**Keynote**

Progresses, Setbacks and New Challenges for Equality Diversity and Inclusion in 2020

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# Abstracts for conference papers

**Intersectional microaggressions in situated interaction: A discursive approach**

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Parallels might be drawn between Connell’s (2005) notion of ‘marginalised masculinities’ and Crenshaw’s (1989) concept of ‘intersectionality’. However, whilst Connell’s concept relates to the practices of disadvantaged groups of men, Crenshaw’s draws attention to the layering of disadvantage itself. Yet reconciling these two concerns may hold advantages in terms of better acknowledging and unpicking the complex ways in which intersecting social categorisations can exacerbate disadvantage. In this spirit, here, *the marginalising* *of* masculinities is explored – as an outcome achieved through discursive means, in situated interaction, as intersecting social categories are used to account for negatively-assessed practices. In other words, the focus is on how people reproduce disadvantage in everyday interactions as they negatively assess particular behaviours or characteristics and account for their uptake or manifestation in terms of group membership. Marginalisation, it is argued, is accomplished through various social practices, for example, ‘microaggressions’. Sue (2010) conceptualises as “active manifestations of marginality” (p. 5). Here, they are operationalised as instances where inequality of justified or individuals are criticised on the basis of membership to a particular group. In this way, marginalisation can be evidenced in practice at an interactional level.

Membership Categorisation Analysis (MCA) is a particularly appropriate toolkit for such analyses due to its focus on the mechanisms and effects of categorisation. Concepts such as

‘category-tied predicates’ and ‘category-bound activities’, for example, are especially useful for gaining purchase on the reproduction of associations between particular categories of people and particular characteristics and behaviours. As such, it is possible, “to examine, at the microlevel, how the building blocks of fundamental cultural divisions are formulated and exploited as part of the local construction of social meanings.” (Stokoe, 2004, pp. 112-113).

Conversational data collected during focus groups industry settings will be used to illustrate how intersecting social categorisations are utilised by participants to account for why some men enact sexism. These excerpts therefore demonstrate how particular masculinities are

‘marginalised’ in and through microaggressions. Three different intersecting membership categorisation devices are represented in the excerpts: ‘class’, ‘race’, and ‘sexuality’. Implications for theory and practice will be discussed.

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**Who feels it knows it! Alterity, identity and ‘epistemological privilege’: challenging white privilege from a black perspective within the academy.**

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The paper considers some of the contemporary issues faced by black academics, denoting our constant struggles for equal and fair treatment, which are not based on what we bring to the table but the skin we are in. This enables us to consider Gabriel’s

(2019) poignant reasoning as that which firmly locates the ‘nebulous’ concepts of ‘whiteness and white privilege’ in a socio-cultural and historical context. Doing so here requires interrogating and exposing the centrality of whiteness, making known that any discussion of the value of human life, in white racist societies, requires black voices to be at the forefront of discussions regarding, race, representation and belonging. The suggestion is that when negotiating identity through the lens of

‘curricular decolonisation’ or ‘equitable inclusion’, white faculty who know what the deal is but choose to ‘side-step the matter of their own privilege’ do so simply because they can. Consequently, racial discrimination is an overly abstract concept to many white colleagues, which is why this argument is framed through a ‘hermeneutic of suspicion’ (Ricoeur 1965), for we all have choices to make and positions to take based on the interior knowledges we bring to the table. However, in this empirical piece I will argue that the reality is that only ‘white knowledges’ seem to matter in a system that was deliberately set up this way. A system that continues to privilege this discrete white racial group, especially within Higher Education (HE) institutions that are in too many instances confidence draining and soul-destroying work environments for black academics.

Key words: Alterity, blackness, black academics, curricular decolonisation, racism, white privilege, whiteness.

**The Public/Private sector divide: disability discrimination cases at Employment Tribunals**

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Despite an increasing prevalence of equality and diversity policies across organisations (Van

Wanrooy et al., 2013) and growing attention being given to the role of HR and sustainability (De Stefano et al., 2018), claims of disability discrimination continue to be lodged at Employment Tribunals in England and Wales. These claims are examined in this paper.

Although a basic analysis of disability discrimination cases can be found in the Survey of Employment Tribunal Applications (SETA) (see Harding et al. (2014), these do not shed light on the factors that contribute to a claim succeeding or alternatively being dismissed. Given this paucity of extant data, this research seeks to fill this gap.

Importantly also, this work differentiates between the different types of disability discrimination that can be claimed, comparing the private sector with the public sector. Such comparison throws light on the efficacy of different types of law; in Britain the form of the law is different in the public and private sector, which could give rise to differences in the frequency and type of discrimination claimed. Both the private and public sectors are governed by command and control legislation which addresses discrimination through an adjudicatory process in an adversarial manner where the state provides a private forum for the deliberation of facts and the claimant, if successful, is compensated for past discrimination (Ford, 2018). The public sector, however, is also governed by reflexive legislation which requires organisations to be proactive to promote equality through the Public Sector Equality Duty. This Duty focuses on eliminating the processes, attitudes and behaviours which result in discrimination and aims to eliminate discrimination even if no individual complaint has been lodged (Fredman, 2012), but is it effective? Does this Duty lead to less instances of disability discrimination being alleged or not? This paper, therefore, addresses key debates on the form of the law. While some argue that reflexive legislation is better placed than command and control legislation to fight inequality (Ayres, 2012; Hepple, 2011), others argue it is inadequate and that a ‘stick’ is more effective (Fredman, 2012).

This paper contributes to this debate by focusing on the characteristics of cases in the private and in the public sectors. In addition, we compare the factors contributing to the outcomes of claims brought in the two sectors.

Methodology

We collected a census of all disability discrimination Employment Tribunal cases that went to a preliminary hearing or beyond in the three calendar years 2015-2017 inclusive, in England and Wales

The data were coded by two coders (interrater reliability: 97%), using a codebook developed for this study based broadly on the SETA data. Key variables included in the analyses for this study were claimants’ gender, sector, representation of claimants and employers (“equality of arms”), as well as the types of disability discrimination claims. Excluding cases with missing information left data on 1172 claims that were part of 468 cases, presided by 149 judges for the analyses presented here.

Key findings

The following statistics provide an overview of our sample. Of the cases included in our dataset, 249 cases (with 614 claims) were brought in the private sector, and 219 cases (with 558 claims) in the public sector. 56 % of the cases in the public sector and 39% of the cases in the private sector were brought by women. In the public sector, 51% of cases involved claimants with mental impairments (private sector: 33 %), and 60 % of the cases were brought by claimants with physical impairments (private sector: 73 %). 50 % of the public sector claimants and 38% of the private sector claimants had legal representation.

The most frequently brought types of disability discrimination claims were ‘Failure to Make Reasonable Adjustments’ and ‘Discrimination Arising from Disability’. The former was significantly more common in cases brought by public sector claimants, the latter was more common among private sector claimants.

Multilevel multinomial logistic regression analyses suggested that the outcomes of claims are to some extent associated with sector: private sector cases are more likely to be successful at full hearing than public sector cases. Moreover, different types of discrimination claims differed in their likelihood of success at full hearing.

Impact

Understanding more about the effectiveness of British disability discrimination law enforcement by Employment Tribunals can shed light on whether and how the law should be reformed and provide insights into strategies that will secure access to justice, a key form of dignity and sustainably, in line with the UN 9th sustainable development goal of decent work. Focusing specifically on disability legislation highlights the experiences of a vulnerable group of workers and an especially complex form of legislation where there are low success rates (Ministry of Justice, 2019) and tribunal awards are generally low (Clark, 2017).

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