

Statistics At Work

3 min

So how did Elaine Shoben show that discrimination was at play in hiring decisions? It's a bit heavy on the legal jargon, but we can break it down to see how it works.

1. First, she said that we can use [statistics](#) to see if the hiring results of subjective interviews are so unlikely that they couldn't have happened by chance. In other words, is it even possible (in statistical terms) that the pattern of who got the job could be based on random chance?
2. If the results **couldn't** happen by chance, then the alternative is that they must happen by "purposeful exclusion." In other words, it would mean people are excluded from the job by discriminatory hiring practices.
3. If the employers are aware of the "exclusionary effect," and they continue to use that same hiring process, then they're showing a "reckless disregard" for the rights of individual candidates not to be discriminated against in the hiring process. (Read it a few times if you need to!)
4. Once we acknowledge that, the burden shifts to employers to show why their hiring requirements are valid and necessary. We no longer assume the hiring practices are legitimate and make job candidates prove otherwise.

Statistics at work! That's definitely a bit of legal jargon, but how cool is it to use statistics to reveal a systematic pattern of discrimination, rather than trying to piece together a case from individual experiences. That's really what stats is all about.

Logic: Step 1 Could the hiring results have happened by random chance? Or is that statistically impossible?	Logic: Step 2 If the hiring results haven't happened by chance, they must have happened by "purposeful exclusion."
Logic: Step 3 If the employer is aware of this "purposeful exclusion," they show "reckless disregard" for the rights of individual candidates not to be discriminated against.	Logic: Step 4 The burden of proof shifts to the employer to prove why hiring requirements are valid and necessary.

Example: Step 1

In the last 5 years, StarComm Corporation had 1,000 candidates and hired 200 people. Of the 1,000 candidates, 400 were women (40%). Of the 200 people hired, only 20 were women (10%).

Logic: Step 2

If the hiring results haven't happened by chance, they must have happened by "purposeful exclusion."

Logic: Step 3

If the employer is aware of this "purposeful exclusion," they show "reckless disregard" for the rights of individual candidates not to be discriminated against.

Logic: Step 4

The burden of proof shifts to the employer to prove why hiring requirements are valid and necessary.

Logic: Step 1

Could the hiring results have happened by random chance? Or is that statistically impossible?

Example: Step 2

Statisticians determine that the probability of getting these hiring results by chance is essentially zero. Lawyers can then conclude that the low number of women hired isn't accidental, but purposeful in some way.

Logic: Step 3

If the employer is aware of this "purposeful exclusion," they show "reckless disregard" for the rights of individual candidates not to be discriminated against.

Logic: Step 4

The burden of proof shifts to the employer to prove why hiring requirements are valid and necessary.

Logic: Step 1

Could the hiring results have happened by random chance?
Or is that statistically impossible?

Logic: Step 2

If the hiring results haven't happened by chance, they must
have happened by "purposeful exclusion."

Example: Step 3

StarComm Corporation is now aware that their hiring
practice discriminates against women. So lawyers can argue
that SCC violated the rights of women candidates to have a
fair shot (without discrimination) in the hiring process.

Logic: Step 4

The burden of proof shifts to the employer to prove why
hiring requirements are valid and necessary.

Logic: Step 1

Could the hiring results have happened by random chance?
Or is that statistically impossible?

Logic: Step 2

If the hiring results haven't happened by chance, they must
have happened by "purposeful exclusion."

Logic: Step 3

If the employer is aware of this "purposeful exclusion," they
show "reckless disregard" for the rights of individual
candidates not to be discriminated against.

Example: Step 4

The burden is now on StarComm Corporation to get its
hiring process into legal shape OR to prove why its hiring
process has to be the way it is. It's no longer the job of
individual women candidates to prove they are up against
an unfair process.