much in favour of the majority applicant. Adding these successive decisions together, we find that **70 per cent of them were in favour of the majority applicant as against 19 per cent in favour of the minority applicant (barely one in four). The remaining 11 per**

cent corresponded to instances where equality of treatment was respected throughout the recruitment process.

The difference between the final proportion of decisions favouring the majority applicant (70 per cent) and the proportion favouring the minority applicant (19 per cent) gives us the net aggregate discrimination rate (51 per cent), which the ILO proposes as a global indicator of discrimination. This global rate can also be obtained, as shown at the bottom of figure 2, by calculating a net discrimination rate at each stage of the recruitment process and adding the successive rates together.

If we look closer at the discrimination rate at each stage, we can see that the difference in treatment generally occurs right at the start, with a net discrimination rate of up to 33.1 per cent, nearly two-thirds of the net aggregate discrimination rate: $33.1 / 51 = 64.9$ per cent. If we then add the net discrimination rate for standbys to that of the initial contact stage, we find that over 85 per cent of all the instances of discrimination are recorded even before the employers bother to interview the two testers: $(33.1+10.6) / 51 = 85.7$ per cent.

In most cases the remaining cases of discrimination, which are recorded after the interview, cannot really be analyzed in the same way as those that occur at the initial contact and standby stages. At the start of the test, a difference in treatment can be based only on the first name and family name of the applicants, who are selected or rejected without the employer even having met them: here, the discrimination is flagrant. On the other hand, once the two applicants have been interviewed and evaluated in person, and when (as is usually the case) there is only one post to be filled and the employer has to take a decision, it is *a priori* perfectly legitimate that, between two comparable applicants, he/she should opt for the one who seems best for the job.

But there is still a statistical consideration at this stage. Is there a significant disparity in these final decisions according to the apparent “origin” of the applicants? Figure 2 has already shown us that, compared with 96 tests where the final decision after the interview was in favour of the majority applicant, only 15 decisions were in favour of the minority applicant. In other words, the decision went to the former between six and seven times more often. Though it may be more a case of the employers being poorly represented than any evil intention on their part, the fact remains that the outcome is very much biased in one direction.

The next chapters show that the calculation of the net discrimination rate is very useful in carrying out a more detailed analysis and making comparisons. However, if we are to calculate the rate properly, it will be helpful to examine exactly how we propose to make the calculation. To be more precise, a few words are needed about why all the abandoned tests are excluded from the reference number.

The exclusion of the tests that were abandoned is justified when the objective is to measure the final discrimination rate after the interviews with the employers, since it is not possible to infer a final result from tests that have not been pursued. However, although the final result of these tests remains unknown, the employers concerned can still be considered as not having shown any discrimination at the initial contact stage, inasmuch as they wanted to meet the two applicants. Moreover, a fair number of these employers expressed the desire to assess their qualifications on the basis of their credentials or on the job, which reflects good practice in preventing discrimination in access to employment.

Excluding the abandoned tests automatically boosts the discrimination rate for the initial contact stage, as can be seen from table 2. Column A reflects once again the method of calculation used so far, which resulted in a net aggregate discrimination rate of 33.1 per cent after the initial contact. If we now add the abandoned tests in which both applicants received identical positive responses at the initial stage, as in column B, the corresponding discrimination rate works out at 27.7 per cent.

Table 2 Net discrimination rate at the initial contact stage obtained by:
 - (A) excluding the tests that were not pursued further
 - (B) taking into account the tests that were not pursued further

Employer's decision	Calculation A		Calculation B	
Majority applicant selected	507	46.1 % (a)	507	38.6 % (a)
Minority applicant selected	143	13.0 % (b)	143	10.9 % (b)
Standby (<i>tests pursued</i>)	238	21.6 %	238	18.1 %
Off of interview (<i>tests pursued</i>)	212	19.3 %	212	16.2 %
Standby and offer of interview or practical assessment (<i>tests not pursued</i>)			213	16.2 %
Total	1 100	100.0 %	1 313	100.0 %
Net discrimination rate (a - b)		33.1 %		27.7 %

To illustrate further how the rate is boosted by excluding tests that are not pursued, the two methods of calculation above will be used in section 9.2 when we calculate the net discrimination rate at the initial contact stage, depending on the form the initial contact takes. In order not to confuse the issue, the rate calculated in accordance with the ILO methodology (calculation A) will appear in the statistical tables and be discussed in the body of the text, while the rate obtained after incorporating the tests not pursued (calculation B) will be mentioned only in a footnote.

7.3 Nature of the differences in treatment observed

The overall measurement of discrimination proposed in the previous pages was based on three categories of results: “majority applicant selected”, “minority applicant selected” and “same offer for both applicants”. To decide which category to place each test in, we have to compare the response to each applicant. We shall now look more carefully at this comparative exercise, which is fundamental to the testing process, in order to clarify the content of each of the three categories.

In table 3, the 1,000 valid and usable tests have been distributed according to the response received by each of the two applicants upon their initial contact with the employer. The table then compares the three main types of response where a difference of treatment may occur (rejection, standby, interview or assessment), for the majority applicants on the one hand, and for the minority applicants on the other.⁵⁵

⁵⁵ As indicated at the very end of section 7.3, there were only two instances, out of the 2440 tests carried out in France, where one of the testers was offered an interview and the other a practical assessment. It is in any case not easy to prove that the treatment was different in these cases, nor that it was to the advantage of one

Table 3 Comparison of the responses obtained by the two applicant profiles at the initial contact stage with the typology of the disparities in treatment recorded

Majority applicant	Minority applicant			Total
	Refusal (-)	Standby (=)	Interview or assessment (+)	
Refusal (-)	X	52	43	95
Standby (=)	112	238	48	398
Interview or assessment (+)	232	163	212	607
Total	344	453	303	1 100

Majority applicant selected :

= 507 tests (in dark grey), of which:

45.8 % of type "+ / -"

32.1 % of type "+ / ="

22.1 % of type "= / -"

100.0 %

Minority applicant selected :

= 143 tests (in light grey), of which:

30.0 % of type "+ / -"

33.6 % of type "+ / ="

36.4 % of type "= / -"

100.0 %

The right column and bottom line of table 3 show the total number of responses obtained by each of the two types of applicant. Thus, the majority applicant received an offer of an interview or assessment at the initial contact stage in 55.2 per cent of the valid and usable tests (607 out of 1,100) and was immediately rejected in 8.6 per cent of the tests (95 out of 1,100). The results for the minority applicants are very different, with only 27.5 per cent of the offers of an interview or assessment (303 tests out of 1,100), i.e. half as many as the majority applicant, but 31.3 per cent of the immediate rejections (344 tests out of 1,100), i.e. four times more.⁵⁶

But the main point of table 3 is to show, in the middle squares, the figures for the responses received by each of the types of applicant, from which a more detailed analysis can be made of the instances where the employer treated them differently. Since the headings of the horizontal lines indicating the responses received by majority applicants and the headings of

rather than the other. Offers of an interview or of an assessment will therefore in future be taken together for the purposes of qualifying the results of the tests.

⁵⁶ N.B. The tests in which both applicants were rejected are not taken into account in this table, which is concerned only with rejections recorded in tests where the employer made a discriminatory choice between the two applicants, i.e. where one was immediately rejected while the other was asked to stand by or was offered an interview.

the vertical columns indicating the responses received by minority applicants are the same, the tests situated in the white diagonal squares correspond to those instances where the two applicants received identical responses. The figures already presented in figure 2 of section 8.2 are shown again, with 238 pairs of applicants on standby following the initial contact and another 212 immediately invited for an interview.⁵⁷ The 507 tests in which the majority applicant received a more favourable response than the minority applicant are distributed among the dark grey squares below the diagonal, while the 143 tests in which the minority applicant received a more favourable response are distributed among the light grey squares above the diagonal.

The percentages that appear at the bottom of the table show that, in 45.8 per cent of the cases, the 507 tests favouring the majority applicant reflect a very clear difference in treatment, with the majority applicant being offered an interview or assessment while the minority applicant was immediately rejected – the difference in treatment appearing as "+" or "-". Next comes the 32.1 per cent of the same 507 tests, where the majority applicant was offered an interview or practical assessment whereas the minority applicant was asked to stand by: "+/=". Here the difference in treatment can be considered less blatant than in the "+/-" type. But the outcome is still the same: the minority applicant is excluded from the first selection at the initial contact stage. This is a somewhat underhand form of discrimination that cannot be identified as such when seeking employment under real conditions, in so far as the minority applicant is not formally rejected

If we combine the difference of treatment of type "+/-" and "+/=", we obtain a total of 77.9 per cent of instances where the majority applicant is immediately offered a meeting with the employer while the minority applicant for the same post is not.

The remainder (22.1 per cent) of the tests in which the majority applicant was favoured right from the initial contact stage correspond to less evident differences in treatment (type "=/-"): the majority applicant is asked to stand by while the minority applicant is immediately rejected. This is generally because the post has already been filled: the employer nevertheless asks for a résumé, but only from the majority applicant, either in case the person being tried out does not work out or simply out of tact or politeness – to which the minority applicant, however, is not entitled.

Turning to the 143 tests where the employer opted for the minority applicant at the initial contact stage (light grey squares in table 3), the results are very different. It is precisely the smallest (i.e. "=/-") disparities – minority applicant on standby, rejection of majority applicant – that now become the most frequent (36.4 per cent); whereas the proportion of the sharpest (i.e. "+/-") differences in treatment – interview for the minority applicant, rejection of the majority applicant – is much lower (30.0 per cent) than when it was to the advantage of the majority applicant (45.8 per cent).

It has already been established that, from the moment of their initial contact with the employer, the majority applicants are selected almost four times more often than the minority applicants.⁵⁸ It is now apparent that, even when the initial decision by the employer seems to be in favour of the minority applicant, it is generally speaking less clear-cut, and in many

⁵⁷ Since tests where both applicants are rejected from the outset are not included in the valid and usable tests, the square corresponding to this double rejection at the upper left corner of the table is irrelevant.

⁵⁸ See figure 2 of section 8.2.

cases it does not mean that the minority applicant will actually get to meet the employer; more than a third (36.4 per cent) of the responses in favour of the minority applicant merely put him/her on standby while the majority applicant is turned down.

The same typological comparison of differences in treatment was carried out beyond the initial contact, so as to analyze also the types of discrimination recorded after the period on standby and the interview. In table 4, the two left columns show the percentages we have just discussed. Their comparison with the percentages obtained after the period on standby show that the differences in treatment at this stage of the recruitment process tend to become sharper, in favour both of the majority applicants and of the minority applicants.

Table 4 Comparison of disparities in treatment observed between the two types of applicant at each stage of the recruitment process (percentages)

Disparity in treatment*	INITIAL CONTACT		STANDBY		INTERVIEW*	
	in favour of majority applicant	in favour of minority applicant	in favour of majority applicant	in favour of minority applicant	in favour of majority applicant	in favour of minority applicant
type "+ / -"	45.8	30.0	65.9	54.9	11.5	(6.7)
type "+ / ="	32.1	33.6	18.0	11.8	75.0	(86.6)
type "= / -"	22.1	36.4	15.6	33.3	13.5	(6.7)
Total	100.0	100.0	100.0	100.0	100.0	(100.0 %)
<i>Number of tests</i>	<i>507</i>	<i>143</i>	<i>167</i>	<i>51</i>	<i>96</i>	<i>15</i>

* For decisions taken at the interview, the "+" sign indicates the offer of an assessment or a firm offer of employment.
N.B.: The percentages in brackets were obtained from very small numbers.

In practice, being on standby means keeping both applicants at a distance so that the employer can prepare his/her reply and then contact whichever of the two he/she chooses. The employer does not therefore have to deal with the applicants directly — unlike what usually happens at the initial stage⁵⁹ — and his/her decision is now much more clear-cut. The standby category in fact generates very large proportions of "+/-" type tests, where the offer of an interview for one of the applicants is associated with a rejection or no response at all (*passive rejection*) for the other.

By contrast, the nature of the decisions taken after the interview appear to support the view that the decisions are more clear-cut and the discrimination more blatant when the applicants are kept at a distance by the employer. When, after an interview, one or other of the applicants only has been offered a try-out or a definite job, in more than three-quarters of the cases the employer gave the impression of wanting not to disappoint the other applicant by saying that he will keep his/her application and possibly get in touch again – different treatment of type "+/=".

⁵⁹ Three-quarters of the tests carried out began with a telephone call (see section 9.1).

7.4 Verbatim examples of telephone conversations with the employers

It may be useful at this point to provide a few concrete examples of the kind of situations that correspond to the various types of results mentioned in the foregoing sections. For the most part, the initial telephone calls were recorded, and the testers also kept notes on their encounters with the employers. The examples that follow are taken from these recordings and notes. They do not claim to be an exhaustive or statistical representation of the different kinds of results obtained in the tests but are merely intended to illustrate certain situations.

In most of the tests which pointed to the existence of some form of discrimination, the employers did not indicate the discriminatory nature of their decision in so many words. It becomes apparent only when the responses received by two testers in the same pair are compared. The most frequent and clear-cut instances of discrimination recorded in the testing therefore occur where the majority applicant is offered an interview while the minority applicant is rejected; these instances are shown as "+ / -" in the previous section.

Often this kind of discrimination is covered up by a piece of deception that is supposed to make the applicant discriminated against believe that he is turned down "*because the post is already filled*". Here again, only by comparing notes can the truth come to light. It must be borne in mind that, according to the methodology adopted, the minority applicant is always the first to initiate contact and the majority applicant the second. Here, then, are three examples of this kind of deception and the underlying discrimination:

Post to be filled: domestic help

Form of initial contact: telephone call

Binta Traoré calls first:

Employer: [name of the company] *Good morning.*

Applicant: *Yes, hello! This is Binta Traoré speaking.*

E.: *Yes...?*

A.: *I'd like to speak to Mrs. XXXXX, please.*

E.: *Yes, speaking...*

A.: *Well, I'm calling about the domestic help job.*

E.: *Oh, I'm very sorry but the post has been filled.*

A.: *Ah, very well. Thank you!*

E.: *Don't mention it!*

A.: *Goodbye.*

Emilie Moulin calls for the same vacancy a few minutes later:

Employer: [name of the company], *hello!*

Applicant: *Hello! Could I speak to Mrs. XXXXX, please?*

E.: *Yes, speaking...*

A.: *My name is Emilie Moulin, and I'm calling about your vacancy notice at the ANPE.*

E.: *Yes, can I help you?*

A.: *Well, erm, that is ... I'd like to apply.*

E.: *Oh, fine ... can you drop by the agency?*

A.: *Yes.*

E.: *Just leave a résumé with the times you are available ... erm ... I don't know if you*

have a car ... anyway, our address is [gives the exact address]

A.: [Emilie repeats the address] *Okay.*

E.: *Fine.*

A.: *Can I come by this week?*

E.: *Yes, of course.*

A.: *Okay. Thank you..*

E.: *Goodbye, madam.*

A.: *Goodbye.*

Post to be filled: telephone salesperson

Form of initial contact: telephone call

Bakari Bongo calls first:

Employer: [a woman answers] *XXXXX company, good morning!*

Applicant: *Good morning. Mr. Bongo Bakari speaking. Could I speak to Mrs. XXXXX, please?*

E.: *One moment ...*

A.: *Thank you.*

[after about 20 seconds]

E.: [the same person] *Could you tell me what it's about?*

A.: *I'm calling about the telephone salesman job which I'm interested in.*

E.: *Ah, it's already ... erm... it's ... I'm sorry the post is already filled.*

A.: *Ah, all right. Okay.*

E.: *Okay ... sorry!*

A.: *Thank you. Goodbye.*

E.: *Goodbye.*

Julien Roche calls ten minutes later::

E.: [the same woman as before] *Hello!*

A.: *Hello, could I speak to Mrs. XXXXX, please?*

E.: *Who's speaking...?*

A.: *Julien Roche.*

E.: *Could you tell me what it's about?*

A.: *I'm calling about the vacancy for a telephone salesperson.*

E.: *Just a moment.*

A.: *Thank you.*

[about 30 seconds later]

E.: *Yes, hello?*

A.: *Yes... Mrs. XXXXX?*

E.: *Speaking.*

A.: *Ah, hello! ... Julien Roche speaking, I'm calling about the vacancy for a telephone salesperson you advertised at the ANPE.*

E.: *Yes?*

A.: *I'd be interested in applying..*

E.: *Very well. Have you already done this kind of work?*

A.: *Yes, I was with [mentions another company].*

E.: *Fine.*

A.: *I've done several sales jobs..*

E.: *How long was that?*

A.: *It was several sales jobs ... a year and a half altogether.*

E.: *Okay, then could you come for an interview tomorrow afternoon at three? Can you manage that?*

(...)

The conversation continues for another minute or so, while the employer takes down Julien Roche's details and explains exactly where the company is located.

Post to be filled: Waiter/tress in a bar

Form of initial contact: telephone call

Aminata Bongo calls first:

Applicant: *Yes, hello! Aminata Bongo speaking. I'd like to speak to Mr. XXXXX, please.*

Employer: *Speaking.*

A.: *Good morning, sir. I'm calling about the waitress job..*

[the line is bad and the applicant has to start again]

E.: *But how did you hear about the job?*

A.: *At the ANPE.*

E.: *The ANPE?*

A.: *Yes.*

E.: *Oh yeah! Because I called the ANPE back to tell them the job was taken.*

A.: *Oh, all right! Too bad. Thank you. Goodbye.*

Employer: [name of the establishment], *Hello?*

Applicant: *Yes, hello. Marion Roche speaking. Could I speak to Mr. XXXXX, please?*

Employer: *Err ... yeah?*

A.: *Thank you.*

[a pause ...]

E.: *Yes?*

A.: *Yes, hello! Marion Roche speaking. I'm calling about the waitress job.*

E.: *Erm ... could you come and see me?*

A.: *Yes..*

E.: *I'll give you the address.*

(...)

The conversation continues for a minute while the employer gives the address of the establishment.

Some employers used other kinds of deception to mask their discrimination: the distance from the applicant's home as an excuse for turning down one applicant and not the other, telling one of the applicants but not the other that a specific diploma is required, or even using discrimination on grounds of sex to cover up discrimination on grounds of "origin"...

The mix-up in the following exchange has the merit of showing clearly how the family name and first name of an applicant, and the "origin" they suggest, can determine the attitude of certain employers:

Post to be filled: waiter/tress in a restaurant

Form of initial contact: telephone call

Latifa Boukhrit calls first:

Employer: [a woman answers] *Hello, this is the Auberge de la XXXXX.*

Applicant: *Good morning, this is Miss Latifa Boukhrit speaking, and I'd like to talk to Mrs. XXXXX, please.*

E.: *Yes, speaking*

A.: *Oh, erm, I'm calling about the waitress job ...*

E.: [interrupting] *Do you have any experience?*

A.: *Yes, yes, I've already worked as a waitress in a pizzeria.*

E.: *Yes, okay.*

A.: *I live in XXXXX.*

E.: *The best thing would be if we could meet ...*

[a minute or two of friendly chat follows to fix a time for an interview]

E.: *Erm, all right, then shall we say 3 o'clock if that's okay with you?*

A.: *Fine. Wednesday the 15th at 3 o'clock.*

E.: *Right. [laughs] Err, so your name is Laetitia...*

A.: *I beg your pardon?*

E.: *Your name?*

A.: [spells out] *L-a-t-i-f-a.*

E.: *Oh, all right [embarrassed]*

A.: *And my family name is B.o.u.k.h.r.i.t [spells it out]*

E.: *All right [still sounding embarrassed]*

(...)

The exchange continues for another two or three minutes, but now more stilted, between the employer who seems unsure of herself and Latifa, who tries to ask the exact location of the restaurant. The employer seizes the opportunity to ask her again where she lives, and then stresses that she really lives far too far away and that there is a lot of traffic on the road. Latifa insists, saying that the distance doesn't bother her, and the employer eventually passes the telephone to her husband, who makes an appointment.

Calling a few moments later, Emilie has no problem making an appointment.

The outcome of the interviews is that Latifa is turned down because she lives too far away and Emilie is offered the job. Yet both applicants gave the same town as their home address.

The next test presents a type "+/= " situation, as identified in section 8.3 above. The employer tells the minority applicant that he already has a lot of applications and has "virtually" made his choice, but he nevertheless suggests that he call back the following and ask to speak to XXXXX, which could theoretically be a positive and encouraging sign.

However, when this "standby" proposal is compared with the employer's reply a few minutes later to the majority applicant, the test reveals that it simply gives the employer an opportunity to give priority to the majority applicant.

Post to be filled: chef in a restaurant
Form of initial contact: telephone call

Kader Larbi calls first:

Applicant: *Hello, good morning, Kader Larbi speaking.*

E.: *Yes, hello.*

A.: *Could I speak to Mr. XXXXX, please?*

E.: *Go ahead!*

A.: *Well, I'd like to apply for the chef job.*

E.: *Oh! I think the job is virtually taken.*

A.: *The post is filled?*

E.: *Err, yes, pretty much. I've see lots of people.*

A.: *Oh!*

E.: *And I think the job went this morning.*

A.: *Ah, well, thank you, sir.*

E.: *Look ... why don't you call me back at the end of the week? What day are we?... Friday ...erm ... that's it, call me back next week to see if there any change. Ask to speak to Mr. XXXXX, the head chef.*

A.: *Mr. XXXXX, all right, thank you very much.*

E.: *All right.*

A.: *Goodbye..*

E.: *Goodbye sir.*

Julien Roche calls a few minutes later:

Applicant: *Hello, good morning! Julien Roche speaking. I'm calling about the vacancy for a chef.*

Employer: *Yes?*

A.: *I wanted to know...*

E.: *[interrupting] Where are you calling from?*

A.: *I'm in XXXXX.*

E.: *Okay, because I'm in XXXXX, too. You've got the name of the restaurant on the vacancy notice.*

A.: *Err, yes, I think so, yes... that's right, the vacancy notice says [name of the restaurant].*

E.: *Fine. Can you drop off a résumé?*

A.: *Yes... yes, I'll drop off a résumé then.*

E.: *Just mention who you are and leave your résumé.*

A.: *Okay.*

(...)

The conversation continues briefly to decide when the best time to drop by is.

In another test, for the post of *chef de partie* in a restaurant, the two testers who contacted the employer by telephone — Kader Larbi first, followed by Julien Roche — were both offered an interview. However, after Julien called the employer changed his mind and called Kader back to cancel the appointment, asking him instead to send him a résumé. Putting Kader on standby once again seems like active discriminatory pre-selection by the employer.

In section 8.3 above, the type "= / -" cases corresponded to situations where one of the two applicants was rejected while the other was put on standby. As a rule, the post was already

filled, but the employer still asked for a résumé, either in case the person being tried out did not work out or simply out of tack or politeness. The two examples that follow illustrate this type of differentiated treatment:

Post to be filled: waiter/tress in a restaurant

Form of initial contact: telephone call

Aminata Bongo calls first:

Applicant: *Yes, good morning, madam. Amanita Bongo speaking. I'm calling about the waitress job.*

Employer: *The waitress job?*

A.: *Yes.*

E.: *The waitress job, is that what you want?*

A.: *Yes, that's right.*

E.: *Just a minute and I'll ask if he's looking for someone, I'm not sure if he is or not.*

A.: *Mr. XXXXX or Miss XXXXX [the names given in the vacancy notice]*

E.: *Just a minute, just a minute.*

A.: *Thank you.*

[A discussion ensues in the background, but it is not clear. Then another person – apparently Miss XXXXX – comes to the telephone]

E.: *Hello?*

A.: *Hello?*

E.: *Yes?*

A.: *Yes, hello, madam, Aminata Bongo speaking. I'm calling about the vacancy for a waitress?*

E.: *A waitress?*

A.: *Yes, that's right.*

E.: *Oh yes, the job's taken.*

A.: *The job's taken?*

E.: *Yes, yes.*

A.: *Oh, all right. Well ... thank you..*

E.: *Goodbye, I'm sorry, Miss.*

A.: *Goodbye.*

Marion Roche calls a few minutes later:

Applicant: *Yes, hello, Marion Roche speaking. Could I speak to Mr. XXXXX or Miss XXXXX, please?*

Employer: *Yes, what's it about?*

A.: *It's about the waitress job.*

E.: *Oh. We've already picked someone.*

A.: *Oh, all right.*

E.: *But leave me your number. If ever she doesn't work out, I can call you back.*

A.: *All right. So I'll give you my address and phone number?*

E.: *Yes, your phone number. And you are Miss ... ?*

(...)

Another minute of conversation, while the employer takes down Marion's details carefully, before concluding: *I'll hang on to your phone number, and possibly I may call you back.*

The second example below shows a similar situation, as well as the role that the person who answers the telephone can play even if he/she is not in charge of recruitment. In the exchanges described below, the person who answers the telephone offers Jérôme — but not Kader — some advice so that the application is more likely to be successful if someone else is needed. It is impossible, though, to determine whether this discriminatory « filtering » is on her own initiative or because of instructions she has been given.

Post to be filled: maintenance worker
Form of initial contact: telephone call

Kader Larbi calls first:

Employer: [female first name], *Good morning!*

Applicant: *Hello, good morning, Kader Larbi speaking.*

E.: *Yes?*

A.: *Could I speak to Mr. XXXXX, please?*

E.: *Mr. XXXXX is busy right now. Can I take a message?*

A.: *Yes, madam, if you would. I'm calling about the maintenance job.*

E.: *Oh! It's not Mr. XXXXX for the maintenance job, it's Mr. XXXXX. But the post was filled yesterday. We've called the ANPE to ask them to take down the notice.*

A.: *Oh, all right, madam. Thank you very much.*

E.: *I'm sorry! Goodbye, sir.*

A.: *Goodbye..*

Jérôme Moulin calls around 15 minutes later:

Employer: [same first name], *Hello!*

Applicant: *Hello, Jérôme Moulin speaking. I'd like to speak to Mr. XXXXX, please.*

E.: *Mr. XXXXX is not here right now. Can I help you, sir?*

A.: *It's about the maintenance job.*

E.: *The vacancy has been filled. We cancelled the notice with the ANPE yesterday.*

A.: *Oh ... well ... never mind.*

E.: *I'm so sorry. Whereabouts do you live?*

A.: [town]

E.: *You live in [town]? Do you have a car?*

A.: *Yes, yes, I do.*

E.: *Driver's licence?*

A.: *Yes, yes!*

E.: *Well, look! I think you ought to send in an application anyway, not for this job because it's been filled. We needed someone urgently... erm ... but you never know. Sent an application of Mr. XXXX, because, if you like, we get an enormous number of people applying for [names an outlying district]. Mind you, for [another outlying district] we sometimes have a job finding people with a car.*

A.: *Okay, okay.*

E.: *In that case, send me an application along those lines.*

A.: *Okay, that's fine, thank you.*

E.: *Don't mention it.*

The outcome of some tests like this one seem at first to be identical for both applicants, since neither of them was offered the job advertised, but the person they spoke to had a completely different reaction to both of them.

The next case reveals an even greater difference in tone and attitude — encouraging for one, discouraging for the other — which was observed in a number of tests.

Post to be filled: salesperson in a clothes store

Form of initial contact: telephone call

The test:

Following their initial telephone calls, the two testers are invited to submit their résumés in person. The conversation lasts 15 minutes in each case.

Marion Roche is greeted by the manager, followed by his wife. He asks her about her availability, and specifically about the fact that she lives a long way away. He tells her that, should she be engaged, it would be better for her to take the train, even going so far as to give her the times of the trains. He ends by commenting on her first name, which he finds "pretty".

With Latifa Boukhrit, the employer begins by telling her that that very morning he interviewed someone with eight years' experience in ready-to-wear sales experience, adding that for him experience and teamwork with the other salesgirls is very important. He comments that she lives a long way away, asks her if she is prepared to travel such a long distance, which he stresses is very tiring (N.B. the two applicants live in the same area.

Preferences and discriminatory decisions on grounds of "origin" are rarely expressed in so many words. However, a number of quite explicit references were recorded during the tests. The one that follows is perhaps all the more revealing because it was not supposed to have been overheard:

Post to be filled: kitchen boy in a restaurant

Form of initial contact: résumé sent by mail

The test:

After a week with no reply to their résumé, the testers telephone.

Farida Larbi calls first and speaks to an employee who says that the person in charge is not available and will call her back.

Emilie Moulin quickly calls again and speaks to the same employee, who passes her on to the person in charge. She hears the latter say in an aside to her employee: "*Not another Rachida!*"

After a short conversation, the employer tells Emilie she will call her back ... which she does three days later to offer her a try-out.

She does not call Farida back.

On the face of things, the minority applicant is simply asked to stand by. But if one looks at the entire test, it is clear that this is a disguised form of racial discrimination.

In the other instances where it occurs, the discrimination may be expressed somewhat less crudely than in the example above, but it is sometimes addressed directly to the person concerned. Kader Larbi, for instance, following an initial telephone call when he had already noticed a long silence after he gave his name, was told, when he called again, that his application could not be accepted because the enterprise was looking for "*local people*".

At least two tests were of vacancy notices that were already couched in discriminatory terms. These were notices in which perfect command of the local "dialect" was either preferred or required — this is common practice in Alsace. Yet, in the applicants' conversations with the employer, this point is never raised. The outcome of these two tests was that the minority applicant was told that the post was filled while the majority applicant was offered an interview.

Of the handful of tests in which the employer openly expressed a preference or took a discriminatory decision, only one produced a discriminatory reaction against the majority applicant:

Post to be filled: waiter/tress in a restaurant

Form of initial contact: telephone call

The test:

Following the initial telephone calls, both applicants are offered an interview.

For Farid Boukhrit, the conversation goes into some detail, even including questions about his origin:

Employer: *Where are you from, with a name like "Boukhrit"?*

Applicant: *I'm a Kabyle.*

E.: *Oh... Algerian. Are you a Muslim?*

A.: *Yes.*

E.: *Practising? Because I've got a cook from Sétif who obviously doesn't have much time for non-practising Muslims.*

(...)

They then talk about wages, and the length of the try-out, before the employer ends by showing Farid around the restaurant.

In the end, the employer calls Farid two days later and offers him the job. He does not call Julien back.

8 Results of tests starting with a telephone call or the submission of a résumé by mail or in person

8.1 Summary of valid tests as a whole

In the preceding chapter the tests were analyzed as a whole, without any distinction as to whether they started with a telephone call or with the submission of a résumé by mail or in person. These three kinds of initial contact are listed separately in table 5, with an indication each time of the total number of valid tests carried out ($1\ 505+708+110 = 2\ 323$), as well as the number of non-usable tests – both applicants rejected – and of the tests that were not pursued, so as to obtain the number of valid and usable tests.

Two-thirds of the tests carried out began with a telephone call (1 505 of the 2 323 valid tests), 30 per cent with résumés submitted in person (110 cases).

Table 5 Summary of all valid tests carried out

Result of the tests	TELEPHONE CALL		RÉSUMÉ SENT BY MAIL		RÉSUMÉ SUBMITTED IN PERSON	
Both applicants rejected	483	32.1 %	467	66.0 %	60	54.5 %
Test not pursued	199	13.2 %	14	2.0 %		
Valid and usable test	823	54.7 %	227	32.0 %	50	45.5 %
Total	1 505	100.0 %	708	100.0 %	110	100.0 %

The proportion of tests in which both applications were rejected by the employer, whether immediately or subsequently, vary widely according to the form of initial contact. Thus 32.1 per cent of the tests that started with a telephone call ended with both applicants being rejected from the start – immediate rejection – or after having been put on standby – deferred rejection. In the case of résumés being sent by mail or in person, the corresponding figures were 66 per cent and 54.5 per cent respectively.

These disparities are partly attributable to the fact that applications by telephone enable the testers to see the employer the day the vacancy notice is posted – usually at the beginning of the week – and thus avoid being beaten to the post by too many other applicants genuinely looking for work. By contrast, when a résumé is requested, even if it is sent as soon as the vacancy notice appears, it is not unusual for the employer to allow the applications to pile up for several days before beginning to make a selection. Moreover, the fact of sending a résumé as a means of initial contact increases the risk of both applications being eliminated from the start because of some criterion that was not mentioned in the vacancy notice, such as previous experience, proximity of the applicant's domicile, etc.

In the same way, vacancy notices inviting applicants to submit a résumé in person prevents them from always applying very quickly, as it is not always possible to plan a trip for the two testers on the same day within a short space of time following the posting of the notice.

A telephone call is therefore the best way of making initial contact so as to be among the first to respond to a vacancy notice, as well as being the least likely to be rejected outright. But its effectiveness can also have a downside, when there has been a series of telephone calls in response to several different vacancy notices, of sometimes generating a number of simultaneous offers of an interview that have to be arranged according to the travel time they entail and the availability of the testers.⁶⁰ This is why most of the tests that were not pursued began with a telephone call (13.2 per cent of the valid tests) whereas there were few of them when a résumé was sent by mail (only 14 instances, i.e. 2 per cent of the valid tests) and none at all when the résumé was submitted in person

⁶⁰ The travel time needed to follow up offers of interviews is particularly difficult to anticipate because the vacancy notices that appear in the free weekly magazines and regional newspapers rarely mention the exact location of the enterprise, which the applicants learn only during the initial contact.

Still, an initial contact by telephone seems to be the most effective way of obtaining valid and usable tests. 54.7 per cent of the tests that began with a telephone call were valid and usable, while the "efficiency rate" of résumés was 32 per cent when sent by mail and 45.5 per cent when submitted in person. This greater or lesser efficiency of the initial contact method is the reason why, in the end, applications starting with a telephone call account for three-quarters of the 1,100 valid and usable tests, as opposed to only two-thirds of the 2,323 valid tests that were carried out altogether.

8.2 Detailed summary of valid and usable tests alone

Table 6, which considers only valid and usable tests, allows a comparison to be made of the results at each stage of the recruitment process according to the form of initial contact.

The first thing one notices is that the net aggregate discrimination rate varies little according to whether the tests began with a telephone call (50.2 per cent), a résumé sent by mail (54.6 per cent) or a résumé submitted in person (48.0 per cent).⁶¹

Table 6 Results of recruitment at each stage according to the form of initial contact, based only on valid and usable tests

Recruitment process	FORM OF INITIAL CONTACT					
	TELEPHONE CALLS		RÉSUMÉ SENT BY MAIL		RÉSUMÉ SUBMITTED IN PERSON	
INITIAL CONTACT	823	100.0 %	227	100.0 %	50	100.0 %
In favour of majority applicant (a)	333	40.5 %	158	69.6 %	16	32.0 %
In favour of minority applicant (b)	99	12.0 %	41	18.1 %	3	6.0 %
Both applicants on standby	198	24.1 %	13	5.7 %	27	54.0 %
Both offered an interview	193	23.4 %	15	6.6 %	4	8.0 %
Net discrimination (a - b)		28.5 %		51.5 %		26.0 %
STANDBY	198	24.1 %	13	5.7 %	27	54.0 %
In favour of majority applicant (a)	141	17.1 %	9	4.0 %	17	34.0 %
In favour of minority applicant (b)	41	5.0 %	3	1.3 %	7	14.0 %
Both offered an interview	16	2.0 %	1	0.4 %	3	6.0 %
Net discrimination (a - b)		12.1 %		2.7 %		20.0 %
INTERVIEW	209	25.4 %	16	7.0 %	7	14.0 %
In favour of majority applicant (a)	90	10.9 %	5	2.2 %	1	2.0 %
In favour of minority applicant (b)	11	1.4 %	4	1.7 %		
Try-out or employment for both	31	3.8 %	3	1.3 %	4	8.0 %
Rejection of both applicants	77	9.3 %	4	1.8 %	2	4.0 %
Net discrimination (a - b)		9.5 %		0.5 %		2.0 %
Net aggregate discrimination		50.1 %		54.7 %		48.0 %

⁶¹ Bearing in mind that critical threshold for N=50 is $1.96 / \sqrt{50} = 28\%$, this net aggregate rate of 48 per cent is highly significant.

By contrast, the discrimination rates calculated at each recruitment stage vary quite sharply according to the form of initial contact.

In the case of applications by a preliminary telephone call, just over half the net discrimination occurs at the initial contact stage (28.5 per cent out of 50.1 per cent)⁶². The two subsequent stages (standby and interview) again both reflect significant levels of discrimination, with a net rate of 12.1 per cent after the period on standby and 9.5 per cent after the interview.

The way the applications are treated by employers is very different for tests that started with the submission of a résumé. A very real filtering is evident right from the initial contact stage, where almost all the discrimination against the minority applicant occurs (51.5 per cent out of 54.7 per cent).⁶³ On the other hand, in the rare tests that went beyond the discriminatory barrier of the initial submission of a résumé, the testers seem to have been treated equally thereafter, especially after the interview, when the majority applicant was eventually selected in five instances as against four for the minority applicant.

Finally, though there were not very many, the 50 tests that started with the submission of a résumé in person raise some interesting points. In these tests the employer often came face to face with the applicants right from the initial contact. Asking an applicant to stand by therefore seems to have been a way out of the dilemma, with the prospect of eliminating one of the applications more firmly later. The net discrimination rate when initial contact was made by submission of a résumé in person is the lowest of any at that stage (26.0 per cent).⁶⁴ By contrast, the rate recorded after a period on standby is the highest at this stage of recruitment (20 per cent). It is as if the discrimination that was repressed in the presence of the applicant, at the initial contact stage, was transferred to the standby stage. As for the seven tests where both applicants were offered an interview following their submission of a résumé, six resulted in equality of treatment, with four tests leading to a firm offer of employment or the offer of a try-out for both applicants. Here again, the bulk of the discrimination occurred during the two preceding stages, and the few applicants who reached the interview stage apparently benefited from equal treatment.

8.3 Final results obtained according to the form of initial contact

Table 6 above shows the net discrimination rate recorded at each stage of the recruitment process, according to the form of initial contact, followed by the net aggregate discrimination rate.

The synthetic indicator of net discrimination, according to the ILO methodology, is the mathematical difference between the gross discrimination encountered by the minority applicants and the gross discrimination encountered by the majority applicants, the latter

⁶² Taking into account the 199 that were not pursued – cf. second method of calculation explained in section 8.3 – the net discrimination rate registered during the initial contact is no longer 28.5 per cent but $(333-99) / (823+199) = 22.9$ per cent

⁶³ Taking into account the 14 that were not pursued – cf. second method of calculation explained in section 8.3 – the net discrimination rate registered during the initial contact is no longer 51.5 per cent but $(158-41) / (227+14) = 48.5$ per cent

⁶⁴ No tests had to be abandoned following the submission of a résumé in person. Consequently, the second method of calculation referred to in section 8.3 above is not relevant here.

generally being much smaller than the former. However, the calculation of this difference tends to mask the respective levels of the two gross discriminations, as well as the proportion of tests where equality of treatment is respected.

Table 7 demonstrates clearly, according to form of initial contact, the gross discrimination rate recorded during the testing against each of the two types of applicant, as well as the final level of equality of treatment. It contains a summary, for the end of the recruitment process, of the number of vacancy notices tested where the eventual decision of the employer was:

- in favour of the majority applicant at one or other of the recruitment stages,
- in favour of the minority applicant at one or other of the recruitment stages,
- the same for the two applicants throughout the recruitment process.

The latter outcome includes both the tests that, after the interviews, generated an offer of a try-out or a firm offer of a job for both applicants, and those that led to both being rejected.

Table 7 Summary of results obtained at the end of the recruitment process for each applicant, by form of initial contact

Total number of tests ...	TELEPHONE CALL		RESUME SENT BY MAIL		RÉSUMÉ SUBMITTED IN PERSON	
...in favour of majority applicant	564	68.5 %	172	75.8 %	34	68.0 %
...in favour of minority applicant	151	18.4 %	48	21.1 %	10	20.0 %
...with try-out or job offer for both *	31	3.8 %	3	1.3 %	4	8.0 %
...with rejection of both applicants*	77	9.3 %	4	1.8 %	2	4.0 %
Ensemble	823	100.0 %	227	100.0 %	50	100.0 %

* Employer's decision after meeting both applicants.

The table shows that the proportion of employers who respected equality of treatment throughout the recruitment process was 12 to 13 per cent in the tests that began with a telephone call (3.8 + 9.3) or with the submission of a résumé in person (8.0 + 4.0). The proportion drops even much lower (around 3 per cent) for tests that began with the submission of a résumé by mail.

The gross levels of discrimination shown in table 7 for each of the two types of applicant can also be used to calculate another synthetic indicator apart from the net aggregate discrimination rate. This is the relationship (as opposed to the difference), for each form of initial contact, between the number of employers who favoured the majority applicant and the number that favoured the minority applicant.

This ratio appears to be roughly the same regardless of the form of initial contact:

- in the case of applications that began with a telephone call, there were 3.7 (i.e. 564/151) times more decisions in favour of majority applicants than in favour of minority applicants;

- in the case of applications beginning with the submission of a résumé by mail, there were 3.6 (i.e. 172/48) times more decisions in favour of majority applicants than in favour of minority applicants;
- in the case of applications beginning with the submission of a résumé by mail, there were 3.4 (i.e. 34/10) times more decisions in favour of majority applicants than in favour of minority applicants;

In other words, when the employers tested finally chose between the two applicants, in almost 4 cases out of 5 they opted for the majority applicant, with slight variations according to the form of initial contact.

9 Results in hotels and restaurants, commerce and other occupational fields tested

9.1 Summary of valid tests as a whole

In table 8 the vacancy notices validly tested (*valid tests*) have been broken down by occupational field, using the FAP20033 nomenclature already used in greater detail in section 7.1. In the hotels and restaurants sector 907 vacancy notices were tested, accounting for 39 per cent of the 2,323 valid tests carried out. The corresponding figure for commerce is 30.6 per cent, and for “other fields tested” 30.4 per cent.⁶⁵

Table 8 Summary by occupational field of the valid tests carried out, according to whether the tests started with a telephone call or with the submission of a résumé by mail or in person (*numbers and percentages*)

Results of the test	S. HOTELS AND RESTAURANTS			R. COMMERCE			OTHER FIELDS TESTED (*)		
	Phone	Résumé	Total	Phone	Résumé	Total	Phone	Résumé	Total
Rejection of both applicants	205	146	351	129	204	333	165	162	327
Test not pursued	67	1	68	60	5	65	56	23	79
Valid and usable test	393	95	488	204	109	313	226	73	299
Total	665	242	907	393	318	711	447	258	705
Rejection of both applicants	30.8	60.3	38.7	32.8	64.1	46.8	36.9	62.8	46.4
Test not pursued	10.1	0.4	7.5	15.3	1.6	9.2	12.5	8.9	11.2
Valid and usable test	59.1	39.3	53.8	51.9	34.3	44.0	50.6	28.3	42.4
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

(*) “T. Personal and collective services”, “J. Tourism and transport”, “L. Management and administration”, “B. Building and public works”, “V. Health and social work”

A further distinction is made between tests that started with a telephone call, on the one hand, and tests where the initial contact was by submission of a résumé by mail or in person, on the

⁶⁵ See the table at the end of section 7.1, which also includes more detailed figures by family of occupations.

other.⁶⁶ The number of these tests, in the upper part of the table, show that the distribution between “Phone” and “Résumé” varies from one occupational field to the other. Almost three-quarters of the valid tests in the hotels and restaurants sector began with a telephone call (665 out of 907), while the proportion was only 55.3 per cent in the commerce sector (393 out of 711) and 63.4 per cent (447 out of 705) in the “other fields tested”.

In the lower part of the table, the percentages reflect the results of the tests by occupational field and by form of initial contact. Only 38.7 per cent of the tests carried out in the hotels and restaurants sector resulted in both applicants being rejected by the employer, generally because the post was already filled.

In the commerce sector and “other fields tested”, it would seem, on the contrary, that employers are inclined to make their decision more often on the basis of the formal qualifications of the applicants. The instances of both applicants being rejected are thus much more frequent: 46.8 per cent in commerce and 46.4 per cent in the “other fields tested”. The nature of some of the jobs concerned may explain this greater tendency to rely on qualifications, for example in the health and social work sector, where the level of qualifications and the diploma of the two test applicants was not always found to be sufficient for the post to be filled. The distance of the applicants’ domicile may also have had a bearing on the interruption of the recruitment process in certain services to enterprises and personal services, particularly when the vacant post was only for one or two hours a day – cleaner, nursing assistant, child minding – and seemed to the employer not really compatible with long daily travel time.⁶⁷

The importance that some employers attached to the level of skills and know-how of the applicants was also apparent in the offers of an assessment on the job, based on the person’s credentials (diplomas or certificates). Here, too, such offers were more common among the “other fields tested”, especially for hairdressers, lorry drivers, unskilled building labourers. All these tests, of which there was 11.2 per cent among the “other fields tested” as against 7.5 per cent in the hotels and restaurants sector, were abandoned.

The remaining valid and usable tests account for 53.8 per cent of all the vacancies tested in the hotels and restaurants sector, 44.0 per cent in commerce and 42.4 per cent in “other fields tested”.

In the light of the results indicated in section 9, it would seem wise to distinguish, among these valid and usable tests, those that began with a telephone call and those that started with the submission of a résumé. Table 8 shows that the number of tests that began with a telephone call constitute a larger percentage of the valid and usable tests in the hotels and restaurants sector ($393/488 = 80.5$ per cent) than among the “other fields tested” ($226/299 = 75.6$ per cent), especially in commerce ($204/313 = 65.2$ per cent).

⁶⁶ These two methods of submitting résumés have been combined to make table 8 easier to read. It has no effect on the results obtained, since the findings were similar in both cases (see table 5 in section 9.1).

⁶⁷ It must be borne in mind that the addresses of the two testers were altogether comparable and located in the same district, precisely so that the distance from the place of work could not be used as an excuse for treating them differently. Besides, in the tests concerned the applicants were treated equally in terms of this criterion, since both were turned down on grounds of the distance from their homes.

Now, section 9 established that the form of initial contact had a bearing on the structure of the discrimination rates recorded at the various stages of the recruitment process. In order to analyze that structure by occupational field, so as to identify any phenomena that might be inherent in some of the fields, we must therefore verify any variations that are attributable to the different manners of making contact. It was decided to limit the following analyses to those tests that started with a telephone call, inasmuch as the two other forms of initial contact generated too few numbers to be able to draw up reliable detailed results in each occupational field.⁶⁸

9.2 Detailed summary of valid and usable tests alone

It would appear from the net aggregate discrimination rates calculated for each occupational field on the basis of tests starting with a telephone call alone (see table 9) that differences in treatment are, all in all, slightly more common in commerce than in the other fields tested.

Variations between the three groups of occupations also occur at the various stages in the recruitment process. At the initial contact stage, a substantial net discrimination rate is recorded in the hotels and restaurants sector and commerce sector, while it is slightly less high in the "other fields tested". At the standby stage there is a kind of readjustment, with many recruitment decisions being taken in commerce and, even more so, in the "other fields tested". If we add together the results recorded at the initial contact stage and those recorded at the standby stage, the net aggregate discrimination rate at the end of these two phases is $30.1 + 7.8 = 37.9$ per cent in hotels and restaurants, $29.4 + 13.7 = 43.1$ per cent in commerce, and $24.8 + 18.2 = 43.0$ per cent in the "other fields tested".

A comparison of the responses to each of the testers shows that employers in certain occupations – notably, health and personal services – claim to base their decision on the formal and attested qualifications of the applicants, even despite the fact that these are identical for both applications submitted to them. These formal qualifications therefore cannot be used to justify a decision which, more often than not, entails eliminating the minority applicant from an interview by discriminating against him/her.

⁶⁸ Especially as the numbers in the "Résumé" column of table 8 combine the tests that started with the submission of a résumé by mail and those that started with a telephone call.

Table 9 Results obtained at each stage of recruitment, by occupational field tested (valid and usable tests initiated solely by a telephone call)

Recruitment process	S. HOTELS AND RESTAURANTS		R. COMMERCE		OTHER FIELDS TESTED (*)	
INITIAL CONTACT	393	100.0 %	204	100.0 %	226	100.0 %
In favour of majority applicant (a)	161	41.0 %	86	42.1 %	86	38.1 %
In favour of minority applicant (b)	43	10.9 %	26	12.7 %	30	13.3 %
Both on standby	60	15.3 %	67	32.9 %	71	31.4 %
Both offered an interview	129	32.8 %	25	12.3 %	39	17.2 %
Net discrimination (a - b)		30.1 %		29.4 %		24.8 %
STANDBY	60	15.3 %	67	32.8 %	71	31.4 %
In favour of majority applicant (a)	41	10.4 %	46	22.5 %	54	23.9 %
In favour of minority applicant (b)	10	2.6 %	18	8.8 %	13	5.7 %
Both offered an interview	9	2.3 %	3	1.5 %	4	1.8 %
Net discrimination (a - b)		7.8 %		13.7 %		18.2 %
INTERVIEW	138	35.1 %	28	13.8 %	43	19.0 %
In favour of majority applicant (a)	71	18.1 %	7	3.4 %	12	5.3 %
In favour of minority applicant (b)	6	1.5 %	1	0.5 %	4	1.8 %
Both offered try-out or job	8	2.0 %	6	2.9 %	17	7.5 %
Both applicants rejected	53	13.5 %	14	7.0 %	10	4.4 %
Net discrimination (a - b)		16.6 %		2.9 %		3.5 %
Net aggregate discrimination		54.5 %		46.0 %		46.5 %
(*) "Personal and collective services", "Tourism and transport", "Management and administration", "Building and public works", "Health and social work" for the most part.						

In the commerce sector and "other fields tested" a large proportion of the decisions in general, and almost all the discriminatory decisions in particular, were eventually taken before the employer even met the applicants. The interview would appear to be a much more decisive stage for employers in the hotels and restaurants sector, since 35.1 per cent of the tests reached this stage – two or three times more than in commerce and "other fields tested". But the decisions in general, and the discriminatory decisions in particular, are then all the more drastic at the interview stage in the hotels and restaurants sector, with a new discrimination rate of 16.6 per cent – five or six times greater at the same stage than in the two other groups of occupations.

9.3 End results obtained according to the occupational field tested

As in table 7 in section 9.3, table 10 contains the summary (now in terms of the three groups of occupations tested) of the number of tests in which the employer's decision was:

- in favour of the majority applicant at any one of the recruitment stages,
- in favour of the minority applicant at any one of the recruitment stages,
- equal for both applicants throughout the recruitment process, whether it ended in a double rejection or in the double offer of a try-out or of a job.

From these three numbers it is then possible to calculate, for all valid and usable tests as a whole:⁶⁹

- the aggregate level of gross discrimination against the minority applicant,
- the aggregate level of gross discrimination against the majority applicant,
- the proportion of tests in which equality of treatment was respected throughout.

Table 10 Summary of results obtained at the end of the recruitment process, by occupational field tested (*tests starting with a telephone call only*)

Total number of tests...	S. HOTELS AND RESTAURANTS		R. COMMERCE		OTHER FIELDS TESTED	
...in favour of majority applicant	273	69.5 %	139	68.1 %	152	67.3 %
...in favour of minority applicant	59	15.0 %	45	22.1 %	47	20.8 %
...with trial or job offer for both*	8	2.0 %	6	2.9 %	17	7.5 %
...with rejection of both applicants*	53	13.5 %	14	7.0 %	10	4.4 %
Total	393	100.0 %	204	100.0 %	226	100.0 %

* Employer's decision after meeting both applicants

The proportion of tests where equality of treatment was respected throughout the recruitment process is roughly comparable for the three groups of occupations tested. The final level of equal treatment is 10 to 12 per cent in commerce (2.9 + 7.0) and in the “other fields tested” (7.5 + 4.4). In hotels and restaurants it rises above 15 per cent (2.0 + 13.5).

The gross discrimination levels shown in table 10 for each of the two types of applicant can now be used to calculate, for each occupational field tested, the ratio between the number of employers that favoured the majority applicant and the number that favoured the minority applicant:

- in the hotels and restaurants sector, $273/59 = 4.6$ times more majority applicants were chosen than minority applicants;
- in commerce, $139/45 = 3.1$ times more majority applicants were chosen than minority applicants;
- in the “other fields tested”, $152/47 = 3.2$ times more majority applicants were chosen than minority applicants.

To put it another way, when an employer initially contacted by telephone decided between the two applicants in the course of the recruitment process, the decision was in favour of the majority applicant three times out of four in commerce and in the “other fields tested”, and almost five times out of six in hotels and restaurants.

⁶⁹ In the light of the decision taken at the end of section 10.1, the data in table 10 (as in table 9) are based solely on the valid and usable tests that started with a telephone call.

10 Results according to the sex and “origin” of the applicants

10.1 Summary of all valid tests as a whole

Now that we have analyzed the results recorded according to the form of initial contact, and according to the occupational field tested, there is just one last comparison to be made of the six urban areas in which the tests were conducted. As in sections 9 and 10, the analysis will begin with a summary of the tests for each urban area, with an indication of the number of tests that ended in both applicants being rejected before any interview, the number of tests that were abandoned, and the number of valid and usable tests finally obtained.

Table 11 presents the results for the three towns where male pairs applied for a vacancy: Lille, where 391 valid tests were conducted; Lyon, with 427 valid tests; and Nantes, with 382. The distribution of the tests in these three towns was different according to the form of initial contact with the employer:⁷⁰ 93.4 per cent of the tests carried out in Lille (365 out of 391) began with a telephone call, as against a mere 80.1 per cent in Lyon (342 tests out of 427) and a low 60.5 in Nantes (231 out of 382).

Table 11 Summary of valid tests carried out in the three towns where male pairs applied, broken down by tests starting with a telephone call or with the submission of a résumé by mail or in person (*numbers and percentages*)

Result of the test	LILLE			LYON			NANTES		
	Phone	CV	Total	Phone	CV	Total	Phone	CV	Total
Both applicants rejected	130	19	149	113	56	169	74	106	180
Tests not pursued	65		65	72		72	8	1	9
Valid and usable test	170	7	177	157	29	186	149	44	193
Total	365	26	391	342	85	427	231	151	382
Both applicants rejected	35.6	73.1	38.1	33.0	65.9	39.6	32.0	70.2	47.1
Tests not pursued	17.8		16.6	21.1		16.9	3.5	0.7	2.4
Valid and usable test	46.6	26.9	45.3	45.9	34.1	43.5	64.5	29.1	50.5
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Almost 40 per cent of the tests conducted in Nantes began with the submission of a résumé. This could explain why it was also Nantes that had the largest proportion of tests in which both applicants were rejected: 47.1 per cent compared to 38.1 per cent in Lille and 39.6 per cent in Lyon. Table 5 in section 9.1 already showed that the tests that began with a résumé resulted in twice as many rejections as those where both applicants began by telephoning the employer.

⁷⁰ As in table 8 above, the two ways of submitting a résumé are combined to make table 11 easier to read. This has no effect on the results obtained, since the findings were similar in both cases (see table 5 in section 9.1).

Incidentally, comparing the proportion of double rejections recorded for an identical form of initial contact reveals a convergence of the figures for the three employment areas. For tests starting with a telephone call, the proportion of double rejections was 35.6 per cent in Lille, 33.0 per cent in Lyon and 32.0 per cent in Nantes. For tests that began with the submission of a résumé by mail or in person, both applicants were rejected in 73.1 per cent of the tests in Lille, 65.9 per cent in Lyon and 70.2 per cent in Nantes.

In fact, the only notable difference between the three sites is in the proportion of tests that were not pursued – nearly 17 per cent in Lille and Lyon compared with a low 2.1 per cent in Nantes. In Lille and Lyons the tests that were abandoned correspond either to interviews scheduled on the outskirts of town, which could not be attended because of the distance involved, or to on-the-job assessments. In Nantes, on the other hand, the issue of distance within the urban area did not arise to the same extent and only rarely entailed cancelling an interview. Moreover, and above all, the results examined below⁷¹ will show that the differences in treatment from the very start were sharper in Nantes than in the other towns, and that the tests where both applicants were offered an on-the-job assessment were few and far between.

The same analysis can be made of the results recorded in the three towns where female pairs applied, and these are shown in table 12. To begin with, it would seem that the initial contact with the employer was made less often by telephone than in the case of the male pairs: only 54.3 per cent of the tests carried out in Marseille began with a telephone call (229 tests out of 422), and even fewer in Paris ($202/407 = 49.6$ per cent) and in Strasbourg ($136/294 = 46.3$ per cent).

About half of the tests carried out in these three towns started with the submission of a résumé by mail or in person. Since this form of initial contact very often ends in rejection by the employer, it may explain – as in the case of Nantes earlier – the high proportion of instances where both applicants were rejected before any interview, which account for 50.7 per cent of the tests carried out in Marseille and 47.9 per cent in Paris.

On the other hand, it is at first sight surprising that both applicants were rejected in only 35.0 per cent of the tests in Strasbourg, whereas it was precisely in that employment area that the applications starting with the submission of a résumé by mail or in person were the most common. The team in charge of the testing in Strasbourg were particularly persistent in their efforts to contact the employers. For applications involving the submission of a résumé, the usual procedure was to wait for an answer from the employer without sending a reminder and, if no reply had arrived after a month, to conclude that the employer had rejected both applicants (passive rejection). The team in Strasbourg often went much further, sending the employers reminders until they eventually obtained an explicit answer. This particularity of the Strasbourg site will be taken into account when comparing the results for each town,⁷² since this might have had an influence on the responses obtained by the applicants.

⁷¹ See table 14, section 11.3.

⁷² See section 11.3

Table 12 Summary of valid tests carried out in the three towns where female pairs applied, according to whether the tests started with a telephone call or with the submission of a résumé by mail or in person

Result of the test	MARSEILLE			PARIS			STRASBOURG		
	Phone	CV	Total	Phone	CV	Total	Phone	CV	Total
Rejection of both applicants	82	132	214	57	138	195	27	76	103
Tests not pursued	17	3	20	27	7	34	10	3	13
Valid and usable tests	130	58	188	118	60	178	99	79	178
Total	229	193	422	202	205	407	136	158	294
Rejection of both applicants	35.8	68.4	50.7	28.2	67.3	47.9	19.9	48.1	35.0
Tests not pursued	7.4	1.6	4.7	13.4	3.4	8.4	7.4	1.9	4.4
Valid and usable tests	56.8	30.0	44.6	58.4	29.3	43.7	72.8	50.0	60.6
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

The analyses presented earlier in section 9 call for the form of initial contact to be taken into account in order to analyze the results recorded in the different towns, and for the tests that began with a telephone call, on the one hand, and those that began with the submission of a résumé by mail or in person, on the other, to be taken separately. Since not enough valid and usable tests involving résumés were available at all the sites, the analyses presented in section 11.3 will be restricted to tests that began with a telephone call only.

10.2 Statistical validation of the results for each pair of applicants

The methodology proposed by the ILO recommends applying “validity tests” to verify that the results for each town are not distorted by the performance of one or other of the applicants. It has to be borne in mind that, in principle, the methodology requires that four testers operate on each site, two for the minority “origin” and two for the majority “origin”. In carrying out the tests they have to rotate the pairs regularly, so that each of the four possible combinations of testers has been used, the objective being to minimize any distortion as much as possible.

We now have to check whether or not that objective has been achieved. In other words, we have to make sure that the different pairs on the same site recorded roughly the same discrimination rates. Table 13 presents detailed results that will enable us to apply the “validity test”.

Table 13 Discrimination observed and discrimination expected for each pair of applicants in the six towns concerned ("A and "B" designate the minority applicants, "C" et "D" the majority applicants

Pair of applicants	LILLE			LYON			NANTES		
	Total	Observed	Expected	Total	Observed	Expected	Total	Observed	Expected
A - C	43	21	20.2	46	21	23.5	58	30	41.8
A - D	34	13	15.9	41	18	20.9	34	21	24.5
B - C	43	27	20.2	46	26	23.5	37	32	26.6
B - D	57	22	26.7	53	30	27.1	64	56	46.1
Total	177	83	83.0	186	95	95.0	193	139	139.0
Value of \aleph^2	$\aleph^2 = 3.73$			$\aleph^2 = 1.26$			$\aleph^2 = 7.02$		

Pairs of applicants	MARSEILLE			PARIS			STRASBOURG		
	Total	Observed	Expected	Total	Observed	Expected	Total	Observed	Expected
A - C	17	10	7.9	42	18	22.9	42	11	14.2
A - D	18	9	8.3	60	28	32.7	56	17	18.9
B - C	21	10	9.7	50	33	27.2	44	21	14.8
B - D	39	21	18.0	26	18	14.2	36	11	12.1
A' - C'	67	23	31.0						
A' - D	17	11	7.9						
B - C'	9	3	4.2						
Total	188	87	87.0	178	97	97.0	178	60	60.0
Value of \aleph^2	$\aleph^2 = 4.76$			$\aleph^2 = 3.97$			$\aleph^2 = 3.56$		

"Total" = total number of valid and usable tests carried out by each pair
 "Observed" = net observed discrimination (subtraction of tests in favour of majority applicant and of minority applicant)
 "Expected" = net expected discrimination (on the assumption of equal probability, i.e. by applying to each pair on a site the average net discrimination rate for all the pairs on the same site)
 N.B. : For Marseille, applicants A and C, who had other professional engagements, were unable to complete the series of tests and had to be replaced by two other applicants, A' et C'

The results for Lille will be used to illustrate the successive stages in the calculation of this test. "A" and "B" designate the minority applicant, "C" and "D" the majority applicants. Since all the pairs rotated, it was four different pairs that conducted the 177 valid and usable tests that were recorded in Lille; the number of tests obtained by each pair appears in the column marked "Total". The column headed "Observed" indicates the number of cases of net discrimination encountered by each pair. Out of a total of 177 tests in Lille, 83 cases were recorded of net discrimination (i.e. the difference between the number of tests in favour of the majority applicant (118) and the number of tests in favour of the minority applicant (35)). The net aggregate discrimination rate in Lille was therefore $83 / 177 = 46.9$ per cent.

If this result was not influenced by the performance of one or other of the testers, then each of the four pairs should theoretically show a net discrimination rate of 46.9 per cent: 43×0.469

= 20.2 cases of net discrimination for pair A-B, $34 \times 0.469 = 15.9$ cases for pair A-C, etc. The column headed “*Expected*” shows all the theoretical scores expected for each pair, on the assumption that the discrimination rate was identical for all.

A chi-square (χ^2) test should now enable us to verify that the distribution of instances of discrimination actually recorded is not significantly different from the theoretical distribution expected. If one accepts a margin of error of 5 per cent with three degrees of freedom – four lines “AC” “AD” “BC” “BD” and two columns “Observed” and “*Expected*” – the critical threshold of the chi-square value is 7.81.⁷³ A higher chi-square value would indicate that the results for the site concerned are distorted by the performance of one or more testers. Table 13 tells us that none of the chi-square values calculated for the six French towns exceeds the critical threshold. Verification for distortion is thus complete.

It should, however, be noted that the chi-square value based on the results for Nantes (7.02) is not very far from the critical threshold. Looking at the detailed results for each pair, it would appear that discrimination was significantly more common than expected for minority applicant “B”, whoever the majority applicant was with whom he was associated. The explanation is probably that it was possible to detect an accent when applicant “B” spoke on the telephone. This of course does not legitimize the discrimination against him: his accent merely suggested the apparent origin that he was in any case supposed to display, and not having any accent was not one of the objective requirements for occupying the vacancies tested. It will, however, be advisable to verify this possible source of distortion in the results for Nantes when they are compared with those of the other sites, where no applicant had any such distinctive accent.

10.3 Detailed summary of all valid and usable tests taken together

Of all the comparisons that the present survey can be used for, the comparison of the findings for all six sites would seem to be the least reliable – assuming that there could be any point in such an exercise considering all the implications of discrimination. The difficulty in making comparisons between sites stems from the specificities of each of the six employment areas tested,⁷⁴ and also from decisions that were made prior to the survey. For example, the composition of the pairs of applicants varied from one town to another, not only in terms of sex — female pairs in Marseille, Paris and Strasbourg, male pairs in Lille, Lyon and Nantes — but also in terms of the apparent origin of the minority applicant— “North African” in Lille, Lyon and Strasbourg, “sub-Saharan Africa” in Nantes, Marseille and Paris.

At most, a comparison of one town with another could be made to attempt an analysis of the results recorded for one sex and the other, or for one “minority origin” and another. This is precisely what tables 14 and 15 try to do. However, it would be quite pointless to argue from these tables that discrimination is more prevalent in one town than in another, unless we first clarify at least what sex and what “minority origin” we are talking about.

There is another important precaution that needs to be taken. The comparisons we are going to make here can never be of discrimination on grounds of sex or gender, with which the present survey has in no way been concerned. The only form of discrimination that has been

⁷³ Except for Marseille, where with six degrees of freedom – seven lines and two columns – the critical threshold is 12.59.

⁷⁴ See the presentation of local socio-economic data in Part II.

tested is on grounds of “origin”, as recorded between women on three sites, and between men on three others.

Table 14 Results for male pairs, by origin* of the minority applicant (tests starting with a telephone call only⁷⁵)

Recruitment process	ORIGIN* OF THE MINORITY APPLICANT					
	NORTH AFRICAN (1)		NORTH AFRICAN (2)		SUB-SAHARAN (3)	
INITIAL CONTACT	170	100.0 %	157	100.0 %	65	100.0 %
In favour of majority applicant (a)	61	35.9 %	58	37.0 %	31	47.7 %
In favour of minority applicant (b)	26	15.3 %	18	11.5 %	7	10.8 %
Both on standby	48	28.2 %	40	25.4 %	15	23.1 %
Both offered an interview	35	20.6 %	41	26.1 %	12	18.4 %
Net discrimination (a - b)		20.6 %		25.5 %		36.9 %
STANDBY	48	28.2 %	40	25.5 %	15	23.1 %
In favour of majority applicant (a)	38	22.3 %	27	17.2 %	12	18.5 %
In favour of minority applicant (b)	5	2.9 %	11	7.0 %	1	1.5 %
Both offered an interview	5	2.9 %	2	1.3 %	2	3.1 %
Net discrimination (a - b)		19.4 %		10.2 %		17.0 %
INTERVIEW	40	23.5 %	43	27.4 %	14	21.5 %
In favour of majority applicant (a)	17	10.0 %	17	10.8 %	2	3.1 %
In favour of minority applicant (b)	2	1.2 %	1	0.6 %	2	3.1 %
Both offered trial or employment	6	3.5 %	9	5.7 %	5	7.7 %
Rejection of both applicants	15	8.8 %	16	10.2 %	5	7.7 %
Net discrimination (a - b)		8.8 %		10.2 %		0.0 %
Net aggregate discrimination		48.8 %		45.9 %		53.9 %
* Origin suggested mainly by the first name and family name for "North African" applicants, by first name, family name and skin colour for "sub-Saharan" applicants						
(1) Tests carried out in Lille (2) Tests carried out in Lyon. (3) Tests carried out in Nantes, taking account only of the results for the applicant with no accent, so as to avoid the possible distortion referred to in section 11.2.						

Table 14 shows the results recorded following an initial telephone call on the three sites where the tests were carried out by male pairs of applicants. In all three cases, one of the pair had a first name and family name suggesting a “metropolitan French origin”, while the other’s names suggested a “North African origin” in Lille and Lyon and a “sub-Saharan origin” in Nantes.

The net aggregate discrimination rate encountered by the applicants of “North African origin” is of the same order of magnitude in Lyon (45.9 per cent) and in Lille (48.8 per cent). In Nantes, where the minority applicant was ostensibly of “sub-Saharan origin”, the rate was slightly higher (53.9 per cent). It would, however, be somewhat hasty to conclude from these figures that the applicants of “sub-Saharan origin” encounter significantly more discrimination than the applicants of “North African origin”, inasmuch as these results were

⁷⁵ For the reasons given in section 9 and again in section 11.1

obtained in three different employment areas and the balance among the occupations tested was not exactly the same on all three sites.

The important point is that discrimination very obviously exists against all the minority applicants, regardless of whether they are of “North African” or “sub-Saharan” origin.

Table 15 now presents the results recorded following an initial telephone call on the three sites where the tests were carried out by pairs of female applicants.

Table 15 Results for female pairs by origin* of the minority applicant (tests starting with a telephone call only)

Recruitment process	ORIGIN* OF THE MINORITY APPLICANT					
	SUB-SAHARAN (1)		SUB-SAHARAN (2)		NORTH AFRICAN (3)	
INITIAL CONTACT	130	100.0 %	118	100.0 %	99	100.0 %
In favour of majority applicant (a)	50	38.5 %	54	45.8 %	26	26.3 %
In favour of minority applicant (b)	16	12.3 %	17	14.4 %	11	11.1 %
Both on standby	32	24.6 %	20	16.9 %	25	25.2 %
Both offered an interview	32	24.6 %	27	22.9 %	37	37.4 %
Net discrimination (a - b)		26.2 %		31.4 %		15.2 %
STANDBY	32	24.6 %	20	16.9 %	25	25.2 %
In favour of majority applicant (a)	22	16.9 %	14	11.9 %	10	10.1 %
In favour of minority applicant (b)	8	6.2 %	5	4.2 %	11	11.1 %
Both offered an interview	2	1.5 %	1	0.8 %	4	4.0 %
Net discrimination (a - b)		10.7 %		7.7 %		- 1.0 %
INTERVIEW	34	26.1 %	28	23.7 %	41	41.4 %
In favour of majority applicant (a)	13	10.0 %	20	16.9 %	17	17.2 %
In favour of minority applicant (b)	2	1.5 %			4	4.0 %
Both offered trial or employment	6	4.6 %	2	1.7 %	3	3.0 %
Both applicants rejected	13	10.0 %	6	5.1 %	17	17.2 %
Net discrimination (a - b)		8.5 %		16.9 %		13.2 %
Net aggregate discrimination		45.4 %		56.0 %		27.4 %

* Origin suggested mainly by the first name and family name for "North African" applicants, by first name, family name and skin colour for "sub-Saharan" applicants,
(1) Tests carried out in Marseille (2) Tests carried out in Paris (3) Tests carried out in Strasbourg

Before comparing the results of these three sites, however, it is important to recall the peculiarity, mentioned in section 11.1, of the way the testing was run in Strasbourg. It can be seen from table 15 that, because the Strasbourg testers kept on calling the employers until they gave an explicit response, the discrimination recorded is considerably lower at the initial contact and standby stages. It is as if some of the employers, faced with repeated personal telephone calls from the applicants, were induced to go beyond the hasty replies, the knee-jerk responses, the old habits and the easy solutions that are responsible for many forms of discrimination.

Since there is no real way of correcting this “distortion”, the net aggregate discrimination rate against women of “North African origin” (27.4 per cent in Strasbourg) is *prima facie* much

lower than against women of “sub-Saharan origin” (45.4 per cent in Marseille and 56.0 per cent in Paris). The net aggregate discrimination rate is the lowest that was recorded. Interestingly though, the reason behind this relatively low discrimination rate may be that when employers made their decision between the two applicants in Strasbourg, two times out of three they opted in favour of the one who appeared to be of “metropolitan French origin” rather than the applicant of “North African origin”.⁷⁶ In terms of discrimination, even this result cannot be considered satisfactory, and yet it is by far the best that was recorded throughout the survey.

If we look at tables 14 and 15 together (taking care to compare only results concerning the same “origin” each time), the net aggregate discrimination rates recorded by the pairs of young women often appear lower than those recorded by the pairs of young men. These rates are:

- 27.4 per cent (women) compared to 45.9 per cent and 48.8 per cent (men) for the “North African origin”,
- 45.4 per cent and 56.0 per cent (women) compared to 53.9 per cent (men) for the “sub-Saharan origin”.

Here again, one must be careful not to misinterpret these figures, which in no way signify that women are less discriminated against than men.⁷⁷ Discrimination on grounds of sex was never tested in the present survey, which was concerned only with discrimination on grounds of “origin”. The fact is simply that discrimination on grounds of origin tends to be even more noticeable between men than between women.

10.4 End results obtained by the different types of pairs

Like the summary of results presented at the end of sections 9 and 10, tables 16 and 17 highlight – this time in terms of the sex and apparent origin of the minority applicant – the proportion of tests where the eventual decision of the employer was:

- in favour of the majority applicant at one or other of the recruitment stages,
- in favour of the minority applicant at one or other of the recruitment stages,
- the same for the two applicants throughout the recruitment process.

⁷⁶ This calculation is explained in detail in section 11.4.

⁷⁷ The few surveys by testing of sexual discrimination in access to employment that are available [Petit (2003), Amadiou (2004)], as well as the numerous statistics on unemployment among women (see table 12 in Part II), indicate that usually the contrary is true.

Table 16 **Synthesis of results obtained at the end of the recruitment process by the male pairs, by "origin" of the minority applicant (tests starting with a telephone call only)**

Total number of tests ...	ORIGIN* OF THE MINORITY APPLICANT					
	NORTH AFRICAN (1)		NORTH AFRICAN (2)		SUB-SAHARAN (3)	
...in favour of majority applicant	116	68.2 %	102	65.0 %	45	69.2 %
...in favour of minority applicant	33	19.4 %	30	19.1 %	10	15.4 %
...with offer of trial or job for both**	6	3.5 %	9	5.7 %	5	7.7 %
...with rejection of both applicants**	15	8.8 %	16	10.2 %	5	7.7 %
Total	170	100.0 %	157	100.0 %	65	100.0 %

* Origin suggested mainly by the first name and family name for "North African" applicants, by first name, family name and skin colour for "sub-Saharan" applicants,
(1) Tests carried out in Lille (2) Tests carried out in Lyon (3) Tests carried out in Nantes, taking account only of the results for the applicant with no accent, so as to avoid the distortion referred to in section 11.2.

Table 16 tells us that the proportion of tests where equality of treatment was respected throughout the recruitment process is of the same order of magnitude on the three sites where the pairs of applicants were male. The proportion is respectively 12.3 per cent and 15.9 per cent for the two sites where the minority applicants were ostensibly of “North African origin”, and 15.4 per cent on the site where the minority applicant was ostensibly of “sub-Saharan origin”.

From the levels of gross discrimination in table 16, it is possible to calculate – in terms of the “minority origin” involved in the tests – the ratio between the number of employers who favoured the male majority applicants and the number who favoured the male minority applicant:

- the ratio is comparable on both sites where the minority applicants were ostensibly of “North African” origin, since $(116 / 33) = 3.5$ times and $(102 / 30) = 3.4$ times more decisions, respectively, were taken in favour of the majority applicants than in favour of the minority applicants;
- on the site where the minority applicant was ostensibly of “sub-Saharan” origin, the ratio was even higher, since the employers favoured the majority applicant over the minority applicant $(45 / 10) = 4.5$ times more often.

Table 17 shows that the proportion of tests in which equality of treatment was respected throughout the recruitment process varies significantly among the three sites where the pairs of applicants were young women. For the two sites where the minority applicants were ostensibly of “sub-Saharan” origin, the proportion was 12.3 per cent and 6.8 per cent, and for the site where they were ostensibly of “North African” origin the corresponding figure was 20.2 per cent. The detailed results given in the table show that the variations derived mainly from tests where both applicants were eventually rejected after having met the employer.

Table 17 **Synthesis of results obtained at the end of the recruitment process by the male pairs, by "origin" of the minority applicant (tests starting with a telephone call only)**

Total number of tests ...	ORIGIN* OF THE MINORITY APPLICANT					
	SUB-SAHARAN (1)		SUB-SAHARAN (2)		NORTH AFRICAN (3)	
...in favour of majority applicant	85	65.4 %	88	74.6 %	53	53.5 %
...in favour of minority applicant	26	20.0 %	22	18.6 %	26	26.3 %
...with offer of trial or job for both**	6	4.6 %	2	1.7 %	3	3.0 %
...with rejection of both applicants**	13	10.0 %	6	5.1 %	17	17.2 %
Total	130	100.0 %	118	100.0 %	99	100.0 %

* Origin suggested mainly by the first name and family name for "North African" applicants, by first name, family name and skin colour for "sub-Saharan" applicants.
** Employers' decision after meeting both applicants.
(1) Tests carried out in Marseille (2) Tests carried out in Paris (3) Tests carried out in Strasbourg

These variations have no impact on the ratio between the number of employers who favoured the majority applicants and the number who favoured the minority applicants:

- the ratio was fairly close on the two sites where the minority applicants were ostensibly of "sub-Saharan" origin, since $(85 / 26) = 3.3$ times and $(88 / 22) = 4.0$ times more decisions, respectively, were taken in favour of the majority applicants than in favour of the minority applicants;
- on the Strasbourg site where the minority applicants were ostensibly of "North African" origin, the ratio was less high, since the employers favoured the majority applicant over the minority applicant $(53 / 26) = 2.0$ times more often.

It would appear that, both among the female pairs and among the male pairs, discrimination is greater against people of "sub-Saharan" origin than against people of "North African" origin. The disparities observed in terms of the "origin" or sex of the applicants must nevertheless be interpreted with care, since they never concern the same employment area, and the balance among the occupations tested was never exactly the same on all six sites covered by the present survey.

The main point to be retained is that discrimination is very high against all the minority applicants, whether they appear to be of "sub-Saharan" or of "North African" origin.

Conclusion: broad lines and findings of the survey

This national survey by testing was carried out in France under the guidance of the International Labour Office (ILO) and DARES, the research, study and statistics centre of the Ministry of Employment and Social Cohesion. Its purpose was to verify the existence, study the characteristics and measure the extent of discrimination in access to employment against young French citizens because of their “origin”.

The discrimination tests were carried out from the end of 2005 to the middle of 2006 in the employment areas of Lille, Lyon, Marseille, Nantes, Paris and Strasbourg. They focused on vacancies for low-skilled and medium/low-skilled jobs in the hotels and restaurant sector, in sales and commerce, in services to enterprises and community services, in personal services, in transport, in reception and secretarial work, in building and public works and in health and social work.

Two applications were submitted for each vacancy tested, some by two young French women, some by two young French men, all in the 20-25 age group. Both had been educated and trained in France and were altogether comparable from the standpoint of their educational background and of their first working experience, as well as in their actual appearance – standard and similar clothing, level of expression, etc. One of the two applicants had a first name and family name suggesting a “metropolitan French” origin — Julien or Marion ROCHE, Jérôme or Emilie MOULIN. The other applicant had a first name and family name suggesting either a “North African origin” — Kader or Farida LARBI, Farid or Latifa BOUKHRIT — or a “sub-Saharan origin” — Bakari or Aminata BONGO, Kofi or Binta TRAORÉ. The applicants in the latter group had black skin, and they were the only ones with that characteristic.

The applicants who were intended to suggest a metropolitan French origin will be known as the “majority applicants”. The applicants suggestive either of North African or of sub-Saharan origin will be known as the “minority applicants”.

Depending on what the vacancy notice called for, the survey tested each of the three principal ways in which an applicant makes contact with an employer: by telephone, by submitting a résumé by postal or electronic mail, or by going to the place of work in person and leaving a résumé. Whenever possible, the tests were pursued right up to the job interview proposed by the employer.

In all, 2,400 tests, i.e. 4880 applications, were undertaken. Of these, 2,323 tests corresponded to vacancy notices that were validly tested among as many different employers; 1,100 of them produced a result that could be entered into the calculation of the net discrimination rate proposed under the ILO methodology.

Collectively, the employers tested discriminated very noticeably against the minority applicants. Table 1 summarizes what happened at the various stages of the recruitment process. It shows that only $3.5 + 7.5 = 11.0$ per cent of the employers respected the principle of equality of treatment of the two applicants throughout the recruitment process, by offering them a try-out or a job, or by rejecting both of them after having met them. By contrast, 70

per cent of the employers opted in favour of the majority applicant as against 19 per cent who favoured the minority applicant.

In other words, **when the employers made a choice between the two applicants who were proposed** — i.e. in 70 per cent + 19 per cent = 89 per cent of the cases — **they selected the majority applicant nearly four times out of five** ($70 / 89 = 78.7\%$).

Table 1 **Synthesis of results obtained at the end of the recruitment process for each applicant on the basis of all valid and usable tests**

Employer's response ...	<i>Number</i>	<i>Percentage</i>
...in favour of majority applicant	770	70.0
...in favour of minority applicant	209	19.0
...with try-out or job for both applicants*	38	3.5
...with rejection of both applicants*	83	7.5
Total	1 100	100.0
* Employer's decision after meeting both applicants		

Table 2 illustrates what happens at the successive stages of the recruitment process: initial contact followed by standby and/or interview. It shows all the valid and usable tests taken together, and also according to whether they started with a telephone call or with the submission of a résumé by mail or in person.

The net discrimination rate is the difference between the proportion of decisions favouring the majority applicant and the proportion of decisions favouring the minority applicant. Taking the valid and usable tests as a whole, the difference in treatment is blatant right from the applicants' initial contact with the employers. The net discrimination rate recorded at the initial contact stage (33.1 per cent) is already almost two-thirds of the net aggregate discrimination rate at the end of the recruitment process (51.0 per cent). If the discrimination rate at the end of the standby period, i.e. following replies from employers along the lines of "We'll call you back", is added to that of the initial contact stage, then it turns out that **nearly nine-tenths of the overall discrimination is recorded before the employers have even taken the trouble to meet the two testers in an interview.**

The way discrimination is distributed across the various stages of the recruitment process varies significantly from one form of initial contact to another. In the tests that began with a telephone call from the applicants, more than half of the total discrimination was recorded right from the initial contact stage (28.5/50.1). Yet the subsequent stages also revealed significant levels of discrimination, with over a quarter of total discrimination occurring after the standby period and one-fifth after the interview. In the tests that started with the submission of a résumé by mail, an extremely effective discriminatory filter comes into play at the initial contact stage, where almost all the discrimination takes place. In the few tests that managed to go beyond this discrimination barrier at the initial contact stage, it appears that the applicants were treated more equally thereafter.

Table 2 Results at each recruitment stage, by form of initial contact, on the basis of valid and usable tests only

Recruitment process	FORM OF INITIAL CONTACT			Total
	Telephone call	Résumé sent by mail	Résumé submitted in person	
<i>(Number of valid and usable tests)</i>	<i>(823)</i>	<i>(227)</i>	<i>(50)</i>	<i>(1 100)</i>
INITIAL CONTACT	100.0 %	100.0 %	100.0 %	100.0 %
In favour of majority applicant (a)	40.5 %	69.6 %	32.0 %	46.1 %
In favour of minority applicant (b)	12.0 %	18.1 %	6.0 %	13.0 %
Both on standby	24.1 %	5.7 %	54.0 %	21.6 %
Both offered an interview	23.4 %	6.6 %	8.0 %	19.3 %
Net discrimination (a - b)	28.5 %	51.5 %	26.0 %	33.1 %
STANDBY	24.1 %	5.7 %	54.0 %	21.6 %
In favour of majority applicant (a)	17.1 %	4.0 %	34.0 %	15.2 %
In favour of minority applicant (b)	5.0 %	1.3 %	14.0 %	4.6 %
Both offered an interview	2.0 %	0.4 %	6.0 %	1.8 %
Net discrimination (a - b)	12.1 %	2.7 %	20.0 %	10.6 %
INTERVIEW	25.4 %	7.0 %	14.0 %	21.1 %
In favour of majority applicant (a)	10.9 %	2.2 %	2.0 %	8.7 %
In favour of minority applicant (b)	1.4 %	1.7 %		1.4 %
Both offered trial or job	3.8 %	1.3 %	8.0 %	3.5 %
Both applicants rejected	9.3 %	1.8 %	4.0 %	7.5 %
Net discrimination (a - b)	9.5 %	0.5 %	2.0 %	7.3 %
Net aggregate discrimination	50.1 %	54.7 %	48.0 %	51.0 %

The survey moreover permitted a distinction to be made between the differences of treatment, and the measurement their relative weight.⁷⁸ Almost half of the decisions taken in favour of the majority applicant at the initial contact stage reflect very sharp differences in treatment, where the minority applicant – who was always the first to contact the employer – was rejected out of hand while the majority applicant was subsequently offered an interview or a practical assessment. In other cases, the minority applicant was asked to stand by (“Send us a résumé!”, “Call back later!” or “We’ll call you back”), while here again the majority applicant was offered an interview or a practical assessment. The difference in treatment may seem less clear-cut, but in any case the outcome is the same: the minority applicant is eliminated right from the initial contact. This is a somewhat underhand form of discrimination, which is impossible to identify as such when job-hunting in real life, since the minority applicant has not been formally rejected.

When these two types of different treatment are added together, it turns out that nearly 80 per cent of all immediate decisions in favour of the majority applicant involve the employer asking to meet him/her and not doing the same for the minority applicant who applied first for the same job. When – far more rarely – the employer’s initial decision appears on the contrary to favour the minority applicant, it is as a rule less clear-cut, and in many cases does

⁷⁸ See section 8.3 for a detailed analysis of this issue.

not necessarily mean that he or she will actually meet the employer. In fact, more than a third of initial responses in favour of the minority applicant are merely requests to stand by while the majority applicant is rejected.

The survey also serves to identify the level of discrimination in the various occupational fields tested. The figures in table 3 show that only 10-15 per cent of the employers contacted, regardless of their occupational field, treated the applicants equally throughout the recruitment process, eventually offering both of them a try-out or a definite job or rejecting them both after meeting them. By contrast, over two-thirds of the employers contacted favoured the majority applicant, as against a mere 15-22 per cent (depending on the occupational field) favouring the minority applicant.

Table 3 **Synthesis of results obtained at the end of the recruitment process, by occupational field tested (tests starting with a telephone call only)**

Total number of tests ...	S. Hotels and restaurants	R. Commerce	Other fields tested**
...in favour of majority applicant	69.5 %	68.1 %	67.3 %
...in favour of minority applicant	15.0 %	22.1 %	20.8 %
...with offer of try-out or job for both*	2.0 %	2.9 %	7.5 %
...with rejection of both applicants*	13.5 %	7.0 %	4.4 %
Total	100.0 %	100.0 %	100.0 %
<i>(Number of valid and usable tests</i>	<i>(393)</i>	<i>(204)</i>	<i>(226)</i>

* Employers' decision after meeting both applicants.
 ** "Personal and collective services", "Tourism and transport", "Management and administration", "Building and public works", "Health and social work"

The disparity between the decisions in favour of the majority applicant and those in favour of the minority applicant can be illustrated even more clearly:

- in the hotels and restaurants sector, when the employer was called upon to choose (69.5 + 15.0 = 84.5 per cent), his/her decision was more than four times out of five in favour of the majority applicant;
- in sales and commerce and in the "other fields tested", three decisions out of four went to the majority applicant

If the foregoing results are broken down into each of the recruitment stages,⁷⁹ then in the two groups of commerce and "other fields tested" a large proportion of the decisions in general, and virtually all the discriminatory decisions in particular, were taken even before the employer met the applicants. As for the employers in hotels and restaurants, although they offer the applicants an interview far more often, they discriminate all the more vigorously after the interview.

⁷⁹ See table 9 in section 10.

The survey also made a distinction between the results obtained on each of the six sites involved in the testing, where the pairs were sometimes male and sometimes female and where the origin of the minority applicants was sometimes “North African” and sometimes “sub-Saharan”. Apart from the fact that they do not usually concern the same sex and the same origin, special care needs to be exercised in comparing the results for each site, in so far as they are dealing with different employment areas and the numbers involved are lower than for the tests described above.

The analyses made in section 11 do, however, reveal that discrimination against all minority applicants was very strong, whether they were male or female and whether their origin was “North African” or “sub-Saharan”. The most striking differences in treatment were recorded against men and women of “sub-Saharan origin”, where employers opted for the majority applicant four times out of five. When the minority applicant was of “North African” origin, the employers opted for the majority applicant in three cases out of four when the pair was male, and in two cases out of three when the pair was female. In terms of discrimination, this last finding is still not satisfactory, and yet it is the best that was recorded throughout the survey.⁸⁰

Summary

When the employer chose between the two applicants, his decision was in favour of the majority applicant ...

...nearly 4 times out of 5	in all the tests taken together, regardless of the form of initial contact
...4 times out of 5	in the hotel and restaurants sector
...3 times out of 4	in commerce and sales
...3 times out of 4	in the other occupational fields tested
...4 times out of 5	when the applicant was of "sub-Saharan" origin
...3 times out of 4	when the applicant was of "North African" origin
...2 times out of 3	when the applicant was of "North African" origin ⁸⁰

⁸⁰ This disparity is in fact probably underestimated and should therefore be interpreted with care, because of the distortion referred to in section 11.

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N.B. 1. I have avoided using the term "Black" (except for "black skin") and have therefore translated "origine noire africaine" by the more politically correct "sub-Saharan". If you prefer a strict translation of the French ("Black African origin"), it should be easy to make the necessary changes with a global replace.

2. I have translated "origine hexagonal ancienne" as "metropolitan French origin". I can't think of anything else that might have some kind of meaning for an English reader. As for the first point above, a more strict translation would require some kind of explanation in a footnote.

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