

# Researching the tension between privacy and inclusion in organisations: Promises and pitfalls of a transdisciplinary approach

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One of the main aims of Open Science is to make the academic enterprise more open and useful to society (League of European Research Universities, 2018). But, in order for scholars to usefully contribute to solving society's questions, a mono-disciplinary and uni-directional approach is often insufficient. Hence, to effectively bridge science and society, we need to reach across the boundaries of disciplines and collaborate with different stakeholders at all stages of the research process. Doing either, let alone both, is inherently challenging but crucial for having real impact. To facilitate such endeavours, it is essential to have the networks, the space, and the means to think and work inter- and transdisciplinarily.

In the current essay, we discuss promises and pitfalls of conducting inter- and transdisciplinary research by describing our experiences with the establishment of the Privacy and Inclusion Consortium (P.INC). In this consortium, social scientists, legal scholars, and humanities scholars collaborate with each other and with stakeholders from industry and civil society with the aim to contribute to solving the apparent discordance between the requirement for privacy and the need for inclusion in organisations. By discussing the establishment of this consortium, we hope to both inspire others to undertake similar collaborations and to share our reflections on what is needed to successfully bridge the gap between academia and practice.

## Privacy versus inclusion?<sup>1</sup>

A sense of inclusion in the workplace means that employees feel that they belong and can be themselves at work (Jansen, Otten, Van der Zee, & Jans, 2014). Such feelings of inclusion not only have positive consequences for individual employees but also for the organisation that these employees work at. Research shows that feeling included increases employees' job satisfaction and reduces their work-related stress and their intentions to leave the company (Jansen et al., 2014; Nishii, 2013; Şahin, Van der Toorn, Jansen, Boezeman, & Ellemers, 2019). However, much remains unknown about what organisations can do to facilitate a sense of inclusion amongst employees (Dobbin & Kalev, 2016; Ellemers, Şahin, Jansen, & Van der Toorn, 2018; Kulik, 2014). This is particularly the case when it comes to relatively invisible identities such as sexual orientation and gender identity (Clair, Beatty, & MacLean, 2005). As a consequence, lesbian, gay, bisexual, transgender, intersex, queer, and other sexual or gender minority (LGBTIQ+) individuals continue to be structurally disadvantaged in the workplace (Kuyper, 2016, 2017; Van der Toorn, 2019). Efforts are often based on common sense and the assumption that there is no harm in trying (Dobbin & Kalev, 2016; Ellemers et al., 2018; Cramwinckel, Scheepers, & Van der Toorn, 2018), while research shows that diversity initiatives that are not properly designed and evaluated can have unintended negative consequences (Kaiser et al., 2013; Legault, Gutsell, & Inzlicht, 2011). Moreover, organisations tend to focus their efforts on relatively visible forms of diversity (e.g. gender and ethnicity), while research shows that properly managing visible *and* invisible diversity (e.g. sexual orientation or gender identity) is an important condition for inclusion at work (Clair et al., 2005; Şahin et al., 2019).

Organisations can improve their diversity policies and limit unintended effects by working in a more evidence-based manner (Cramwinckel et al., 2018; Ellemers et al., 2018). To facilitate evidence-based inclusion of LGBTIQ+ employees, employers may wish to implement voluntary registration systems. Registering and analysing data about sexual orientation and gender identity can help in identifying group-based inequalities and in forming and evaluating targeted interventions towards combatting these inequalities. The collection of sensitive data, however, also creates new challenges. For example, asking employees to include their sexuality or gender identity in their personnel file or to report it in an internal employee survey requires them to 'out' themselves, which is a more precarious issue for sexual and gender minorities than it is for the majority. And, even when such information is collected anonymously, LGBTIQ+ employees may not answer truthfully in fear

of it in fact not being entirely anonymous. Moreover, current data protection laws, such as the General Data Protection Regulation (GDPR) and privacy laws, set limits to the collection and use of such data. These laws are put in place to protect individuals against undue use of their personal data and also aim to prevent discriminatory effects based on, *inter alia*, sexual orientation. But, while these data protection laws protect the rights and interests of employees, their application may be in the way of effective diversity policies and thus indirectly harm them. As employers may not be sure what is allowed and what is not, they may base their policy decisions on misperceptions or too strict interpretations of the law and forego data collection on sexual orientation and gender identity altogether, limiting the organisation's potential to bring issues to the surface.<sup>2</sup> Thus, both asking employees about their stigmatised group memberships and refraining from doing so could have unintended consequences and cause the opposite of what was targeted – exclusion instead of inclusion. Given the possible tension between privacy and inclusion, research is needed into the limits, possibilities, and consequences of registering sensitive employee data in the workplace.

While this issue is often approached from a legal perspective, this is insufficient to truly capture its complexity. We argue for an interdisciplinary approach to employee data collection at work, starting with the question of what information is considered 'sensitive' and why, and what are the implications of this labelling for how this information is approached and for those who are labelled as such. In our view, we can only answer these questions by incorporating insights on privacy, sensitivity, and inclusion from different disciplines. In addition to the legal aspects of sensitive data collection, we need to minimally take psychological and cultural factors into account (e.g. Altman, 1977; Koops, 2017; Vincent, 2016). For example, HR professionals' perceptions of the legal restrictions on data collection likely play a role in their policy decisions regarding this issue, while the organisational culture is likely one of the factors determining employees' attitudes on the issue. With a solid footing in law, the social sciences, and the humanities, P.INC aims to offer such an interdisciplinary perspective on the topic and to provide a practical toolbox for organisations that aim to facilitate LGBTIQ+ inclusion at work while protecting people's privacy.

## The building of a consortium

The initial research idea was coined during an interdisciplinary network session organised by the Utrecht Young Academy,<sup>3</sup> a platform of ambitious

young academics at Utrecht University who exchange critical perspectives on academia, policy, and society in Utrecht and beyond. The network session was aimed at bringing together scholars from different disciplines and inspiring them to think outside of the box in order to start new collaborations and apply for research grants. Our core group of researchers found a mutual interest while brainstorming on the topic of taboos. As a social psychologist studying the workplace inclusion of lesbian, gay, bisexual, and transgender employees, Jojanneke van der Toorn is interested in the reasons why employees' sexual orientation and gender identity tend to be considered irrelevant (and perhaps even taboo) at work. Literary and cultural historian Martine Veldhuizen examines the ethics involved with the sharing of personal information in the late Medieval Ages and the influence of socio-technical developments of especially the introduction of the printing press. Legal scholar Stefan Kulk specialises in privacy and data protection law, which regulates if and how people and institutions may use personal data.<sup>4</sup> The brainstorm session on taboos showed that, while we all have a different focus, there is overlap in our interests with regard to the sharing of personal information. Hence, we were excited to further explore a possible collaboration and we met again on several occasions. During these meetings, finding a common language proved a first hurdle to overcome. Given our disciplinary backgrounds, we use different terminology and are used to different theoretical and methodological approaches. We found that the same terms sometimes had different meanings for each of us, whereas other times we used different terms to mean the same. We also found that we differentially appraised knowledge aspects (e.g. what counted as evidence for some would be considered a hypothesis by others). We also realised that we needed better insight into issues regarding the sharing of personal information as experienced on the ground (i.e. by employers and employees). We concluded that, in order for us to be able to come up with a good project proposal, we needed time to think and talk, and opportunity to build a network of researchers and stakeholders. Thus, we successfully applied for a Seedmoney grant from the university's Institutions for Open Societies strategic theme to buy out some of our teaching time and continued to meet. We had set ourselves two concrete goals: (1) to build a consortium of researchers and stakeholders, and (2) to work on grant applications. To this end, we first talked to people in our own academic networks to see who they thought would complement our expertise, and got Joke Hermes, an expert in inclusive communication at Hogeschool InHolland, on board. We also connected with Hanneke Felten, who works at research centre Movisie and who has much experience interviewing stakeholders,

and with Nathalie Hanssen, a lecturer specialised in legal design thinking at Hogeschool Leiden with knowledge on how to communicate legal guidelines to a broader audience. As gateways to stakeholder groups of employers and employees, we furthermore connected with the Workplace Pride Foundation,<sup>5</sup> an international platform for LGBTIQ+ workplace inclusion with more than 70 member organisations from the public and private sector, and Transgender Network Netherlands, a Dutch foundation committed to the emancipation of transgender persons and their surroundings and the elimination of discrimination. These connections were important, not only for their practical insights into the workplace issues of interest but also for providing us with the much-needed perspective of LGBTIQ+ individuals themselves.<sup>6</sup>

Because we wanted to involve our stakeholders in the research from the start, our first activity was to organise an interactive event for the member organisations of the Workplace Pride Foundation, which was hosted by Elsevier. We had prepared a short presentation to introduce the topic of LGBTIQ+ data collection at work and had created a series of statements to which we requested audience members' input (both by digitally indicating whether they agreed with the statements or not and by elaborating on their answers). Through this activity, we found that many of the HR professionals present were unsure of what is legally allowed in the realm of sensitive employee data collection. They tended to base their decision of whether to collect such data on their personal intuition as to whether this information should remain private or not. This provided us with the valuable insight that the rules in the GDPR should be clarified and made more accessible to employers by means of legal research. There also seemed to be an intuition amongst HR professionals that LGBTIQ+ employees would be reluctant to share their sexual orientation and gender identity with their employers, while the LGBTIQ+ employee network representatives who were present seemed generally in favour of collecting such information, as long as the data were treated with care and were collected with an aim towards demonstrating possible group-based inequalities at work (e.g. in terms of felt inclusion, opportunities for promotion, or remuneration). Thus, the event provided us with the valuable insight that HR professionals' decisions regarding sensitive employee data collection may be rooted in misconceptions of both the GDPR and of the preferences of LGBTIQ+ employees, and that LGBTIQ+ employees may be willing to share such data as long as certain conditions are met (e.g. an organisational culture of trust). For employers and employees alike, it is thus important to obtain insight into the legal possibilities and requirements in this realm, and into employers' and

employees' attitudes towards sensitive employee data collection and the factors that influence them. A job well cut out for us. A challenge, however, lies in providing insights that can be translated to practical applications. What is of scholarly interest (e.g. for theory building) is not necessarily of interest to practitioners. For this reason, we deemed it crucial to continue the dialogue with stakeholders and keep involving them in the research. Hence, following the stakeholder event, we distributed an invitation to join our consortium to those attending. We were joined by representatives from two public organisations and seven national and multi-national private organisations from various sectors (i.e. financial services, consultancy services, health care technology, publishing services, and legal services).

## What have we achieved so far?

To date, we have submitted several grant proposals with varying success. An application for funding by the Dutch Research Agenda unfortunately was denied, but we have been successful in obtaining several smaller grants that have allowed us to take a number of initial steps towards our aims. A first example is the co-creation of a **legal factsheet** in which we specify the conditions and requirements specified in the GDPR as they specifically apply to the collection of data on employees' sexual orientation and gender identity. The creation of the factsheet was inspired by the stakeholder event and its initial content was derived from an elective course for master students taught by Stefan Kulk at Utrecht University. During the course, students learned to bridge theory and practice by analysing the legal room for the collection of information regarding employees' sexual orientation and gender identity and, as a final project, created a Wiki page on the topic. Following the course, Stefan Kulk and master student Marthe van der Velde consolidated the pages into one document, which we subsequently discussed with Human Resources and Diversity & Inclusion professionals from our consortium. Based on the stakeholder feedback, we are currently working on a revision of the factsheet, and we are also incorporating insights gleaned from the discussion in our other activities. While it is important to get the factual legal information across in an accessible manner, we want to also examine the cultural and psychological mechanisms that underlie people's attitudes towards sensitive data and its management (see for the importance of a cultural perspective: Altman, 1977). As law is also the product of social and historical developments, privacy and data protection law cannot be understood in isolation.

A second example of our consortium activities is a **theoretical article** intended for an interdisciplinary journal in which we elaborate on these ideas and propose a research agenda. The writing of this article is still underway as it is proving quite the challenge to find a common language. But, we have decided to treat the process of writing the article as an end in itself, as it has already brought us many valuable insights.

A third example of our activities is a series of **empirical studies** in which we assess people's attitudes towards data collection on employees' sexual orientation and gender identity and related inclusion initiatives. We argue that a particular challenge to creating LGBTIQ+ inclusive work climates lies in the heteronormative conception of *privacy*, which manifests in the design and implementation of diversity programmes. Within this conception, the expression of homosexuality (but not heterosexuality) is limited to the private domain and thus considered irrelevant to the workplace (Humphrey, 1999; Rumens & Kerfoot, 2009). This, in turn, may be an obstacle to the implementation of policies that are specifically aimed at facilitating LGBTIQ+ inclusion, which have been shown to benefit sexual and gender minorities. In one empirical study, conducted by Jojanneke van der Toorn and master student Zayal Sirdar, we obtained initial evidence that perceiving sexual orientation and gender identity as private matters is related to endorsing an identity-blind diversity ideology (i.e. endorsing equal treatment, regardless of group membership), which in turn is related to lower support for LGBTIQ+ inclusive policies (including LGBTIQ+ data collection).

A fourth example is a collaboration with Industrial Design students at Eindhoven University of Technology towards creating a **conversation-start-er tool**. The tool is aimed at facilitating conversations between employers and employees on the topic of data collection on employees' sexual orientation and gender identity, encouraging policy design from the bottom up. During the first stage of the project (2020), student Pascalle Ickenroth, supervised by Daniel Tetteroo, Martine Veldhuizen, and Jojanneke van der Toorn, led several co-creation sessions with the consortium members in order to develop a set of design guidelines.<sup>7</sup> These will be used for the development of the actual tool by other students in the next project stage.

The above activities are mere examples of our endeavours since forming the consortium. Working across disciplines and in close collaboration with stakeholders has further inspired us to seek other unusual collaborations. Jojanneke van der Toorn and Martine Veldhuizen have, for example, branched out to join a second transdisciplinary undertaking in which social scientists, humanities scholars, medical researchers, and design engineers from four different institutes collaborate in preparing a grant application



for the Center for Unusual Collaborations,<sup>8</sup> which was recently granted. In the contexts of the hospital, the workplace, and the neighbourhood, the project focuses on the ways in which efforts for positive social impact can be made more inclusive. In these contexts, we suspect there are many people who need support but who are beyond the scope of those who provide it because their intersecting complexities go unnoticed. In a ten-month pilot, we will a) investigate the current methods of identifying the needs of unseen populations, and b) assess whether and to what extent these methods sufficiently reach the individuals within these populations. The research conducted in the workplace context will provide valuable insights for the P.INC consortium.

## In conclusion

The Open Science initiative tends to focus on making research methods, materials, data, and knowledge freely available. This is an important goal. But, if society plays no role in the questions that are asked or if the infrastructure is lacking for translating this knowledge to practice, the academy is not going to serve society. Establishing a consortium like ours is not easy; it not only requires time and effort from committed researchers who can think outside of the box but also the necessary institutional support. What our experiences so far have taught us is that a defining feature for success is not to find like-minded individuals willing to look beyond the borders of their discipline or practice (they exist in abundance), but to obtain the time and resources to engage in this kind of endeavour. Although we are encouraged by the enthusiasm of our stakeholders, students, and collaborators, and by the moral support and funding from within our own departments and the university, it is still incredibly hard to get inter- and transdisciplinary research funded through the regular funding bodies such as the Dutch and European Research Councils. In addition, there are various other barriers to working with academics from other disciplines (e.g. the research is hard to publish), let alone practitioners (e.g. because they want solutions that can be readily implemented in their organisations). As is clear from our journey so far (which has only just begun), our progress has been helped immensely by unusual, yet formalised, interdisciplinary structures such as the Utrecht Young Academy and the Institutions for Open Societies strategic theme at Utrecht University, and the Center for Unusual Collaborations. These interdisciplinary networks and the funding possibilities they provided us with were pivotal to us meeting academics from different disciplines and having



the time to actually form meaningful collaborations with each other and with stakeholders. Collaborating with stakeholders has furthermore provided us with the necessary reflection on our own positionality as researchers. By implicating employers and LGBTIQ+ employees in our research, we hope to reduce the risk of treating individuals from minoritised groups as mere objects of research. In sum, there is unique added value in these collectives that can be much expanded on.

## Notes

- 1 This research description is an excerpt of a theoretical article we are currently writing in which we propose a research agenda for studying the topic (working title: 'Privacy and Inclusion at Work: An Interdisciplinary Research Agenda'). Hence, there is some overlapping content.
- 2 Pilot data from a focus group study we conducted amongst HR professionals suggested that many practitioners are unsure of what is legally allowed, and instead base their decision of whether to register sensitive information on their personal intuition as to whether this information should remain private or not.
- 3 <https://www.uu.nl/en/research/utrecht-young-academy>
- 4 Initially, social psychologist Florian Cramwinckel was also part of the consortium, but she has since left academia to work in the industry.
- 5 <https://workplacepride.org/>
- 6 The members of our research team are all White, are mostly female, and mostly identify as cis-gender and heterosexual. As we value team diversity and diverse perspectives, we deem it very important to extend our consortium and to include the individuals who we research from the start.
- 7 See <https://www.uu.nl/en/news/working-together-with-people-from-different-backgrounds-is-challenging-yet-rewarding>
- 8 Project title: The Power of One: Towards the Representation of Unheard and Unseen Individuals in the Hospital, Workplace and Neighbourhood; <https://www.unusualcollaborations.com/>

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