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## Equal Pay Index between men and women: the performative power of quantification conventions

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### Abstract

Several methods of calculation may be used to quantify the gender pay gap. The sociology of quantification shows how the construction of indicators may be employed to define certain notions. Literature on the performativity of quantification also highlights the effect that acts of calculation can have upon reality. This article combines these fields as it examines the illocutionary performative power of the “equal pay index”, which was developed by the French government in 2018, and which companies are legally obliged to publish on an annual basis. The article therefore draws on different types of documents: leaflets explaining the construction of the index, government-issued communications, statements given by members of the government and companies’ own communications. With the aid of this index, the government can provide more precise definitions of the notion of equal pay and the field of action of companies. The novelty and benefits of the current case lie in the pairing of a relatively classic tool for commensuration and a subject—equal pay—that has suffered from a vague definition for decades. Furthermore, this article offers a conjoint study of the manner in which the index is built and the emerging discourse around it.

**Key words:** equal pay, gender equality index, quantification convention, performativity

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## Introduction

Measuring a company's situation with regard to equal pay is a much more complex operation than one might imagine (Eveline & Todd, 2009; Pochic & Chappe, 2019; Smith, 2009). Two main questions present themselves (Marie & Mochel, 2016). First, which salary indicator should be chosen? Different studies on the subject have employed different indicators: hourly wage, monthly wage, annual wage scaled to equate to full-time working hours, and total gross salary (Coron, 2018; Meurs & Ponthieux, 2000, 2006a; Muller, 2008, 2012). Depending on the chosen indicator, the gaps can vary significantly. Equally, different methods of calculation may be employed: the gap in average salary, the gap in average salary according to the length of employment, or the gap in average salary according to position level or within same-specification jobs. Once again, the differences may vary significantly, ranging from less than 10% to more than 20% (Marie & Mochel, 2016). This polysemous notion of equal pay complicates the comparison and ranking of companies in this regard. Indeed, a ranking system requires that reality be reduced to a single, hierarchical dimension: a score out of 20, a score out of 100, rates, etc. Hence, comparing companies regarding their gender pay gap requires that there be an agreement at least on the chosen salary indicator and on the method of calculation.

One of the most significant measures announced by the French government in the last years was the 2018 enactment of a legal obligation for French companies to measure annually, in a homogenous manner, their own situations with regard to gender equality in the workplace and notably equal pay through an index whose formula was subsequently established by the government. The government also ordered companies to annually publish their index on their company websites and to take action to rectify any inequalities.

Thus, it seems interesting to consider how this equal pay index is constructed and how it aims to reduce the complex issue of equal pay to a single dimension, which would enable a comparison between companies to encourage them to take practical actions in response to the findings. This case, even if dealing specifically and exclusively with France, is particularly interesting, as the issue of equal pay greatly surpasses the national context (Dawson, 2014; Smith, 2009). Furthermore, France presents the introduction of this index as a step forward, which would see the country become a champion of workplace equality, in comparison to other countries; however, certain countries such as Germany have proposed certain tools to

companies to analyse the structure of their salaries according to gender (Bergmann, Scheele, & Sorger, 2019). The study of the French case shines a helpful light upon the situation in other countries.

The sociology of quantification allows this question to be refined. Desrosières (1993, 2008a, 2008b) introduces the concept of “quantification convention”, a convention that covers the choices of variables and the methods of calculation. The term “convention” here highlights the fact that, according to the sociology of quantification, these choices are never solely technical but are also socially structured. The sociology of quantification also underlines the performativity of quantification, namely, the effects that quantification can have upon reality, especially upon the behaviour of individuals (Espeland & Sauder, 2007; Espeland & Stevens, 1998). Espeland and Stevens (2008) use the typology established by Austin for speech acts to specify the different types of performativity of quantification. They mention illocutionary performativity, which refers to situations in which speech acts (for them, the act of calculation) are confounded with their effects on reality. Acts of calculation therefore have an illocutionary performativity when they create new categories of thought or when they reconfigure a field (Espeland & Stevens, 2008; Fauré & Gramaccia, 2006). This point proves central to an assessment of the manner in which the equal pay index contributes to a (re)definition of this complex notion.

Last, the sociology of quantification allows the following question to be formulated: what are the performative, illocutionary effects of a quantification convention relating to equal pay?

To answer this question, the equal pay index established by the French government at the end of 2018 must be studied in detail. Specifically, on the one hand, the mathematical definition of this index and the way in which it contributes to the political definition of equal pay are to be considered. On the other hand, the statements on this index issued by the government and by companies are assessed. Doing both acknowledges the link between an act of calculation and a speech act, as outlined by the studies dedicated to this topic (Fauré & Gramaccia, 2006).

Answering this question can provide insights into the issue of equal pay by underlining the links between the modes of calculation of the gender pay gap and the definition of this notion, whereas much of the literature on equal pay is devoted to the mechanisms that produce the gender pay gap (Bergmann et al., 2019; Durbin & Tomlinson, 2014). In addition, it brings together the literature on equal pay and the literature on performativity in

organizations, which is rather new, as gender studies dealing with the calculation of equal pay remain scarce (Pochic & Chappe, 2019).

The first section of this study presents the conceptual framework of the research project. Second, the material and the applied methodology of analysis are given. The third section is dedicated to a detailed presentation of the mathematical formula used to construct the equal pay index. Finally, the main results are presented in the fourth section before being discussed in the fifth section. The formula used to define the equal pay index puts significant weight on the unexplained pay gap, which represents only a part of the total salary gap. Ultimately, the quantification convention performs a dual function: defining equal pay and the field of action of companies.

## **I. Literature review**

Quantifying wage inequalities requires several choices to be made, as indicated by the variety of indicators put forward by researchers. The sociology of quantification provides tools to analyse these choices as conventions that are not solely technical. Moreover, it provides a conceptual framework that underlines the performativity of these choices and of quantification more generally.

### **I.1. Unequal pay, a polysemous notion**

The literature on the welfare state has already shown that the gender pay gap has several dimensions in the sense that it results from the different locations of women and men in the class hierarchy, combined with the wage differentials between and within classes (Mandel & Shalev, 2009). For this reason, important differences exist between welfare regimes in the various components of the gender pay gap, which explains cross-country variations (Mandel, 2012). Other studies recall that gender pay inequalities are symptomatic of two types of discrimination (Meulders, Plasman, & Rycx, 2005). First is direct discrimination, which corresponds to paying a woman less simply because she is a woman. This type of discrimination therefore explains the possibility of a wage gap across the same position (“within-job discrimination”, Petersen and Saporta (2004)). Meanwhile, indirect discrimination consists of wage inequalities that are linked to differences in the characteristics of male and female populations (Stojmenovska, 2019). Indeed, numerous factors besides gender also influence the pay level (Dawson, 2014; Eveline & Todd, 2009; Gornick & Jacobs, 1998; Mandel, 2010; Meulders et al., 2005). For instance, young males are more likely to pursue scientific and technical subjects, whilst young females are more likely to pursue arts as well as human and social sciences fields, which contributes to an uneven spread of men and women across professions as well as to differences in terms of professional responsibilities (Cappellin, 2010; Pochic, Peyrin, & Guillaume, 2011). The distribution of women in jobs is not the same as that of men, and this professional segregation is aggravated by the fact that female-dominated professions are often less well remunerated than male-dominated professions (Bergmann et al., 2019; Cech, 2013; Smith, 2009). Studies

have shown the role that wage-setting and job classification systems play in this matter (Acker, 1989; Bergmann et al., 2019). Finally, women are vastly overrepresented in the category of part-time employees (Durbin & Tomlinson, 2014; Milewski, 2010; Ruiz Castro, 2012). In 2016, according to key figures on gender equality in France (2017), 30% of female employees were working part time compared to 8% of men, which partly explains the general pay gap.

In light of this situation, two main methods may be used to measure wage gaps and thus to factualize discrimination, according to the way in which unequal pay is defined (Chappe, Eberhard, & Guillaume, 2016; Pochic & Chappe, 2019).

The first method consists of simply calculating the gap between the average male salary and the average female salary (Muller, 2008, 2012). This method therefore considers that the issue of unequal pay covers both direct and indirect discrimination.

The second method involves the use of econometrics and control variables to calculate the adjusted gender pay gap. This method thus evaluates the issue of equal pay solely through the lens of direct discrimination, with indirect discrimination being controlled by the control variables. This second method has become common in academic research (Meurs & Ponthieux, 2000). The majority of academic studies on the subject draw on Blinder-Oaxaca's works (Blinder, 1973; Oaxaca, 1973), which distinguish between an "explained wage gap" (explained by differences in characteristics between male and female populations) and an "unexplained wage gap". Variance analyses offer similar advantages (APEC, 2015).

Beyond the method used, another consideration in the calculation of a wage gap is the selection of a salary indicator. As such, certain studies focus on a fixed salary (Meurs & Ponthieux, 2000, 2006a) scaled to a full-time salary to control the variable of working hours (Muller, 2012), while other studies leave fixed salaries unscaled to encompass the factor of unequal working hours (Ponthieux & Meurs, 2004). However, the variable part of the salary indexed on the objectives or the payments linked to additional working hours can also disadvantage populations that do not correspond to expectations of availability; indeed, women are overrepresented in this latter category (Dawson, 2014; Devetter, 2009).

This variety of methods of calculation and of salary indicators, when coupled with the variety of different sources (Meurs & Ponthieux, 2006b), explains significant variations in the calculation of pay gaps (Marie & Mochel, 2016; Pochic & Chappe, 2019). For example, in 2012, France had a gender gap of 25.7% in the average yearly salary and a gap of 10.5% in the average monthly salary for the same positions (Chamkhi & Toutlemonde, 2015).

In light of this situation, even if companies had been obliged to provide figures on internal gender pay gaps to enable comparisons to be drawn since 1983, hitherto every organization had considerable room to manoeuvre in the calculation of these gaps, which rendered inter-company comparison precarious (Pochic & Chappe, 2019).

## I.2. The concept of quantification convention

These considerations may appear technical. However, the work originating from the sociology of quantification allows one to highlight the varied nature of the choices that underpin quantification operations in general (including the methods of calculation and the chosen indicators): these choices are not solely technical but also arise from social and institutional logics.

The concept of a quantification convention, notably introduced by the work of Desrosières (1993, 2008a, 2008b), considers these phenomena. Desrosières's research deconstructs the "myth of quantification" by demonstrating that operations of quantification do not lead to neutral representations of reality and by calling into question the inclusion of the natural sciences paradigm in statistics, which rests on the premise that there is a reality that one can measure and describe in a completely neutral, objective and transparent way (Hansen & Flyverbom, 2015; Salais, 2016). Indeed, Desrosières highlights the importance of the choices (of methods or of data sources, for example) made in advance of operations of quantification and the fact that these choices do not correspond solely to logical techniques. These choices fall under the category of "quantification conventions". A quantification convention is a "*meta-convention, [which] covers a configuration or a coherent set of operations both cognitive and normative, including selection of the items to take into account, relevant judgement criteria, choices of mathematical schemas, etc.*" (Chiapello & Walter, 2016, p. 159). The notion of conventions is borrowed from the economics of conventions: they are "*interpretative contexts developed and used by actors to progress to an evaluation of scenarios and their coordination*" (Diaz-Bone & Thévenot, 2010, p. 4). More precisely, conventions allow one to share an interpretive framework and an evaluation of objects, acts and people and therefore to act in times of uncertainty (Cartier, & Liarte, 2010; Diaz-Bone, 2016; Eymard-Duvernay, 1989). The originality of the work carried out by Desrosières lies in his use of the concepts of conventions to analyse operations of quantification. Quantification conventions are particular because they rest on technical and scientific arguments, which reinforce the illusion of their objectivity (Salais, 2016). Chiapello and Walter (2016) help to specify what may constitute a quantification convention: a cluster of operations that includes, for example, the selection of data, the choice of methods employed, and the criteria of pertinence and of evaluation of the tools used. In the same way, Espeland and Stevens (1998) note that operations of commensuration—the comparison of different entities according to a common metrics—also meet not solely technical, but also social and political aims.

In turn, the social and institutional practices of quantification and commensuration become interesting to analyse (Diaz-Bone, 2016; Espeland & Stevens, 1998). Commensuration corresponds to an operation with the aim of equalizing different entities along a single scale. This operation is necessary for the establishment of classifications and comparisons (Espeland & Sauder, 2007). Once again, the operations of commensuration adhere to social and institutional logics as much as they meet technical logics (Bruno, 2010; Espeland & Stevens, 1998).

### I.3. The performativity of quantification

Beyond the social and political dimensions, an entire branch of the sociology of quantification deals with the performativity of quantification, namely, with the effects that acts of calculation can have upon reality (Le Breton & Aggeri, 2018). Miller and Power (2013) also weigh in on this topic, explaining that accounting figures have several effects, including circumscribing territories (*territorializing*) as well as defining responsibilities (*adjudicating*).

Espeland and Stevens (2008) use the typology established by Austin (1973) to qualify the different types of performativity of quantification.

First, quantifying may correspond to a locutionary act. Locutionary acts, in Austin's typology, simply correspond to saying something by mobilizing the syntax, grammar and vocabulary that allow the speaker to communicate their meaning for his/her interlocutors. According to Espeland and Stevens, quantification is locutionary in the sense that it also rests on a group of calculatory qualities and a formal arithmetic (Lave, 1984), which corresponds to a syntax that, if not respected, leads to a loss of meaning (Fauré & Rouleau, 2011; Vollmer, 2007).

Furthermore, quantifying can constitute an illocutionary act. In Austin's typology, illocutionary acts of language refer to situations in which saying something is mistaken for doing something. One of the most well-known examples is the fact that the statement "I bet that" is completely confounded with the act of betting. Espeland and Stevens compare the act of quantifying to an illocutionary act when it aims to create new categories of thought and thus new objects at large (Fauré & Gramaccia, 2006). Desrosières (1993) gives the example of the historical evolution of the measure of poverty. Measuring poverty requires that poverty be first defined, then translated into measurable variables. Finally, the measure of poverty constitutes a new object (poverty rate or poverty threshold, for example). Thus, the operation of quantification of poverty gives rise to the creation of a new object. Other examples have been given in studies: socio-professional categories (Desrosières & Thévenot, 1988), the cost of medical acts (Belorgey, 2013; Juven, 2016), the cost of domestic work proposed by feminists at the end of the twentieth century (Espeland & Stevens, 1998), the probabilities of committing a crime or of reoffending as measured by the American justice system (Christin, 2017; O'Neil, 2016), human intelligence measured by different tests (Gould, 1997), and the level of education as measured by sociologists of education (Stevens, 2008).

Finally, quantifying can take the form of a perlocutionary act, a situation in which speech has an effect on people. Espeland and Sauder (2007) use the term "reactivity" in relation to individuals or institutions (for rankings, for instance). Once the criteria for ranking or scoring are known, individuals have a strategic interest in confirming to the criteria to move up in the ranking or at least to obtain a better score (Bruno, 2015; Vidaillet, 2013). Callon (2007) and Sunstein (2000) carried out studies about the performativity of economic science and finance. MacKenzie (2006) goes further by distinguishing two types of locutionary performativity, one referred to as "Barnesian performativity", in which models and formulas produce the behaviours that they predict, and one referred to as "counter-performativity", in which individuals could use the opposite behaviours as those predicted. In their work on dating websites, Roscoe and Chillas (2014) demonstrate the Barnesian performativity of matching algorithms: by proposing to a user that he/she should contact another, they influence his/her behaviour.

In certain cases, quantifying can refer to all three of these acts at once. For instance, the measure of the GDP (gross domestic product) corresponds to certain mathematical rules;

helps create a new object, i.e., the GDP; and influences the behaviour of countries, organizations, and even individuals (Coyle, 2016).

Finally, these two concepts of the quantification convention and of performativity offer a theoretical framework that allows the research project to be refined. Indeed, the equal pay index established by the French government constitutes a quantification convention, which could thus target a form of performativity. This study is particularly interested in illocutionary performativity because the potential creation of a new quantification convention could reconfigure the field of equal pay. Therefore, we ask, what are the illocutionary effects of a quantification convention in terms of equal pay?

## II. Material and research design

To answer this question, the French context was considered. A 2018 government action plan that aimed to address the issue of gender equality in the workplace (henceforth referred to in this article as “workplace equality”) obliged French companies to measure annually, in a homogenous manner, their own situations with regard to gender equality in the workplace and notably equal pay through an index whose formula was subsequently established by the government. Since 2019, French companies have been obliged to publish their index annually on their websites.

### II.1. Material used

As this research investigates the performativity of a quantification convention, material about this index, on the one hand, and about its performativity, on the other hand, was gathered.

*Quantification convention.* Documents that clearly described the method of calculation for the equal pay index were sought. Several sources were acquired, all giving the same definition, but in slightly different forms: the decree presenting the index<sup>1</sup> (10 pages), the brochure published by the government entitled “gender equality index” (4 pages), websites offering advice to employers on ways to calculate the index<sup>2</sup>, and the Excel software made available to companies by the government that included the various formulas necessary to construct the index<sup>3</sup>. These different documents described the same method of calculation but

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<sup>1</sup> Available via this link: [www.dalloz-actualite.fr/sites/dalloz-actualite.fr/files/resources/2019/01/2019-15.pdf](http://www.dalloz-actualite.fr/sites/dalloz-actualite.fr/files/resources/2019/01/2019-15.pdf)

<sup>2</sup> For example, <https://www.juritravail.com/Actualite/egalite-remuneration-hommes-femmes/Id/297804>.

<sup>3</sup> Available via this link: [https://travail-emploi.gouv.fr/IMG/xlsx/tableur\\_entreprises\\_de\\_plus\\_de\\_250\\_salaries.xlsx](https://travail-emploi.gouv.fr/IMG/xlsx/tableur_entreprises_de_plus_de_250_salaries.xlsx).

in different formats (the decree was a legal text, the brochure and websites provided a pedagogical presentation for companies, and the Excel file was a tool to help companies calculate their index).

*Illocutionary performativity.* First, 3 official government brochures or videos presenting the index were chosen, as were 5 TV, radio or press interventions made by members of the government in which they referenced the index (see Table A in Appendix). Some of these promotional acts, so to speak, were carried out in advance of the publication of the index formula in November 2018. Others were published after this publication. The oral communications were transcribed to facilitate the analysis alongside the official texts and press interviews. Indeed, even if distinctions between the oral and the written communications could be established (Fraenkel, 2006; Le Breton & Aggeri, 2018), it quickly became apparent that the vocabulary and arguments employed were the same. The objective here was to obtain information about the government's discourse on the index, and, in particular, on the effects that it sought to incur via the imposition of the index. In total, the written documents and the transcriptions yielded 9341 words (see Table A in Appendix for more details).

For company reactions, CAC40 businesses (the 40 largest-revenue French companies) were chosen: press releases or extracts from websites that displayed the published index were sought and were successfully acquired for 24 businesses out of 40. The aim of collecting this material was to see how companies communicated their scores (Garric, Léglise, & Point, 2007) and what they did or did not deduce from these data to inform their gender equality policy.

## **II.2 Methods of analysis**

The analysis was carried out in two stages.

First, the definition and methods of calculation of the index and the sub-index were analysed under two lenses. The first lens corresponded to the definition of equal pay that emerged from these calculation formulas. The second corresponded to the manner in which the methods of calculation structured the field of action of the companies by excluding, for instance, certain forms of inequality or of gendered wage differences. To conduct this analysis, the framework of the sociology of quantification and the notion of a quantification

convention were applied through the examination of the underlying methodological choices (notably, the weighting and definition of the sub-indexes, the chosen parameter).

Second, the discourses on the index derived from the government (presentation of the index) and companies (publication of the index on the company website) were analysed. The communication and the discourse of organizations are currently considered strategic in the academic literature (Detchessahar & Journé, 2018; Varlet & Allard-Poesi, 2017), but the study of a corpus comprised of written communications originating from companies remains a relatively recent research material (Garric et al., 2007). The material analysed here was characterized by the presence of two discourses, with one (that of companies) constituting a type of response or reaction to the other (that of the government). In addition, there was less company material, and it comprised essentially figures (those of the index and sub-indexes) and not words. Of 24 companies, 12 did not communicate specifically about the index; they presented the figures only, without commentary. Hence, the government and the companies' discourses could not be analysed with the same methodology. The methodological possibilities for the analysis of discourse are numerous (Dubost, 2014; Garric et al., 2007). In the same way, the theoretical and disciplinary frameworks forming the basis of discourse analysis are varied (Boutet & Maingueneau, 2005).

A lexicometrical analysis (Reinert, 1998) using the software IRaMuTeQ was chosen for the government discourse. This method allows the researcher to identify the coexistence of different discourses as detected by keywords (Dubost, 2014). More precisely, the descriptive statistics on the corpus (notably, the frequency of words) were first collected together, and then a descending hierarchical classification was conducted. This type of methodology, as outlined by Reinert (1983), is based on the frequency and closeness of words within the speaker's discourse. This method thus produces categories based on statistics without considering the meaning of the words. The researcher must then reassemble the significance of the content cluster based on the most frequent words within each category.

As for the company discourses, each communication release was coded manually, with a particular focus on three points: 1) What is the obtained score? 2) Is the presentation of the score accompanied by an outline of the company's policy? 3) Which conclusion(s) did the organization draw from its score? The choice to code the releases manually was partly due to the small number of words in each release.

These comments and speeches were analysed in French, and the results were translated into English *a posteriori*.

### **III. The Equal Pay Index**

The method of calculation of the equal pay index was presented in a legal decree and gave rise to pedagogical presentations produced by the government for companies. Hence, the method of calculation remains the same across documents.

#### **III.I Method of calculating the general index**

The equal pay index is calculated over a period of twelve months and across a population that excludes apprentices, people working for an external company, expatriates, and people who were absent for over more than half of the examined period. Moreover, it is calculated based on remuneration for full-time employment, excluding additional working hours, bonuses, and other variable parts of salary.

The equal pay index is composed of five sub-indexes: the gender pay gap, the gap in the rate of pay raise (excluding promotion), the gap in the rate of promotion, the rate of pay raises for women returning from maternity leave, and the number of people of the under-represented sex whose salaries are among the top ten highest in the company.

Every sub-index gives rise to a number of points, which are summed to obtain a general mark out of 100 (Table 1).

*Table 1. Method of calculation of the general index*

#### **III.1. Method of calculation of the sub-indexes**

Each sub-index also contains a calculation formula and a definition, which are detailed in the same document. Without going into the most technical details, Table 2 presents the points deemed to be most salient.

*Table 2. Method of calculation of the sub-indexes*

If a sub-indicator is not calculable (for example, the fourth sub-indicator in a case where no individual increase occurs over the period), the general score is calculated from the other sub-indicators, scaled to 100 for the sake of proportionality.

## **IV. Results**

The formula for the general index, like the formulas for the sub-indexes, contributes to defining the notion of equal pay, notably by highlighting the adjusted pay gap. Furthermore, the government and company communications on the index indicate how the government attempts, without fully succeeding, to reconfigure the field of equal pay by using this index as a springboard.

### **IV.1. The general index: defining equal pay**

As previously indicated (p. 12), the chosen salary indicator corresponds to a fixed salary that has been scaled to full-time working hours and that excludes extra working hours and bonuses. However, the literature review clearly shows that the overrepresentation of women amongst part-time employees and their minimum availability in terms of working hours can partly explain the general pay gap. Here, wage gaps linked to availability are not included as salary inequalities in the index.

On the other hand, Table 1 indicates that the index includes inequalities linked to promotion and pay raises (sub-indexes 2, 3 and 4). Indeed, studies indicate that a part of the general wage gap can be explained by the fact that the least number of women have access to positions of responsibility. However, including promotion and pay raises in a gender equality pay index is not a self-evident choice, because these two forms can seem to be based on individual merit and thus not to correspond to gender inequalities.

Finally, the definition of the index relies on the hypothesis that the gender pay gap could be to the disadvantage of women or to the disadvantage of men. Indeed, the gaps are defined in terms of absolute value (hence, a hypothetical gap to the disadvantage of men would be considered as much an inequality as a gap to the disadvantage of women). Moreover, sub-index 5 mentions the “salaries of the under-represented sex” and not solely those of women.

To sum up, this index aims to help define a measure of equal pay, without considering the inequalities of working hours but including the inequalities of promotions and pay raises.

## IV.2. The construction of sub-indexes: defining the action field of companies

The calculation formulas for each sub-index (Table 2) contribute to the definition of this notion of equal pay and specifically to the action field of companies.

Sub-index 1 (pay gap). The pay gap between men and women is measured along comparable profiles, considering the professional position held and the age of the employee. Consequently, this excludes inequalities linked to professional segregation. Workplace segregation corresponds to the fact that men and women often do not occupy the same positions and that female-dominated professions are often less well remunerated than male-dominated professions. Actions to achieve gender diversity, reflections on wage-setting systems are excluded from the calculation formula. In addition, the manner in which this sub-index is calculated means that companies are guaranteed to obtain a relatively high minimum score. Indeed, every company that presents a gap of less than 13% is guaranteed to obtain more than 20 out of 40 points, knowing that, at a national level, the wage gap is approximately 14% when scaled to full-time working hours and without the effect of segregation controlled.

Sub-index 2 (gap in individual increases). The rate of individual pay raises is defined as the percentage of employees who benefited from a pay raise. Thus, the size of the pay raises is not considered. As a result, companies are not actively encouraged to look at potential gender inequalities in the amount of the pay raises. Furthermore, the gap in the pay raise is calculated based on one's position, which consequently excludes wage inequalities from the recorded pay raise rates linked to the position rather than the person occupying it.

Sub-index 3 (gap in the promotion rate). In the same way, the gap in the promotion rate is calculated based on professional category. It thereby prevents companies from reflecting on the fact that certain positions allow for a more rapid career progression and offer greater access to responsibilities as well as the fact that workplace segregation potentially prevents women from accessing these positions. In addition, the manner in which this sub-index is calculated means that companies are guaranteed to obtain a relatively high minimum score. For instance, a gap between 2 and 5 gives 10 points (out of 15). The percentage of employees who are promoted on an annual basis within a company generally amounts to a rather weak figure. For instance, Orange's social report indicates a percentage of promoted employees that oscillates between 8 and 9%, whilst that of the BNP Paribas oscillates between 10 and 12%, again according to the social report. In light of this situation, the gap measured in

percentage points proved to be very favourable to companies. For example, in a company with a male promotion rate of 10%, which does not seem very high when compared with the aforementioned figures, a gap of 5 percentage points would mean that the rate of female promotion lies at 5%; that is, men are twice as likely to be promoted as women. A company with a significant inequality would obtain 10 points out of 15 on this index. Thus, companies are poorly encouraged to follow up on these issues.

Sub-index 4 (rate of individual pay raise for women returning from maternity leave). Since 2006, in France, increasing the wages of women returning from maternity leave—provided that pay raises have been introduced for other employees during the period of the subject's absence—has been defined as a legal obligation. Companies that comply with the law are guaranteed to obtain 15 points out of 15 for this index. In addition, the calculation of the sub-index does not consider the amounts of the pay raises given. Once again, companies are not invited to reflect on any gender disparities in the amounts of the pay raises.

Sub-index 5 (representation amongst the ten highest salary positions). This sub-index represents a weak weighting in the general index (maximum 10 points out of 100), and again, companies can obtain a correct score relatively easily. If they employ at least two women (or persons of the under-represented sex) within the 10 highest-paid positions, they are guaranteed a score of 5 out of 10.

To summarize, the sub-index calculation formulas define equal pay and, particularly, companies' fields of action more precisely. They exclude reflections on potential gendered inequalities that are linked to gendered professional segregation. They also exclude the fight against potential gender inequalities in the wage-setting system and the differing possibilities for pay increases and evolution according to the position held. Such formulas also exclude gender inequalities in the given pay increases (whether or not they are linked to promotion). Overall, the incentives encouraging companies to act in favour of female promotion seem relatively weak.

### **IV.3. Communication about the index: inciting companies to act**

To study the government discourse, a textual analysis with the software IRaMuTeQ was conducted. Eight corpuses of texts (Table A in Appendix) were used. Illustrative variables were added for each text indicating the text source (the Prime Minister's cabinet, the Employment Minister, or the Secretary of State in charge of gender equality), the form in

which the text appeared (written leaflet or press/radio/television announcement), and the date of publication (before or after the publication of the precise method of calculation for the index). Reinert's classification (the descending hierarchical classification) was applied to the corpus of eight texts representing 1035 forms. The first classification yielded five categories (Table 3).

*Table 3. Characterization of categories—Government speech*

Category 1 could be characterized as “transparency for action”. Its vocabulary consists of verbs linked to sight (to look at/watch, to see), which evoke the idea of transparency, and action verbs (to act, to claim). The underlying idea here is that the index brings a form of transparency and objectivity.

*“The advantage of obligation is that everyone will be able to see immediately which areas are in need of improvement. What counts, therefore, is action.”—  
Employment Minister, RTL radio, 4<sup>th</sup> March 2019*

Category 2 could be labelled “statistical overview”. Indeed, this group contains extracts dedicated to reminding people of the wage gap figures (9%, 27%, 25%, based on the method of calculation).

*“There are still wage gaps of 9 to 27% between men and women.”—Secretary of  
State, Europe 1 radio, 5<sup>th</sup> November 2018*

Category 3 could be labelled “responsibilization”. It is characterized by references to a multitude of actors who could assume part of the responsibility in the fight against pay gaps—notably, trade unions, employees, companies.

*“Workplace inequalities figure amongst the most constant, the most fiercely criticized, and the most visible today: this statement calls for firm and decisive action on the part of public powers, in tandem with social partners.”—  
Government Brochure*

Category 4 could be labelled “legal context”. The corpus of text here reminds us of the legal context surrounding workplace equality and of the fact that, despite numerous laws, the situation has evolved very little.

*“It is not sufficient to pass laws and to introduce penalties for that things change.”—Employment Minister, JDD journal, 20th January 2018*

Category 5 could be labelled “context”. The corpus of associated texts generally addresses the rights of women, without focusing on the gender pay gap: parental leave, the fight against sexism etc.

*“We observe that there are some really strong expectations on the part of the whole French population regarding gender equality, a sense of urgency, of impatience to finally achieve gender equality.”—Secretary of State, France 24 TV, 8<sup>th</sup> March 2018*

These categories correspond in part to different speakers: the Minister of Employment’s discourse is most present in the first group, which is dedicated to action, whilst that of the Secretary of State features prominently in categories 2 (reminder of the figures) and 5.

These different categories allow one to gain a greater understanding of the government strategy concerning the discourse surrounding the index. The government lays out in very general terms the issue of gender equality (group 5); the legal context (group 4); and the fact that, despite these obligations, the salary gap remains significant (category 2). The equal pay index is thus presented as a solution that brings transparency to prompt action (group 1). This solution is accessible to a varied range of actors, who are thereby invited to accept that mantle of responsibility (group 3).

This discourse is addressed to the employees of the company but also, and above all, to the companies themselves, aiming to incite companies to take responsibility and action for this issue. The fact that the index enables the comparison between companies serves this purpose. As the Employment Minister notes,

*“The candidates, when they want to apply, will look at the index... This is moreover one of the reasons companies are already making progress.”—Employment Minister, RTL radio, 4<sup>th</sup> March 2019*

In light of this situation, the company discourse on the equal pay index is interesting to examine. To do so, the public releases given by 24 of the 40 CAC40 companies on their company website were collected. No textual analysis was carried out this time because many of the statements were extremely laconic (one phrase). Rather, the characteristics of these communications were coded manually (see section II.2). The releases by the companies were published in March 2019, after the different communications made by the government.

Hence, the aim here was not to study the differences in the discourses between government and companies but rather to understand the way companies reinterpret the equal pay index, despite or thanks to the government discourse.

The conclusions drawn from the index seem to depend relatively little on the obtained score, which shows that the index does not provide as much transparency for action as could be desired by the French government. Indeed, ArcelorMittal, who obtained a score of between 73 and 89 (depending on the sector of its different subsidiaries), which is not a high score, writes,

*“The three branches of ArcelorMittal in France, employing more than 1,000 staff, published their equality index, in accordance with the government legislation passed on 1st March 2019. They are able to record such solid performances thanks to voluntary gender equality policies deployed by the company, in particular, focusing on equal pay, equal opportunities for promotion, and an equality rate of individual pay raises.”*

ArcelorMittal therefore uses the index as a tool of legitimization for its policy and its gender equality situation. Other companies, which are fewer in number, mention that the obtained score encourages them to go further and to reinforce their commitment to achieving equal pay, which corresponds to the aim of the government (encouraging companies to act in favour of gender equality). Once again, this situation does not depend on the obtained score. The intentions remain very vague, however. As CapGemini (score: 94) writes,

*“The result of this index increases our determination and our will to successfully eliminate wage gaps and to continuously improve our policy on diversity.”*

Other companies (e.g., Axa) use the press release to present in detail their gender equality policy. Axa obtained a high score (95/100) and writes,

*“A score we can be proud of and which confirms that the policies implemented have a positive impact and position Axa as a responsible employer committed to gender equality. These policies include, for example... (then an 8-page document about their policy).”*

Overall, at least in their discourses, companies do not move spontaneously from the index to conclusions on their equal pay policy and their field of action. Rather, they use this index as a tool of legitimization, or, on the contrary, as a simple information tool. The use of this index as a way of legitimizing company policy does not seem to depend on the obtained score. This analysis shows that the government discourse has not reached its goal for the moment and has to compete with the instrumentalization of the equal pay index by companies trying to legitimize their action.

## V. Discussion

These results allow for the opening up of a more conceptual and theoretical discussion around the notion of equal pay, one which notably mobilizes the concept of illocutionary performativity.

As such, the index constitutes a new quantification convention that rests on an institutional logic, as the aim of the government when defining this index was to oblige companies to communicate more transparently about their gender pay gaps and to encourage companies to act (category 3 of the textual analysis). This quantification convention has a performative dimension in the sense that it has an effect on what it aims to measure. Amongst the different types of performativity proposed by Austin (1970) and taken up by Espeland and Stevens (2008), this study takes a particular interest in illocutionary performativity, which is based on the premise that a quantification convention, through its mere existence, has effects on reality. As underlined above, the index contributes to the definition of equal pay in a relatively precise manner, which clearly corresponds to a form of illocutionary performativity. More precisely, this resembles what Miller and Power (2013) refer to as “*territorializing*” because it defines the field of equal pay. In this way, the index becomes a new quantification convention that defines what it attempts to measure. This illocutionary performativity is heightened by the government response on the subject, which presents the index as a way of guaranteeing a form of transparency in the issue of equal pay (category 1 of the textual analysis). The fact that the quantification conventions can help bring about or modify notions and concepts is not a new observation: Desrosières (1993) already demonstrated this through operations of typology and classification. However, as previously indicated, the index also contributes to defining the companies’ field of action. This second

performative effect entails a crossover between “*territorializing*” and “*adjudicating*” (Miller & Power, 2013) because it involves both defining the field of action for companies and rendering them responsible for this field. This second form of illocutionary performativity is catalysed by the ranking system: by engendering the possibility for comparison through the development of a common commensuration tool (Espeland & Stevens, 1998), the government hopes that the index will encourage companies to act in favour of equal pay and gender equality. This situation echoes Bruno’s analysis (2015) on the use of rankings as instruments of power to incite action. Here, the government’s speech on the index shines a spotlight on this illocutionary performativity by defining a certain number of expectations and by reminding companies of their responsibilities (category 3 of the textual analysis). Importantly, however, the effects detailed here do not constitute an exhaustive list of the performative capacity of this index, as the potential actions put in place by companies following the publication of this document, and thus its concrete effects on the practices of companies or its perlocutionary performativity, have not been investigated (Le Breton & Aggeri, 2018).

The occurrence of varying illocutionary performative effects of a new quantification convention produced by a government is not a new phenomenon. The novelty and insights of the case in question stem from the union of two factors: a relatively classic government method (the development of a ranking system that aims to incite companies to take action) and a subject (equal pay) about which legal and governmental texts have remained particularly vague for many decades. As a result, the principle of “equal work, equal pay”, institutionalized in 1972, has suffered for many years from a lack of clarity in the definition of “equal work” as well as in the notion of “equal pay”. Studies have clearly highlighted the multifaceted nature of this domain and thus the variety of fields of action taken by companies: fighting against direct discrimination, of course, but also notably against the overrepresentation of women in part-time jobs (Devetter, 2009; Milewski, 2010), the unequal distribution of men and women (Cech, 2013; Meron, Okba, & Viney, 2006; Smith, 2009) in part-time in professions, the wage-setting and classification systems (Acker, 1989; Lemièrre & Silvera, 2010), and the glass ceiling (Cech & Blair-Loy, 2010; Gorman & Kmec, 2009; Ragins, Townsend, & Mattis, 1998). Other studies have highlighted the technicalities of the method of measuring equal pay (Pochic & Chappe, 2019; Smith, 2009). However, few have studied the manner in which a quantification convention proposed by the government can

define the companies' field of action. In this case, the equal pay index, called the gender equality index, narrows this field to the adjusted gender pay gap and inequalities in terms of promotion and wage increases, but without considering the job classification or the overrepresentation of women in part-time positions.

Studies are also interested in the conditions favourable to performativity (Austin, 1970; Fauré & Gramaccia, 2006; Le Breton & Aggeri, 2018). Here, the imprecision and ambiguity that surround the notion of equal pay may facilitate the illocutionary performativity of this index. Indeed, the lack of a previously agreed-upon convention on the notion of equal pay undoubtedly renders the appearance of a new convention much easier, as it fills an empty space. It is furthermore visible in the government's speech, which highlights that figures on wage gaps can vary ("there is still a 9 to 27% wage gap"—Secretary of State). Other favourable conditions can be identified within our study. In fact, the ease of the comparison of businesses amongst themselves through the obligatory publication of the index on institutional websites is no doubt part of these conditions, even if the result is difficult to guarantee with certainty, given that the concrete effects of the index upon the actions and practices of companies have not been studied, but rather solely their discourse on the subject. Company communications on this subject bring to light two types of (non-mutually exclusive) scenarios: one case in which the index is used in communication to legitimize the situation and policy of the company and another in which the index is used simply to transmit new information to the relevant parties. These two scenarios have already been well-documented (Garric et al., 2007). Here, the analysis indicates that, on the one hand, the two scenarios are not contradictory and, on the other hand, the discourse strategy does not seem to depend on the obtained score. This slightly surprising result clearly shows the separation of the illocutionary effects of the index (to create a new definition of equal pay and to outline a company's field of action) and company communications linked to this illocutionary effect.

## **Conclusion**

This study has analysed an aspect of the performativity of a quantification convention—the equal pay index proposed by the French government—by showing how the index contributes to the redefinition of the notion of equal pay and companies' field of action.

On a theoretical level, this research thus provides useful insights into the issue of equal pay by carrying out a detailed analysis of the definition of this notion that underpins the equal

pay index. It also highlights the fact that the notion of equal pay suffers from a lack of a stabilized definition and remains rather vague, which explains the illocutionary performativity of this index. Furthermore, while accounting research has focused in great depth on the performativity of acts of calculation within organizations (Fauré & Gramaccia, 2006; Fauré & Rouleau, 2011; Le Breton & Aggeri, 2018; Miller & Power, 2013; Vollmer, 2007), the corpus of gender studies that deals with the definition of equal pay remains relatively thin (Pochic & Chappe, 2019), even though the topic constitutes a major concern for gender equality in general. In addition, the main portion of accounting studies is devoted to the way in which figures are mobilized and to their effects within and upon organizations (Fauré & Gramaccia, 2006; Lorino, Mourey, & Schmidt, 2017), but relatively few pay interest to the methodological choices underlying the figures. However, the concept of quantification convention, which comes from the sociology of quantification, encourages us to reflect on these methodological choices, which allows us to enrich the analysis of their illocutionary effects. In contrast, the sociology of quantification does not frequently mobilize this concept of performativity and deals relatively little with the discourse surrounding figures, which proves to be important when trying to better understand how the index reconfigures the topic of equal pay.

On a managerial level, this study highlights the potential perverse effects of this index, namely, the fact that companies may be tempted to restrict their response to workplace gender equality to what is measured by the index. In doing so, they may fail to consider important aspects such as the overrepresentation of women in part-time positions, job classifications, and average levels of pay raises. It also highlights the potential instrumentalization of the index by companies in their communication.

This study did not, however, analyse the concrete performativity of this indicator, namely, the manner in which it influences actions and concrete practices in companies, beyond the communications aspect. Investigating this issue through, for instance, company monographs that aim to identify how actors have developed new company policies or strategies following the publication of the indicator, could prove very illuminating. Furthermore, here, each company was considered as a monolith since only one statement per company was analysed. Now, actors such as diversity managers or trade unions are more likely to have very different reactions to this index. Additionally, access to the working group

within the ministry that led to the definition of the index was not possible. For instance, being able to interview members of this group would have provided a better understanding of the logic behind the choices that underpin this new quantification convention. Moreover, this paper did not study the discourses of non-corporate or activist groups. How this index is seen by those actors would be an interesting topic for future research. Finally, this research did not adopt a comparative (cross-national) approach. A comparative study about the different ways to calculate and define the gender pay gap within different countries, for instance, with different welfare regimes, would be of great interest.

Accepted Article

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## Tables

*Table 1. Method of calculation of the general index*

Sub-index	Maximum number of points and method of calculation
1. Pay gap between men and women	40 points Each gap category corresponds to a number of points (e.g., gap of between 3 and 4% = 36 points out of 40).
2. Gap in the rate of individual increases (excluding promotion)	20 points Each gap category (0–2, 2–5, 5–10, >10) corresponds to a number of points (e.g., gap of between 5 and 10 percentage points = 5 points out of 20). If the gap works to the advantage of the least well–remunerated group, the company obtains the maximum number of points (20 points).
3. Gap in the promotion rate	15 points Each gap category (0–2, 2–5, 5–10, >10) corresponds to a number of points (e.g., gap of between 5 and 10 percentage points = 5 points out of 15). If the gap works to the advantage of the least well–remunerated group, the company obtains the maximum number of points (15 points).
4. Rate of individual pay raises for women returning from maternity leave if increases were introduced for other employees whilst the employee in question was away	15 points The company obtains 15 if the rate is 100 %; 0 otherwise.
5. Number of people from the under-represented sex amongst the ten highest salary positions	10 points Each category of people (4–5, 2–3, 0–1) corresponds to a number of points (e.g., 2–3 people = 5 points out of 10).

Table 2. Method of calculation of the sub-indexes

Sub-index	Method of calculation
1. Pay gap between men and women	<p>Gap between corresponding professional positions: gap calculated for groups according to age and position level (average male salary – average female salary/average male salary, in absolute value); then, the gap in the general salary calculated as the weighted average of the gap in each group.</p> <p>A threshold of significance is given (2 or 5% depending on the precision of the professional categories). For each group, the threshold is deducted from the absolute value of the gap.</p>
2. Gap between the rate of individual increases (excluding promotion)	<p>Gap calculated within each professional category (rate of male increases – rate of female increases, in absolute value); then, the gap is calculated as the weighted mean in the gap within each group.</p>
3. Gap in the promotion rate	<p>Gap calculated within each professional category (rate of male increases – rate of female increases, in absolute value); then, the gap is calculated as the weighted mean in the gap within each group.</p>
4. The rate of individual pay raises for women returning from maternity leave if increases were introduced for other employees whilst the employee in question was away	<p>Only calculated if raises were also introduced for other employees whilst the employee in question was away.</p>
5. Number of people from the under-represented sex amongst the ten highest salary positions	<p>Smallest number between the number of women and the number of men in the 10 highest paid salaries.</p>

Table 3. Characterization of categories—Government speech

Category 1 (21.1 % of corpus)	Category 2 (18.3 % of corpus)	Category 3 (24% of corpus)	Category 4 (16.4% of corpus)	Category 5 (20.2 % of corpus)
<b>Most representative keywords (chi2 criteria)</b>				
Going, citizen, looking, unionizing, advancing, progressing, seeing	Salary, gap, equal, 9, 27, 25, position	Unions, branch, salary catch-up action	Law, changing, obliging, voting, sanction, obligation	Paying, France, woman, right, working, company
<b>Most representative extracts (chi2 criteria)</b>				
<i>‘The advantage of obligation is that everyone will be able to see immediately which areas are in need of improvement. What counts, therefore, is action. So you will encourage employees to go and see, go and look, and to go and demand their rights, to campaign, where before they might not have done, as they were not in possession of the necessary information.’ Employment Minister</i>	<i>‘There are still wage gaps of 9 to 27% between men and women.’ Secretary of State</i>	<i>‘Workplace inequalities figure amongst the most constant, the most fiercely criticized, and the most visible today: this statement calls for firm and decisive action on the part of public powers, in tandem with social partners.’ Government Brochure</i>	<i>‘It is not sufficient to pass laws and to introduce penalties for things to change.’— Employment Minister</i>	<i>‘We observe that there are some really strong expectations on the part of the whole French population, regarding gender equality, a sense of urgency, of impatience to finally achieve gender equality.’ Secretary of State</i>
<b>Most representative illustrative variables (chi-two criteria)</b>				
Employment Minister	Secretary of State	Government press files	-	Secretary of State

## Appendix

Table A. Communications issued by the government included in the analysis

Government position	Communications
Édouard Philippe, Prime Minister	Government press statement—7 March 2018— <a href="#">Link URL</a> (976 words) Interministerial press committee dossier for the rights of women and gender equality—8 March 2018— <a href="#">Link URL</a> (2726 words—298 words concerning the index)
Muriel Pénicaud, Employment Minister	Interview by the “JDD” journal—20 January 2018— <a href="#">Link URL</a> (1640 words—789 words concerning the index) Official government video—22 November 2018— <a href="#">Link URL</a> (125 words) “RTL” radio—4 March 2019— <a href="#">Link URL</a> (2218 words)
Marlène Schiappa, Secretary of State under the Prime Minister, tasked with resolving the issue of gender inequality and overseeing the fight against discrimination.	“France 24” TV—8 March 2018— <a href="#">Link URL</a> [extract on equal pay] (763 words) “Europe 1” radio—5 November 2018— <a href="#">Link URL</a> (196 words) “Touche pas à mon poste” TV—2 February 2019— <a href="#">Link URL</a> (697 words)