

Anissa DJABI

THE FRENCH DIVERSITY LABEL

A LEVER TO PREVENT AND COMBAT DISCRIMINATION

A SHORT PRESENTATION OF THE FRENCH DIVERSITY LABEL
EXTRACTS FROM THE FRENCH GUIDE
« A GUIDE FOR COMPANIES REQUESTING THE DIVERSITY LABEL »



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MAI 2011



GÉRARD MESTRALLET

President and Chief Executive
Officer of Groupe GDF SUEZ

President of Fondation Agir Contre
l'Exclusion (FACE)

DIVERSITY AT THE SERVICE OF THE COMPANY AND COMPANIES AT THE SERVICE OF DIVERSITY

To enhance company perception of the question of diversity, the prevention and control of discrimination, the **Association Française des Managers de la Diversité (AFMD)**¹ has taken the initiative of creating this reference guide for company use.

The **Fondation Agir Contre l'Exclusion (FACE)**² has quite naturally supported the AFMD throughout this wonderful project. Our foundation brings together 4000 companies federated as 34 local clubs as close to the field as can be, all committed to integration, to resisting the various forms exclusion can take, and to promoting diversity by means of concrete, measurable actions: consciousness-raising among managers, training of human resources executives, collective territorial actions, internal auditing, support in obtaining the Label, or action-research. We share the same belief: that diversity is an opportunity for companies and that aiding them in this is crucial.

From the corporate standpoint the Diversity Label represents an opportunity to affirm their social and societal function. It also serves as an incitement to improve HR practices and a form of recognition for willingness to prevent and to fight against discrimination. Like more and more companies, the Group I head, GDF Suez, has

1. AFMD: Association Française des Managers de la Diversité (French Association of Diversity Managers)

2. FACE: Fondation Agir Contre l'Exclusion (Act Against Exclusion Foundation)

committed to the labelling process. As a complement to other measures (ISO 26 000, Global Compact, the Diversity Charter, etc.), the purpose is to answer management concerns about fully assuming social responsibility.

We thank the AFMD for taking the initiative of publishing this first reference guide for professionals, a project in the spirit of the « Cahiers » published by the FACE Foundation. It is an expression both of our mission in coaching companies and of our dedication to sharing knowledge. It is my hope that it will herald further cooperation with the AFMD particularly in the field of diversity management.

It is not that common to question one's conceptions, procedures and diversity-management practices. Management good will is not enough. The entire organisation has to become more aware and join in the effort. Discrimination is a complex phenomenon, tricky to apprehend, and so it is useful to draw on the experience of others in order to meet labelling requirement.

I am pleased to say that, beyond a mere summary of « best practices », this guide brings together both analysis and operational advice. It clarifies notions, offers multiple viewpoints, provides the reader with methods, discusses difficulties, etc. It is structured in such a way that any company may establish its own approach to continually improving how it deals with equality and diversity, and this because one also has to respect the diversity of organisations (corporate groups, SMEs, non-profit organisations, public institutions, etc.).

Diversity is an acknowledged benefit. Social cohesion is as much the concern of companies as it is of society. Organisations that have obtained the Diversity Label are showing their ability to further equality of treatment and equality of opportunity. They are contributing to preventing and resisting all forms of discrimination. A socially responsible company can only be diverse.

This guide is a compilation of best practices and daily commitments. It's up to us to bring them to life.



SOUMIA MALINBAUM

President of the Association
Française des Managers
de la Diversité (AFMD)
Development Manager
Keyrus Groupe

BRUCE ROCH

Vice-president in charge
of AFMD work-groups
Director of Social and
Environmental Responsibility
Adecco Groupe France

The extent to which companies commit to diversity policies has considerably increased over the last decade. Originally pushed by the juridical context and the growing understanding throughout society of the issues at stake, the role of organisations has increased and moved from theory to practice.

The most basic level of commitment entails those companies resisting and firmly condemning discrimination. Legislation has provided a framework for this, and contributions from the HALDE have helped shed light on those implementations most subject to interpretation. In any event, the fight against discrimination has picked up a lot of steam and companies can no longer ignore it.

The concepts of equal treatment, a corollary of the struggle against discriminations, and of equal opportunity also emerged, along with the concept of diversity (the Anglo-Saxon term for which was directly transcribed to French and is used as such). The interpretation one gives such a concept varies depending on the public concerned, some uses of the term in media or political parlance being quite wittingly over simplistic. Current conditions in companies have lead to a notion

of diversity covering all areas proscribed by discrimination, the 18 criteria covered by law. These criteria, however, are so heterogeneous they have caused quite a bit of chaos for companies trying to implement them: how do you consider the elements that make up an individual (their age, physical appearance or sex) on a par with others that are a matter of private choices (political or religious opinions, trade union affiliation, sexual preference)? And what of criteria that can be one or the other or require interpretation (family situation, handicaps, health)? How do you deal with multiple-source cumulative discrimination or discrimination by association?

The State has pulled off a tour de force in uniting committed participants from all walks of life to help create the Diversity Label as a structuring framework for the implementation of diversity policies. The positive feedback the Label has received, along with the numerous candidates and allocations, demonstrates not only a genuine awakening among companies and organisations to the complex issue of diversity, but, more importantly, a shared concern with development on the most operational level so that managers might be able to encourage all forms of diversity in the field.

The range of a company's processes are re-examined from a viewpoint of non-discrimination and the integration of diversity through a duplicable and pedagogical structuring approach. A real feat when one considers that only a few years back a mere declaration of intention was considered an achievement in its own right and denial of such matters predominated.

A few improvements are now being considered including international development and the prevention of a welter of competing audits within a given organisation, but the bases have been laid for efficient and thorough appraisal of the subject, and all parties concerned have taken full stock of their rights and duties with respect to it.

Long live the Diversity Label! And long live its implementation!



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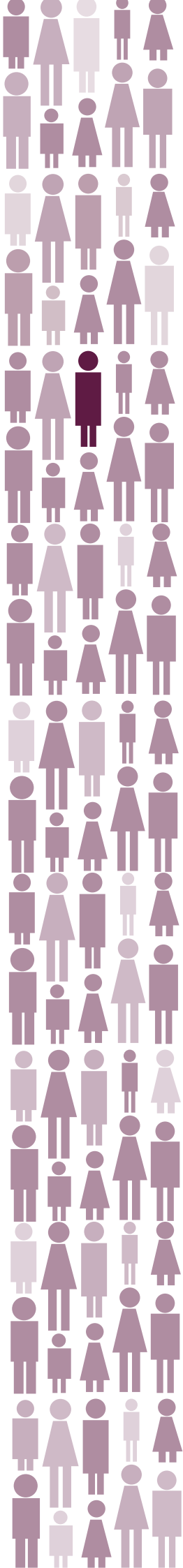
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INTRODUCTION

Since 1789, the French republican base, Constitution and legal framework have defended fundamental rights and prohibited discrimination. In the last few years these measures have found a new echo in society. Community associations and companies have become more and more involved in the idea of diversity despite the fact that the concept has no legal definition.

Touching on the principle of equality before the law as well as the need for equality in actual practice, these various measures have strengthened the mobilisation of organisations (large corporate groups, SMEs, non-profit organisations, public institutions) in favour of diversity. In this respect, the launching of the Diversity Charter (2004), creation of the HALDE (2005), implementation by decree of the Equality Label (2004) and Diversity Label (2008), bring into question the nature of Corporate Social Responsibility (CSR), particularly in terms of non-discrimination. Playing an economic and social role, as they do, companies recruit, fire, train and pay men and women and thus contribute to the socialisation and integration of the individual.

Created as a State initiative in 2008, the Diversity Label fulfils a need to re-examine neutrality in company practices, particularly as regards the management of human resources. Up to the present AFNOR Certification has granted the Diversity Label to over 250 organisations (of different status, size and sector).

First reports indicate that the measure provides a company with a useful framework for structuring and improving its practices. The requirement of practical results monitored via a document of specifications establishes the company's commitment as regards continuous improvement.

One might wonder why companies decide to commit to a certification process. Can all companies, regardless of size, business sector or status, obtain the Diversity Label? Is certification mandatory before taking steps towards equal treatment of candidates and salaried workers? Is the Diversity Label just so much wishful thinking or is it really useful in preventing discrimination? What does the measure cover and what exactly is being certified? Where does the continuous improvement process really stand?

3. Discussion workshop moderated by Virginie Brugues (External affairs officer, FACE) with the help of Anissa Djabi (Ph.D, Development executive, FACE), Max Mamou (Attorney, Allodiscrim™) and Bertrand Lefebvre (Training agent in public-relations)

4. Air France, Audiens, Bouygues Construction, Caisse des Dépôts, Coca-Cola Entreprise, D&O, IBM, Keyrus, La Poste, STEF-TFE, Total, TF1

In order to address such questions and meet the expectations of potential candidate companies, the **Association Française des Managers de la Diversité** (AFMD) initiated a work commission under the aegis of the **Fondation Agir Contre l'Exclusion** (FACE)³ entitled « Obtenir le Label Diversité: répondre efficacement au cahier des charges » (Obtaining the Diversity Label: efficiently meeting specifications). The ensuing workshops were an opportunity for the 12 companies taking part⁴ to analyse each step in obtaining the Diversity Label as well as sharing best practices, drawing attention to points requiring caution and formulating questions and it is on this basis that the present guidebook was written. This initial capitalisation was then further enriched by accounts, practice analyses and methodological contributions.

Given the specific profile of each organisation, there is no « ready-made solution » as far as diversity is concerned. It is up to each company to adapt the considerations and recommendations presented to their own context. Obtaining the Diversity Label entails adapting the policies and measures regarding prevention of discrimination to company activities, structure and environment. Such measures of adjustment can occur only once the company manager has acknowledged a willingness to reconsider company procedures and practices.

The procedure for obtaining the Diversity Label is similar to running a collective project and requires reflection on what choices must be made. Although the choice of method is not generally a problem, deciding on a common understanding of what discrimination is and how it should be dealt with it is another story. Discrimination can be direct, indirect, implicit, systemic or multiple. It reflects experiences that are often very personal, confronts ideologies and involves company stakeholders.

This guidebook is mostly derived from the practices, tools and coaching methods used by FACE and the AFMD and has no pretension to being exhaustive. It can be used to complete and clarify the specifications for obtaining the label. Contributions by various stakeholders (the State, AFNOR Certification, researchers, and companies) allow

a better understanding of how to define and implement the Diversity Label.

The work has three sections. The first consists of a brief assessment of discrimination in the workplace and attempts to clarify the concepts of discrimination, diversity and equality. It also presents the Diversity Label and the procedures in applying for it. The second section contains indications for meeting Diversity Label specifications illustrated by real-life accounts from companies. Finally, the third section contains a few reminders, tips on methodology and practical tools.

Respecting the principle of non-discrimination and guaranteeing equal treatment should be common practice. The Diversity Label is not a reward testifying that such-and-such an organisation has « levelled up » to diversity, but rather a support for the improvement of procedures, human resource management, management practices in general and relations with the environment. It can help formalise, structure, arm and assess one's actions and frameworks.

Managing diversity thus entails entering into deeper collaboration with others in order to improve community life.

DIVERSITY IN THE FRENCH REPUBLICAN SENSE

Diversity is based on equal treatment as mentioned in Article 1 of the French Constitution: « France shall be an indivisible, secular, democratic and social Republic. It shall ensure the equality of all citizens before the law, without distinction of origin, race or religion. It shall respect all beliefs. [, etc.] Statutes shall promote equal access by women and men to elective offices and posts as well as to position of professional and social responsibility ».

The purpose of diversity is to preserve or restore equality between individuals, regardless of gender, age, disability, nationality or origin, « their actual or assumed belonging to an ethnic group or race », sexual preferences, religion, or affiliation to a trade-union, etc., and to focus only on individual skills or talents, according to objective criteria.

From an economic point of view it forms part of the social branch of sustainable development and corporate social and environmental responsibility.

Albeit there is no legal definition of diversity, it may be considered the result of a global approach in opposing all 18 criteria of discrimination as defined by law and taken up again in the Labour Code in articles L 1132-1 and what follows.

In his speech on December 17th 2008 at the Ecole Polytechnique, the President of the French Republic stressed that the State has placed the principle at the heart of its action. French society is diverse as a consequence of mixed currents of migration and of a diversity of individual circumstances (for the disabled, youth, elderly, etc.). It is essential that companies reflect French society and that they allow all and everyone access to employment.

It was the President of the Republic who encouraged creation of the Diversity Label by a decree dated December 17th 2008 whereby he sought to genuinely introduce diversity into the management of human resources. In addition to the role played by the State, this tool

for diversity has also been sought by social partners and economic players in common: A national inter-professional agreement on diversity was negotiated in 2006, the Diversity Charter was created in 2004, and the Equality Label in 2006 (by a decree dated June 28th 2004).

The State, in collaboration with the ANDRH and having consulted with all parties concerned (industry, trade-unions, experts, recruitment agencies, and representatives of the administration, local authorities and public services), put together this label and entrusted AFNOR Certification with its management. The State owns both systems, thus guaranteeing neutrality, legal security and the maintenance of high standards. This tool for diversity brings together all interested parties in the examination of applications by a panel composed of quadripartite commissions (State, industry, trade-unions and experts).

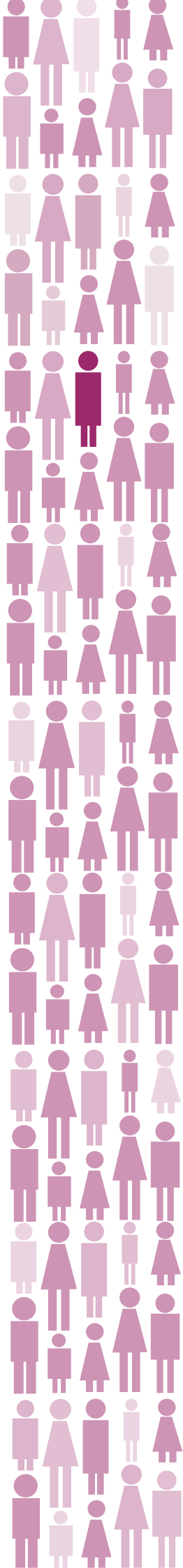
The certification procedure has raised other issues the State and its partners have addressed or are on the point of addressing:

- making the label more accessible to small and medium enterprises. A specification document and a reader's guide adapted for SME-SOHO has been completed. These documents complete those aimed at large businesses and the civil service.
- suggesting to the European Commission a project of developing tools to facilitate improvement of diversity management throughout the working world, and equality of treatment and sustainable development in companies abroad. The French Diversity Label could well be a key to this.

As can be seen, steps taken towards the Diversity Label help preserve or restore equal treatment and pursuing equal opportunities in offering access to employment and throughout one's carrier.

This is the approach that is presented in this guide with the full support of the State.

Michel Aubouin,
Director of the Reception, Integration and Citizenship
at the Ministry of Immigration, Integration,
National Identity and Solidary Development



PART 1

THE DIVERSITY LABEL

A KEY FOR EQUAL TREATMENT

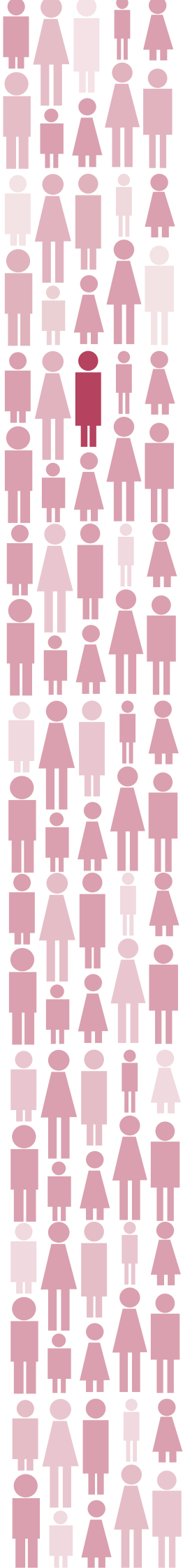
Although discrimination has always existed, it now occupies a central place in national and international debate. In France, the government, social institutions, research, and professional and civil organisations are all taking up the subject.

Employment being one of the major factors of integration and socialisation, corporate social responsibility (CSR) is called for more than ever. A few years ago companies began to develop policies and take concrete action towards preventing discrimination in the workplace. Such « diversity management » requires the drawing up of measures (internal, external, public, private) and sometimes allowing for compensatory measures (positive actions) aimed at either equal opportunity, or equal treatment of applicants to and employees of a given company.

The strengthening of the legal framework, creation of the HALDE and launching of the Diversity Charter and Equality Label have all encouraged companies to commit to the principle of non-discrimination. These steps were furthered by a number of national initiatives, such as the development by the AFMD and FACE of multi-partner networks, or the implementation of plans for the coaching of companies.

Initiated by the State in 2008, the Diversity Label is intended to cover the field of diversity in its broadest sense. Although not a substitute for other measures, it is nonetheless one of the only systems that questions professional practice and requires companies that have obtained it to become involved on a practical level in preventing and fighting against all forms of discrimination recognised by the law.

This first section discusses and contributes to the clarification of such notions as discrimination, equality and diversity. In addition to sketching out a brief overview of discrimination, it sets out to bring clearer understanding of how diversity management is to be included in corporate social responsibility (CSR). It also examines the reasons leading companies today to move towards regulating their diversity policies, and, particularly, the procedures whereby one sets about obtaining the Diversity Label.



CHAPTER 1

AN OVERVIEW OF CERTAIN NOTIONS

DISCRIMINATION, EQUALITY AND DIVERSITY:
WHAT ARE WE TALKING ABOUT?

DISCRIMINATION IN THE FRENCH WORKPLACE: HISTORICAL PERSPECTIVE AND KEY FIGURES

Discrimination is « unequal treatment on the basis of an illegitimate criterion » manifesting as acts which do not systematically proceed from a clear intention (Fassin, 2008) and which, in a legal sense, concerns one or more of the forms of discrimination recognised by the law.



DID YOU KNOW?

The 18 criteria of discrimination prohibited by law are

Origin, gender, marital status, pregnancy, physical appearance, surname, health, disability, genetic characteristics, lifestyle, sexual preference, age, political opinion, trade union activity, actual or assumed belonging or not belonging to an ethnic group, nationality, race or specific religion.

Source: Article 225-1 du Code Pénal (Penal Code)

Although the principle of equality before the law first made its appearance in the 1789 Declaration of the Rights of Man and of the Citizen, it is in the context of the Pleven anti-racism law dated July 1st 1972 that the « offence of discrimination » was first introduced in France. The notion of discrimination in the workplace as understood today emerged in public debate in the nineties and mostly concerns foreigners victim of salary disparities.

In a 1998 brief the Haut Conseil à l'Intégration (High Council for Integration) reported that discrimination no longer concerned immigrants only but also affected French citizens on the basis of their skin colour or religion.

5. • Article 19 of the Treaty of Lisbon, formerly article 13 of the Treaty of Amsterdam
- Directive establishing a general framework for equal treatment in employment and occupation (2000/78)
 - Racial Equality Directive (2000/43)

European directives⁵ also imposed anti-discriminatory responsibilities and introduced the idea of indirect discrimination. Meanwhile, researchers, non-profit organisations and trade unions had become involved in the discrimination issue, paying special attention to the «glass ceiling» phenomenon in companies.

The persistence of discrimination along with the difficulties experienced by French-born children of immigrants in getting access to employment led the government to take measures toward enforcing the principle of non-discrimination. The creation of the HALDE (French Equal Opportunities and Anti-Discrimination Commission) and institution of the Diversity Charter strengthened the resolve of companies in the fight against discrimination. Certain corporate practices were promoted as good examples; others were deemed illegal and discriminatory and became punishable by law.



DID YOU KNOW?

Direct discrimination

Discrimination is direct when deliberate and when the difference in treatment is on grounds prohibited by law.

Indirect discrimination

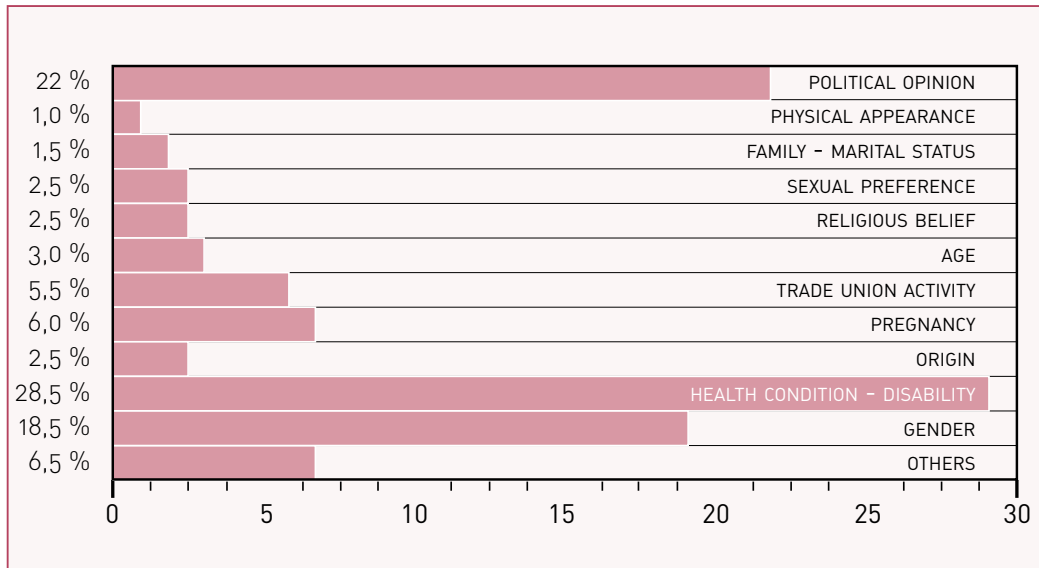
Discrimination is indirect when applying an apparently neutral provision, criterion or practice is likely to have the same effect as direct discrimination and disadvantage a person or a particular group on the grounds of a criterion prohibited by law.

Source: HALDE website, 2011

Complaints received by the HALDE arise mainly while workers are still under contract. In its annual report the HALDE states that discrimination on the grounds of origin is the most common cause (28.5 %)

of complaints lodged, followed by disabilities or health conditions, and then discrimination related to gender (6.5 %), trade union activity (6 %), age (5.5 %) and religious belief (3 %).

LIST OF COMPLAINTS LODGED WITH THE HALDE BY CRITERION



Source: Rapport d'activité 2009, HALDE

Particularly in view of obtaining a label, the monitoring of complaints lodged can be a useful tool for measuring discrimination according to its nature (origin, age, etc.) and realm of application (recruitment, pay, etc.). Such monitoring does not always convey a reliable account of discrimination in practice, however. Other significant indications such as the unemployment rate and salary level may also be compared and broken down according to discrimination type.

This difficulty of recognising discrimination in its various guises gives some idea of the complexity companies meet with in trying to set up « diversity management » policies.

A brief look at discrimination on the grounds of origin, gender, disability or age⁶ gives a better grasp of the main issues companies have to deal with in terms of preventing and resisting discrimination. It especially shows how this social responsibility concerns more than just the corporate dimension.

6. Far from trying to be exhaustive, we have chosen to focus on discrimination related to origin, gender, disability and age because these criteria are the ones most subject to company policy and/or organised action.

DISCRIMINATION ON THE GROUNDS OF ORIGIN

A few key figures

THE NUMBER OF PEOPLE UNEMPLOYED AND THE UNEMPLOYMENT RATE OF IMMIGRANTS AND NON-IMMIGRANTS BY GENDER AND AGE

	IMMIGRANTS	NON-IMMIGRANTS
Unemployed (in thousands)		
Men	221	1096
Women	180	1079
15 years old and above	402	2176
15–64 years old	400	2168
15–24 years old	n.p.	603
25–49 years old	277	1221
50–64 years old	84	344
65 years old and above	n.p.	n.p.
Unemployment rate (in %)		
Men	15.9	8.2
Women	16.2	8.7
15 years old and above	16.0	8.4
15–64 years old	16.1	8.5
15–24 years old	n.p.	23.2
25–49 years old	16.4	7.3
50–64 years old	13	5.4
65 years old and above	n.p.	n.p.

Interpretation: on average in 2009, 400 000 immigrants aged 15 to 64 years old were unemployed. The unemployment rate of immigrants for that age bracket is 16.1 %.

Field of investigation: Metropolitan France, household population, 15 year-olds and above (age on December 31st).

Source: Insee, enquêtes Emploi du 1^e au 4^e trimestre 2009.

Main causes

If the immigrant population was among the first to be taken into account in discrimination prevention policy, this is because they are the chief victims. The differences in treatment this sector has experienced have various explanations.

The period between 1950 and 1970 was one of great exodus towards large cities in response to the needs of the consumer goods industry. At a time when the French working class was housed in large, brand new housing estates, reception capacity was such that they generally could not accommodate migrants and their families. The problem with housing the immigrant population led to the development of the ZUP⁷ and new suburbs (Noirel, 1992).

Furthermore, in the seventies, no longer needing immigrants for its own economic purposes, France tightened up its immigration policies and most immigration since has taken place through family reunion schemes. This, in turn, led to an evolution in their status as workers: where they had been considered « essential », they were now « unwelcome ». France began issuing policies aimed at returning immigrants to their homelands at that time, but the closing of its borders prompted the immigrant population to settle with their families in France.

The policies promoting integration and the vocabulary used at the time and in that setting to describe the relative membership of French society of immigrants and French-born children of immigrants influenced the way they were viewed and treated to a certain degree, particularly in the work-context (Djabi & Labulle, 2009).

Children of migrants tend to inherit their parents' social status, and have difficulty being accepted at work and in French society more generally. This phenomenon, strengthened by difficulties met at school mostly because both the French and the immigrant population expected the situation to be temporary, has strongly influenced the careers of second and third generation children of immigrants, who sometimes have problems finding access to work.

7. ZUP: Zone à Urbaniser en Priorité (priority development areas), created by decree N°58-1464 dated December 31st, 1958

Even today these new generations often have to face identification as foreigners although having acquired French nationality or been born in France. For a long time it was considered that immigrants and their children were themselves responsible for the different treatment they received, but it is now admitted that there is discrimination based in part on stereotype and on differences in social status generated by society itself.

What are companies doing?

In this context, more and more companies have started creating policies and taking specific action to prevent discrimination on the basis of origin. Trying to assess these measures has raised the question of how to evaluate this sort of discrimination without overstepping the boundaries imposed by the CNIL and fuelling the debate to which this controversial initiative often gives rise, particularly as regards the establishment of an « ethnic statistics ».

However, several other methods are used to assess the results of actions taken. Moreover, the establishment of « ethically and legally receivable » indices (e.g.: monitoring complaints related to origin filed within a company) and the objectification of human resource management procedures generally halt any discriminatory practice based on origin.

Although the measures taken by companies to deal with these forms of discrimination have begun to yield positive results particularly in terms of recruitment, the issues of the glass-ceiling and discriminatory harassment remain to be dealt with quite as effectively.

DISCRIMINATION ON THE GROUNDS OF DISABILITY

A few key figures

DISCRIMINATION DUE TO A DISABILITY AMONG INDIVIDUALS
AGED 25 TO 54 YEARS OLD

Field of investigation: France, individuals aged 25 to 54 years old living in an ordinary household, i.e.: 25.3 million people.

Source: Insee, enquête Handicap santé 2008–volet ménages.

	POPULATION ACCORDING TO THE TYPE OF DISABILITY					
	Total	Without disability	At least one type of disability	including: at least one disability of the following nature		
				cognitive	motor	sensory
Division of the population	100	90.4	9.6	4.6	4.1	3.0
Individuals declaring having suffered discrimination on the grounds of health condition or a disability	6	4	23	31	26	19
Among these, individuals stating that, for reasons related to a health problem or disability, they have:						
• suffered insults, mockery	68	71	65	67	62	60
• been pushed aside	41	38	47	49	42	54
• received unfair treatment	33	27	42	44	44	42
• been refused their rights	17	14	22	21	26	23
Because of:						
• their physical appearance	57	65	44	39	51	43
• prejudice, judgment	30	19	47	50	46	50
• limitations due to the disability	23	14	38	40	41	40
• an attitude unusual to others	11	6	18	23	16	15

Chief causes

The issue of discrimination against the disabled is difficult to identify given the large number of possible disabilities and the many ways they may be dealt with on a day-to-day basis.

Disabilities are of different natures depending on whether they began at birth or later in life, are temporary or permanent and on their actual nature (motor, sensory, cognitive).



DID YOU KNOW?

Definition of a disability

A disability is « any limitation to the activity of a person or restriction to participation in life within society experienced in a given setting because of a long-lasting or permanent substantial alteration to one or several physical, sensory, cognitive, mental or psychological functions or of an incapacitating health condition ».

Source: Loi du 11 février 2005 (French law)

8. Three quarters of all individuals with a sensory handicap and currently unemployed declared having suffered discrimination at their place of work compared with 50 % of unemployed with other types of disability (50 % for motor or cognitive impairment) (INSEE, 2008).

A study carried out by the INSEE reported that three million individuals declared having suffered discrimination due to disability or their health condition (INSEE, 2008). The analysis showed that half those who suffered from a disability and from discrimination because of it and were currently unemployed had experienced it while in a place of work. The study also brought to light the fact that discrimination in the workplace concerns mostly individuals with sensory disabilities (aural or visual)⁸.

Discrimination towards the disabled is not linked only to physical appearance or a physical disability. Other factors such as difficulty of access to initial training, lower levels of qualification, employer

selectivity or the disabled workers submarket also generate discrimination in the workplace (Levet, 2007).

What are companies doing?

In order to put into effect the principle of non-discrimination as regards disabled persons in the workplace, the law of July 10th 1987 stipulates that companies employing more than 20 workers must include 6 % of disabled workers on their staff.

The law of February 11th 2005 legally binds employers to take « appropriate measures, according to needs within their specific situation, to allow (disabled) workers to assume or keep employment corresponding to their qualifications, and to carry out their activity and progress in it or to provide them with adequate training (for their needs) »⁹.

Since February 2011, companies with more than 20 workers who have not complied for more than three years with the legal obligation of employing disabled workers are made to pay an annual contribution to the AGEFIPH¹⁰, the amount of which is calculated according to a ratio corresponding to 1500 times the gross minimum hourly wage for each worker that might have been employed but was not.

Companies therefore have to make provisions for the implementation of measures taking into account each disabled worker according to the nature of their disability, degree of autonomy and position they hold. These measures, however, should not be drastic (HALDE) but proportionate to the size and resources of the company. To this end, companies may seek external support and financial help.

Over and above the legal obligation, the acceptance of disabled people is a part of corporate social and societal responsibility.

9. Article L5213-6 of the Labor Code.

10. AGEFIPH: Association de Gestion du Fonds pour l'Insertion Professionnelle des Personnes Handicapées, (Fund Management Organisation for the Professional Integration of the Disabled)

DISCRIMINATION ON THE GROUND OF GENDER

A few key figures



DID YOU KNOW?

- 60 % of women hold unqualified jobs
- 83 % of part time jobs are held by women
- On average, women earn 25 % less than men
- Women account for 41 % of office managers and 17 % of corporate executives

Source: HALDE, december 2009

Chief causes

Along with discrimination on the grounds of origin, the issue of discrimination on the ground of gender is one taken up most often in companies and in academic literature.

Although women do not seem to encounter major difficulties in terms of recruitment (except for positions traditionally considered « men's work »), there are important disparities when it comes to pay and career advancement. The fact that women have historically been granted access to education and employment more recently than men cannot justify the extent to which they are discriminated against (Laufer, 1997). In spite of the increasing numbers of graduates among women, they remain absent from top hierarchical positions (Pigeyre & Valette, 2004)

Other factors, such as the lack of neutrality within organisations built upon operating models based on masculine norms, or a possible insufficiency in the sensitising or training of women as regards power relationships, may shed some light on the disparities found in male and female employment.

This is a fairly unique phenomenon in terms of how transversal and significant it is (it potentially concerns about 50 % of the total population). Such specificities make it difficult to identify gender related discriminatory practices which may sometimes be based on other criteria or on multiple discriminatory criteria. There is further difficulty in the underlying contradiction between the need to reduce disparities in employment and the goals fixed by the so-called Elterngeld family policy to « adapt » a mother's professional activity (Fagnani & Letablier, 2005).

What are companies doing?

The law provides for indicators aimed at guaranteeing equal pay rises for men and women of comparable qualification, skill and performance. Furthermore, « The law favours the equal access of women and men to electoral mandates and elective functions just as to professional and social responsibilities »¹¹.



DID YOU KNOW?

Professional equality is required to comply with a number of legal obligations among which are:

- an annual negotiation—once a year, and, where there is an agreement, every 3 years;
- a negotiation concerning the income gap, to be included in the annual negotiation on wages and working time;
- the establishment of a report comparing general conditions in the employment and training of women and men in companies of over 50 workers.

11. French Constitutional law on the Modernisation of the Institutions of the Fifth Republic, n°2008-724, 23 July 2008

12. « De l'égalité à la diversité: les hommes, les femmes et les entreprises », study by the Observatoire des Hommes et des Organisations, January 2006.

13. Glass ceiling: a metaphor expressing the difficulties and obstacles women can meet with trying to access high positions in the professional hierarchy

14. Sometimes 30 years old is considered the limit.

15. As early as 45 years old, according to the October 12th 2005 National Inter-professional Agreement on the employment of seniors.

16. Although the 25-54 year old represent only 41% of total population (Institut Montaigne, September 2010 brief/annual report).

Since the Roudy laws in 1983 and Génisson laws in 2001, the public authorities issue policies in favour of professional equality. However it appears that to this day their implementation and efficacy remain insufficient (Gamer-Moyer, 2009). It is in this context that companies have implemented compensatory measures to reduce disparities. Nevertheless, the Minister of Labour has stressed that such measures are to remain temporary and that « favouring should be neither excessive, nor exclusive, nor even automatic¹², lest it reinforce disparities.

In order to put a stop to the « glass-ceiling » phenomenon¹³, the Copé-Zimmermann law adopted in January 2011 aims at establishing at least 40 % of women on company boards over the next six years. This concerns firms with a 50 million euro turnover three years in a row employing over 500 salaried workers.

Moreover, certain employers choose to apply to men the same measures that were initially intended for women, particularly concerning parenthood (paternity leave, adjustment of work time , etc.).

In a more or less informal manner a growing number of companies have committed to fighting discrimination towards women and encouraging professional equality.

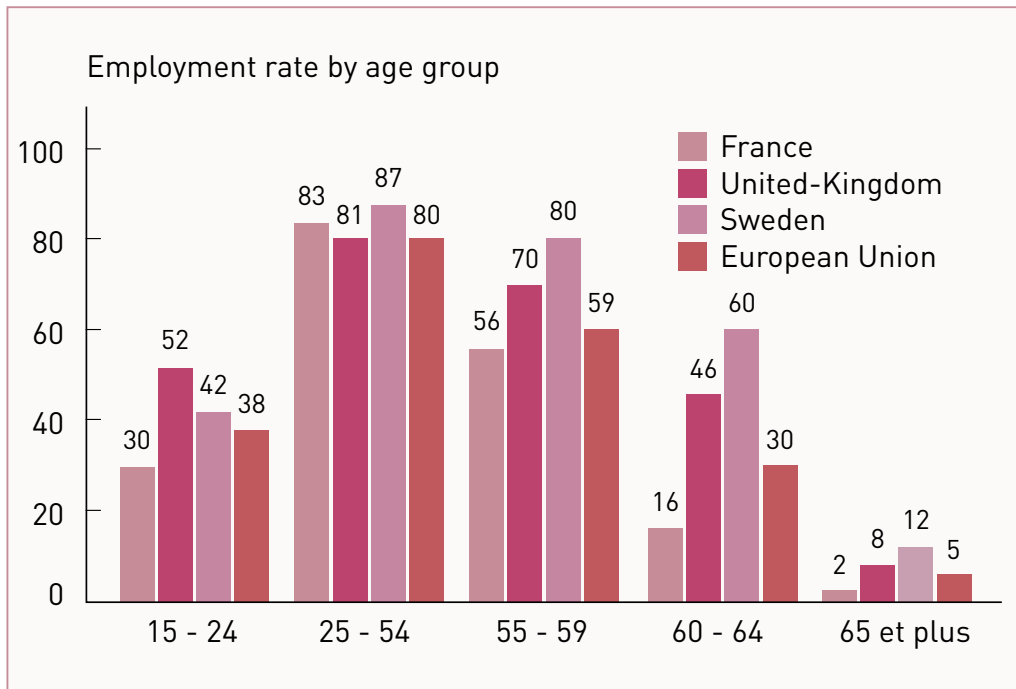
DISCRIMINATION ON THE GROUNDS OF AGE

A few key figures

Those under 25 years old¹⁴, entering a career or at the very start of it (a.k.a. « the younger generation » or « generation Y »), and the population of 55 year olds¹⁵ and above, nearing the end of theirs (the « seniors »), are potentially the most concerned with age-related discrimination.

France is distinguished from other countries by the low rate of employment among these populations. Almost 80 % of all jobs are held by generations ranging from 25 to 54 years old¹⁶.

EMPLOYMENT IN FRANCE BY AGE GROUP



Source: Eurostat 2008

Chief causes

The age limits set by companies for the identification of groups make any attempt at defining objective age groups more complicated. Several case studies on age-management criticise this division by age group (Guillemard, 2003; Marbot, 2005) and bring into question the phenomenon of belong to a generation itself. Gender, health and social and organisational characteristics (Cornet & Warland, 2008) modify expression of exclusion and discrimination regarding young workers and « seniors ».

ACCORDING TO THE REPORT PUBLISHED BY THE INSTITUT MONTAIGNE IN 2010, NINE MAIN OBSTACLES JUSTIFY THE PHENOMENON OF THE EXCLUSION OF YOUTH AND THE « SENIOR » POPULATION FROM THE WORKING WORLD

1. A breakdown according to age group upheld by the public authorities
2. A French model that is basically a quest for status
3. An ambivalent conception of work and of the economy
4. An education system that remains relatively impermeable to the concerns of the working world

5. A significant rate of school drop-outs ending up excluded from employment
6. A low utilization of training of staff 40 years old and over
7. Linear and monolithic careers inside many large companies
8. A remuneration model based on seniority
9. The perceived low value of seniors and the capital of experience

17. Results of the Barometer for the Social and Societal Commitment of Companies Throughout the Territory, a study carried out in association with Sociovision (FACE, 2010).

Source: Rapport « 15 propositions pour l'emploi des jeunes et des seniors »
Institut Montaigne, 2010

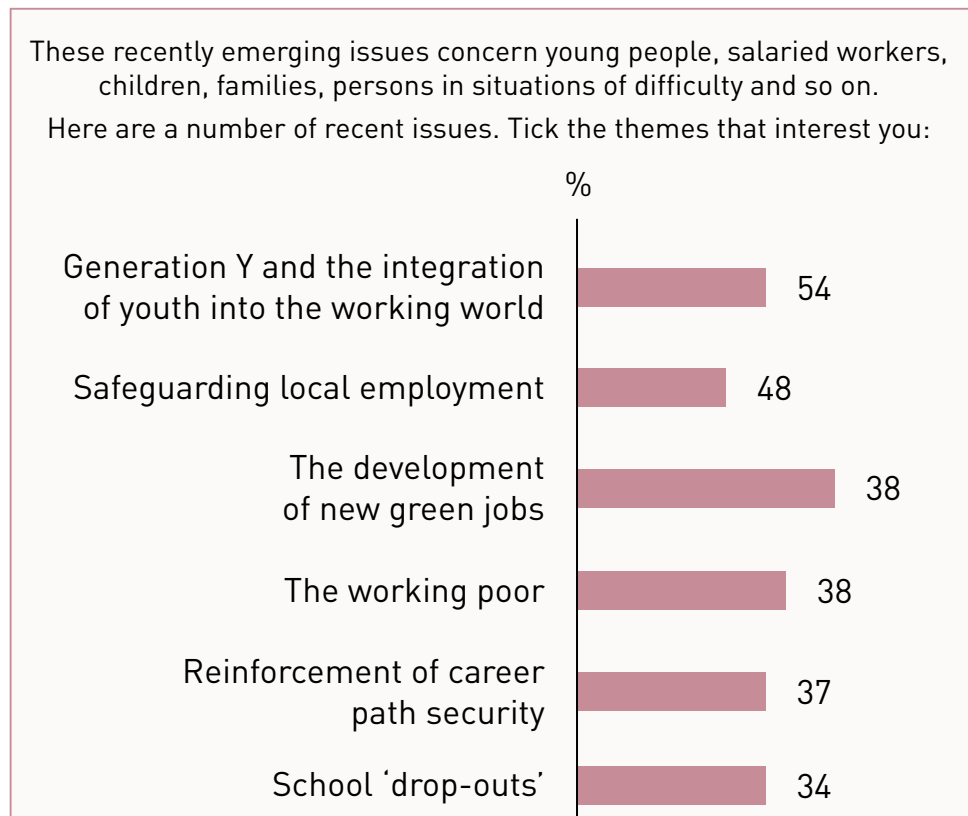
What are companies doing?

The results of the Fondation Agir Contre l'Exclusion (FACE) Barometer¹⁷ indicate that (out of 19 items) « generation Y¹⁸ was the number one preoccupation of companies in its network in 2010. Additional security in career paths was also a significant theme for 37% of participants¹⁹.

GENERATION Y, LOCAL EMPLOYMENT, GREEN JOBS, ETC., NOW ABSORB COMPANIES

18. Generation Y: Anglo-Saxon expression referring to the generation of people born between the late 70's and early 90's.

19. 540 companies (large corporate groups and SMEs) took part in the survey.



Youth and the corporate world

The difficulty companies have in recruiting and retaining the loyalty of the younger generation raises the question of the specific characteristics these share. According to certain employers and researchers, « generation Y » is unique in its relation to the corporate world (Lacaze & Perrot, 2010) although several studies now refute this hypothesis (Perrin-Joly, 2009; Saba 2009; Pralong, 2010). A recent survey (2010) conducted by Jean Pralong among different groups of youths (students and workers) indicates, amongst other things that the effect of socialisation has more impact on this population's appreciation of the realities of the corporate world than does their being part of a common generation.

Policies that successfully support the recruitment and retaining of young people rest particularly on a company's ability to attract the interest of the younger generation to their field and to boost their interest in the corporate world.

« Senior » workers and the corporate world

The national plan of concerted action for the employment of senior workers over the period 2006-2010 aimed at raising the rate of employment of 55-64 year-olds by something in the order of 2 points per year in order to reach a target 50 % by 2010.

In order to strengthen implementation of this plan, the government adopted several measures including the obligation for companies with more than 50 workers to subscribe to a collective agreement in the company or branch, or to have drawn up a plan of action supporting elderly workers by January 1st 2010 (April 1st 2010 for some). Companies that had not subscribed to such an agreement or come up with a plan by January 1st 2010 were required to pay a penalty equivalent to 1% of the remuneration or earnings paid workers for every month the company was not covered.

Age management requires companies to take into account a number of matters:

- Pre-employment: internships, « work-study » programs (professionalization, apprenticeship);
- Precarious employment: fixed-term contracts, youth and senior unemployment;
- The relationship between employment and training: correspondence between studies and actual work, acquisition and transmission of formal, informal and non-formal knowledge within the workplace;
- Youth vocational counselling: knowledge of jobs available, perception of the job market
- Mobility: Career path security, « senior » access to training,
- Attitude towards work: managing intergenerational relationships, new forms of work organisation, job-satisfaction, attracting and retaining the young and « senior » workers;
- Entering the « Digital Age »: the effects of technology on work, training of « seniors », managing and ensuring the security of digital identities;
- Housing: precarious housing, commuting time/distance, prolonged period spent in the parental home;
- Health: access to healthcare, prolonged working hours, psycho-social risks at work...

These factors illustrate the complexity in terms of management revealed by such questioning and are now subjects of preoccupation in the working world.

Other forms of discrimination, however, such as those related to trade-union activity, religious beliefs or family/marital status, subsist and remain mostly unchallenged by companies.



DID YOU KNOW?

Discrimination on the grounds of religious belief

Increasingly mentioned in the professional milieu and particularly in France, are the issue of discrimination on the grounds of religious belief and the question of what place religion has in the corporate world.

In the eyes of French law, it appears that only the public sector is concerned by the principle of secularism. A resolution from the HALDE dated April 6th mentions a list of conditions that might restrict religious freedom within companies in certain circumstances, but also stressed the right of all to freedom of opinion, religious or political.

The complexity of taking discrimination based on religious beliefs into account lies in the regulatory limits an employer has to establish while at the same time trying to meet the needs of the specific situation and also defuse the debate and controversy that can often arise from it, sometimes confronting ideologies or personal opinions.

Assessment of this issue is therefore left to the company which must nevertheless ensure equal treatment for all and guarantee the same rights for all candidates and workers.

The UMP (French right-wing) recently presented a list of 26 suggestions pertaining to secularism, 4 of which concern religious freedom and « peaceful cohabitation » in companies (April 2011). The Ministry in charge of integration formalised its first reflections on the subject by providing companies with recommendations and legal elements.

DIVERSITY MANAGEMENT: ONE OF THE MAIN FIELDS OF APPLICATION OF CSR

Discriminatory practices in society and at work raise the question of whether organisations, and companies in particular, are able to prevent and resist all forms of discrimination. The globalisation of the market, integration of the cultural dimension in management practices and the interest for companies in sustainable development and CSR have strengthened their involvement in preventing and fighting discrimination (Cornet & Warland, 2008).

CORPORATE SOCIAL RESPONSIBILITY (CSR)

Through its activity, a company has a positive and negative impact on society. A company's social footprint on its environment implies that it has responsibility as an economic and social stakeholder.

Corporate Social Responsibility as defined by the European Commission is « a concept whereby companies voluntarily integrate social and environmental concerns into their business operations and their interactions with stakeholders » (2001). The « institutionalist » approach of CSR (Capron, 2006) considers that the company has social functions and that its responsibilities are to be included in its business operations and management system under the supervision of the public authorities.

CSR also involves taking into account both the local and global dimensions of a company's impact on its territory. Companies have to render account of how they handle responsibility to social groups who have links with their environment, and, in particular, to their stakeholders. Preventing discrimination and « diversity management » form a part of this.

DIVERSITY MANAGEMENT

Its many definitions show the polysemy of the concept of diversity management, due, mainly, to the fact that diversity itself covers a wide range of characteristics.

« Voluntary measures taken by an organisation to recruit and retain employees belonging to different social groups (etc.) » (Konrad et al., 2006) or « managerial measures aimed at shifting representations so as to eliminate all discriminatory behaviour from companies and establish a culture of tolerance, allowing for the inclusion of all, along with their contributions and their differences » (Bender, 2007), diversity management is an Anglo-Saxon concept that stresses economic implications for the company.

These measures attempt to respond to both social preoccupations concerning a better integration of the individual and economic ones with improved performance. Integrating both dimensions—which sometimes pull in opposite directions—requires great vigilance for a company implementing its diversity management policy so it doesn't reinforce inequalities²⁰.

The « business case » of diversity raises questions concerning the issues at stake in diversity in a company and analyses the link between its diversity and its economic performance. Several studies attempt to show that diversifying teams allows a company to enjoy greater efficiency, development and innovation.

Although it turns out to be quite complex to establish a direct link between diversity and these economic performance stakes and to measure their actual effect, the commitment of a company to concrete measures in preventing and resisting discrimination is a step often taken to optimise its management of human resources and to improve relations with stakeholders. By better adapting to its environment, by improved recruitment, remuneration and training of its staff, a company manages and develops its activities in a more efficient and pertinent manner. The measures taken to obtain the Diversity Label form part of this process.

20. Cf. risks of diversity being segmented and turned into a political instrument (Cornet & Warland, 2008), communication strategy or no more than « social embellishment » (Point, 2007)...

It is therefore this perspective on the « business case » of diversity that makes it conceivable for a company to establish a link with its economic performance. Indeed, conceiving of diversity only as an economic opportunity seems rather inappropriate and reduces its scope.

To be of any real value, a company's commitment towards non-discrimination needs to be a prudent, voluntary, and a continuous undertaking. The company must be aware of the need to invest money, time and human resources in it.

By considering diversity management as a managerial practice, the need for companies to take management practice into account is also stressed. It appears that most complaints lodged with counselling and whistle-blowing bodies pertain to internal problems connected with team-management. Because they are not identified as qualifying as actual or assumed discrimination, these needs are not always dealt with by companies. Solutions can be provided by a company through its system of detecting and identifying complaints filed by staff or candidates as well in terms of mediation when and if there is a need to deal with any internal conflict.

Furthermore, diversity management, which includes resisting discrimination, takes a proactive stand in preventing discrimination through the recognition and valuing of differences. Whereas the equality paradigm focuses on the collective management of the groups concerned, the diversity paradigm puts the accent on the management of individuals without any reference to the group to which they might belong (Bender & Pigeyre, 2003).

FROM EQUALITY TO DIVERSITY

	EQUALITY PARADIGM	DIVERSITY PARADIGM
FIRST APPEARANCE	In the sixties	In the nineties
IDEA OF SOCIETY	Egalitarian, universalist	Individualistic
CHIEF ENTITY	Group	Individual
OBJECTIVE	Equal capacity	Recognition and valuing of differences
IMPLICATIONS IN TERMS OF HRM	Collective management of groups concerned	Individual management without reference to group
MAIN DIMENSION	Ethical	Economic (« business case »)

Source: A.-F. Bender & F. Pigeyre, 2003

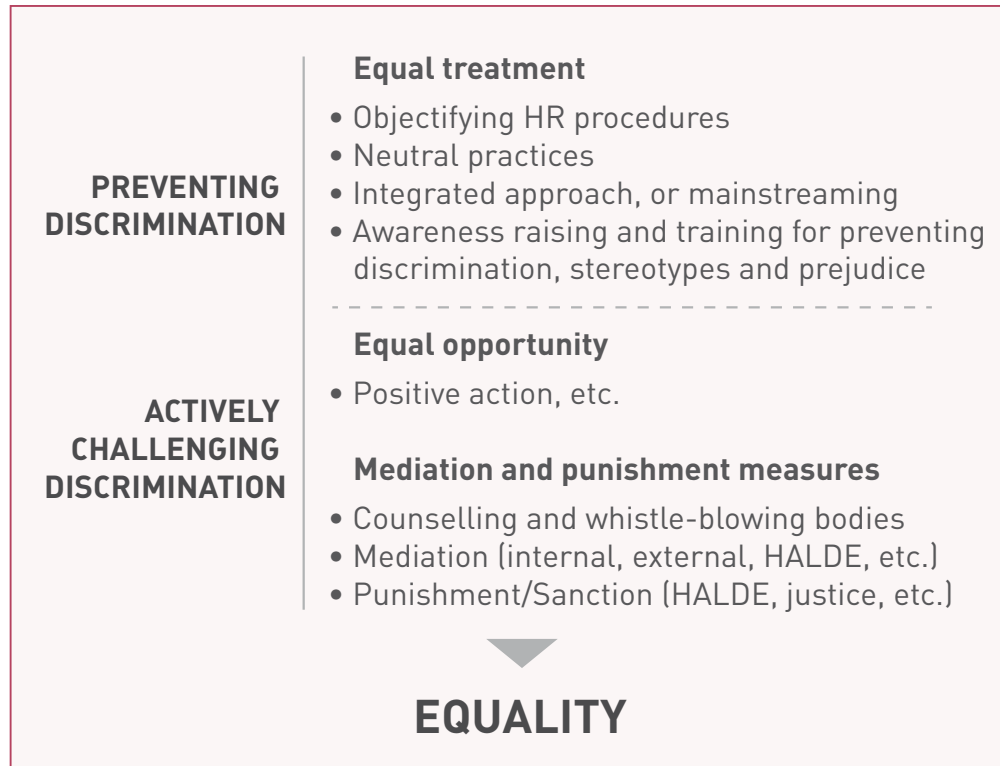
« Diversity management » consists in managing individuals, in particular employees, in a socially responsible manner. In this respect, the law on New Economic Regulations (NRE) requires the companies to which it applies to draw up an annual report explaining in detail how they actually implement social responsibility.

EQUAL TREATMENT

AS A PRINCIPLE OF DISCRIMINATION PREVENTION

Managing diversity requires defining and implementing concrete action as regards preventing and resisting discrimination. Although the French legal framework imposes equality before the law, in reality, all such laws, rules and regulations, charters and ethical codes are still not enough to ensure equality in practice. Applying equal treatment, implementing mediation and punishment measures and referring to the principle of equal opportunity can all contribute to dealing with the question of discrimination in the workplace.

MANAGING DIVERSITY: FROM MERELY PREVENTING DISCRIMINATION TO ACTIVELY FIGHTING IT SO AS TO ESTABLISH EQUALITY IN PRACTICE



EQUAL RIGHTS: AN INSUFFICIENT PRINCIPLE

Ever since the Declaration of the Rights of Man and of the Citizen in 1789, the principle of equal rights has condemned any and all discriminatory or disparity inducing practice.

The French legal system’s reinforcement as regards the struggle against discrimination (since 2001) and pressures from Europe dictate that companies should protect themselves against legal risks, among other things by signing agreements.

Government policies can, however, sometimes complicate the terms on which discrimination is to be dealt with, alternating, as they do, between punishing companies in certain cases (taxes, fines, lawsuits) and rewarding them in others (labels and certifications, prizes, tax exemptions, subsidies).

EQUAL OPPORTUNITY: A COMPENSATORY STAND ON THINGS

The purpose of the principle of equal opportunity is to implement «adjustment measures» to compensate disparities suffered by certain groups. Equal opportunity is an attempt to fight against discrimination and stems from a global preoccupation with social justice and equity (Peretti, 2004). Equal opportunity can be accomplished by two main types of measure: positive action («action positive») and positive discrimination («discrimination positive») based on quotas.

The purpose of positive action is, for individuals with the same level of skill, to «provide members of a group extra support to compensate for discriminatory factors getting in the way of equal opportunity and equal treatment» (Comet & Warland, 2008).

Example:

Giving recruitment priority to an individual identified as belonging to a group potentially discriminated against and whose level of skill is equivalent to that of other candidates is considered positive action.

Positive discrimination follows the same principle as positive action but considers that it is legitimate to favour a group by granting them extra support even when there is not an equivalent level of skill.

Inspired by an almost equivalent concept in the United States often used as its translation, «affirmative action» (which entails recourse to ethnic categorisation), positive discrimination has an ambiguous meaning. Indeed, all forms of discrimination are prohibited by French law and can therefore never be considered positive. Furthermore, ethnic statistics are not authorised in France. However most reference to positive discrimination is a misuse and generally applies to measures that should be described as positive action.

Actions in favour of equal opportunity, therefore, are complement of measures of equal treatment.

EQUAL TREATMENT AS A MEASURE FOR PREVENTING DISCRIMINATION

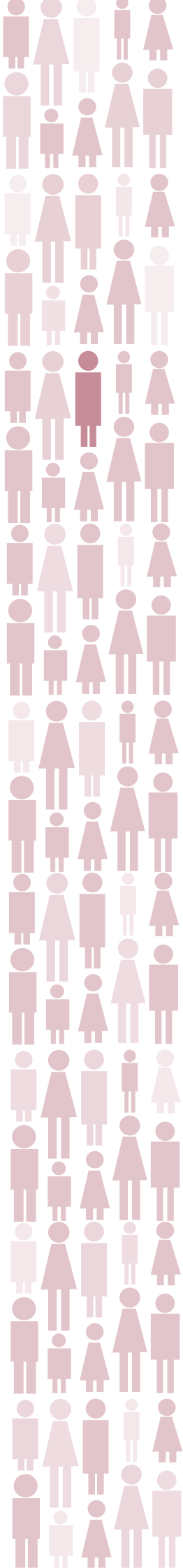
The principle of equal treatment is a proactive stand in the sense that it helps prevent discrimination. Equal treatment is based on the assumption that, consciously or unconsciously, companies can play a role in producing or reproducing disparities, and therefore calls for a re-examination of how neutral common practices really are (Laufer, 2007) and questions the normative systems constitutive to how companies are run. By working upstream, this principle leads to the diagnosis and « objectification » of human resource management procedure.

Several authors have compared equal treatment to an integrated approach of equality, or « mainstreaming », that consists in « preventative measures which seek to embrace equality from as early on as the assessment phase and policy and strategy making » (Comet & Warland, 2008).

Example:

For a company to diagnose and improve their recruitment procedures, career management, remuneration, training and so on, and the tools used for these (job description, training program, etc), such that it can ward off all claims of discrimination or discriminatory practice complies with the principle of equal treatment.

Equal treatment is one of the main plans of action required when seeking to obtain the Diversity Label. To comply with the specifications for obtaining the label, the company must draw up an assessment with respect to its diversity policy and take measure to improve the prevention of discrimination.



CHAPTER 2

THE DIVERSITY LABEL:

WHY GET INVOLVED?



SYLVIE SAVIGNAC

Director of Diversity and Equal Opportunity
 Head of Human resources and Social
 Relations department, Group La Poste
 Member of the Board of the AFMD

For companies deeply committed to a policy of promoting Diversity and the prevention of discrimination, and all the more so for those that are biggest and most visible, the Diversity Label created in 2008 is a timely opportunity for simultaneously addressing the need for:

- managing and developing their policy;
- proving the concreteness of their actions;
- measuring progress.

Up to the present, basic essential initiatives such as the Diversity Charter or the HALDE's practical framework have allowed companies to testify to their commitment and at least fixed an inventory and various classes of assessment, investigation, study, testing, and so on. A global frame of reference paired with regular monitoring to compel companies to implement continued improvement has still been missing.

Punctuated, as it is, by audits every 18 months, the process of obtaining the Diversity Label obliges companies to submit themselves to rigorous oversight coupled with the required involvement of all players from the EXCOM up through the HR, management and social partners.

La Poste holds a Diversity Label for all its activity. The size of its staff—nearly 1 % of the working population of France—its public service missions, cohabitation values and the community spirit it has always defended, drive it to seek to be an example. In order to obtain the label La Poste had to « go back to the drawing board » for the first time and launch an ambitious plan of action with regard to points deemed inadequate.

Running a Diversity Label workshop for the AFMD and in partnership with FACE during 2010 was the occasion for revealing how an ongoing experiment of implementation and development of the Diversity policy including operational units throughout the territory was greatly facilitated by the essential navigation tool that is the label, which also helped spread and share practices with other companies.

THE DIVERSITY LABEL: PRESENTATION AND BASIC PRINCIPLES



Four years after the launching of the Diversity Charter, in 2008 the Diversity Label was created to bear witness to the commitment of public and private organisations as regards the « prevention of discrimination, the equality of opportunity and the promotion of Diversity in the context of human resource management » (AFNOR, 2008).

State Property, the Diversity Label was a collaborative approach with several players including social partners, the ANDRH and several ministries. It concerns all facets of discrimination sanctioned by the law. As part of an effort towards continued improvement, the purpose of the Diversity Label is to regularly evaluate Diversity management in companies by linking all stakeholders and players involved in the prevention of and fight against discrimination.

Granted for a period of 3 years, the Diversity Label is subject to the requirements of a specification document broken up into five distinct domains of evaluation.

Application for the Diversity Label is conditional on an audit conducted by AFNOR Certification which must then be validated by an external commission made up of representatives of the State, the social partners, the ANDRH and specialists. A president is provided by the State, a vice-president by the ANDRH²¹.

21. ANDRH : Association Nationale des Directeurs des Ressources Humaines (French Association of Human Resources Managers)

ISSUES AND BENEFITS

OF THE DIVERSITY LABEL FOR THE COMPANY

There are many issues surrounding a company's undertaking the process of obtaining the Diversity Label.

Rather than a reward, the Diversity Label enables « progression in terms of human resource management by applying the principles of continual improvement ». AFNOR Certification assures the corporate world that:

- Using a highly effective method, you demonstrate the application of recognised principles of non-discrimination equal opportunity.
- You diminish legal risks, particularly of being charged with discrimination and of complaints filed with the HALDE.
- You demonstrate a willingness to go further than mere regulations.
- You transform management practices for the good of the company.
- You facilitate ESP (Employment and Skills Planning).
- You make the company more attractive and gain in staff loyalty.

Source: AFNOR, 2008

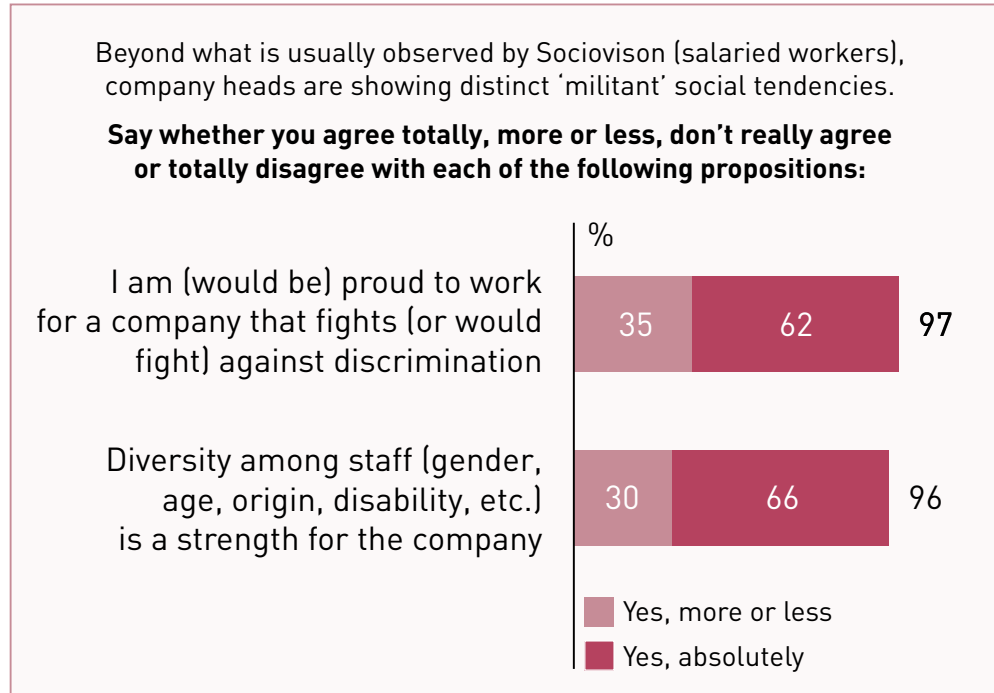
Apart from its promotion of a socially responsible commitment, the Diversity Label seeks to have a positive effect on company human resource management.

In-house it aims at improving company practice in terms of recruitment, integration, career management and remuneration by arming the human resource management and attempting to identify potential discrimination. Once part of company culture, the Diversity policy can promote internal cohesion by uniting staff around a collective project and strengthening their sense of belonging to the firm.

22. Results from 540 firms questioned in the Baromètre FACE de l'Engagement Social et Sociétal des Entreprises (2010).

By way of illustration, the results of the FACE Barometer show that those who responded « were (or would be) proud to work for a company that fought effectively against discrimination »²².

THE FIGHT AGAINST DISCRIMINATION AND DIVERSITY ARE A PRIORITY



To obtain the Diversity Label a company needs to involve its social partners throughout the process. The approach taken in responding to the specifications tends to facilitate social dialogue.

A sign of the social commitment of the company, the Diversity Label is a means of attracting and developing the loyalty of future staff who today fit in far more with the social aspirations of their employers as far as career choice is concerned. This approach allows further development of relations with stakeholders (suppliers, clients, partners, etc.) within the context of the application of a collective social responsibility.

Externally the Diversity Label often facilitates the territorial anchoring of a company through the development of territorial partnerships and the company's identification with and adaptation to its local environment. Labelling specification can more or less constitute a guide for companies wishing to adopt a CSR approach and/or develop certain of the dimensions of their company social responsibility policy.

The Diversity Label: basics and principles, etc.

Companies that had signed the Diversity Charter were the first to be informed of the launch of the Diversity Label in September 2008. The Diversity Label was first mentioned in 2004 in the report of the Institut Montaigne dedicated to « those ignored by equal opportunity » and to the question of the integration into French society of populations of foreign origin (Sabeg, Méhaignerie, 2004). The Diversity Label was thus initially and primarily considered a label of ethnic diversity.

Drawn up by AFNOR at the request of the State (not directly by the State as in Belgium) and with public financing, the Diversity Label was officially launched on 11th September 2008 during the period of French presidency of the European Union. It was instituted by decree (a decree being an executive act with general or individual bearing taken by the President of the Republic or a Prime Minister exercising regulative powers) in December 2008 whereas the Equality Label was issued in 2004 by ministerial order (an order being an executive decision with general or individual bearing taken by one or several ministers or other administrative authority, prefectural, municipal, etc.). Although both types of text are administrative decrees, since the first stems from the president or prime minister, it has a wider range borne out by the extremely powerful political support the Diversity Label enjoys.

The first labels were granted during several commissions during January 2009 and January 2011 and by the start of 2011 some 260 companies had received the Diversity Label against fewer than 60 granted the professional Equality Label in spite of the fact that the Equality Label dates from 2004. This attests to the attractiveness of the Diversity label.

The labelling commission comprises five representatives of the State, five spokespersons of trade unions representing employees, five from trade unions representing employers and five representatives of the ANDRH. The Secretary General of the Diversity Charter participates in the labelling commission by delegation. Presidency of the commission is provided by the State and vice-presidency by the ANDRH.

This arrangement may be compared with that of the commission for the Label of Professional Equality which brings together on an equal footing

representatives both of the State and of trade unions speaking for both employees and employers.

Once the five areas of evaluation have been examined, the label is awarded (or not) by AFNOR Certification.

Companies that have received the Diversity Label recognise that it has launched a veritable dynamic among them and consider the label a mobilisation tool for all ranks of the executive, not only the Diversity manager.

Hélène Garner-Moyer,

Ph.D in Management and Administration (Université Paris 1),
Member of the Discriminations' Watchdog

OBTAINING THE DIVERSITY LABEL: A FOUR-STAGE PROCESS

Sometimes considered a complex process by companies, the steps entailed in obtaining a Diversity Label are nonetheless as advantageous for large firms as they are for small and medium enterprises. Experience shows that there numerous advantages to labelling.

The system consists in « proof » of the actual commitment of the company to the principle of non-discrimination and its willingness to improve the situation wherever necessary.

There are four steps to requesting the Diversity Label before a decision of acceptance (or otherwise) is issued by the national commission:

Phase 1: presentation of one's Diversity Label portfolio,

Phase 2: review of the portfolio by AFNOR Certification,

Phase 3: evaluation of the sites to be covered by labelling,

Phase 4: analysis of the results of the evaluation and ratification (or otherwise) of conferral of the Diversity Label by the national labelling commission.

PRESENTATION OF THE DIVERSITY LABEL PORTFOLIO

Any organisation may procure a blank Diversity Label portfolio on the AFNOR Internet site²³ or by contacting AFNOR Certification directly. They may also request an estimate of the costs of labelling (which depend on company size and the number of sites to be covered by the labelling). A proposal and contract are sent to the company which may then present its complete portfolio to AFNOR Certification.

23. www.afnor.org/certification/lbh004

REVIEW OF THE PORTFOLIO BY AFNOR CERTIFICATION

After examination of the portfolio, AFNOR Certification sets up an evaluation team or designates a single evaluator to assess company activities on-site.

EVALUATION OF THE SITES TO BE COVERED BY LABELLING

Evaluation concerns at least the main company site as well as a sample of the secondary sites requesting labelling. The evaluation structure is established by the company itself.

The task of the evaluator is to assess the conformity of measures established by the firm on the site(s) concerned with the specified requirements and may include asking the company for certain details (documents, figures, data, etc) and/or further discussion. The company may respond to or otherwise rectify discrepancies noted by the evaluator.

ANALYSIS OF THE RESULTS OF THE EVALUATION AND RATIFICATION (OR OTHERWISE) OF CONFERRAL OF THE DIVERSITY LABEL BY THE NATIONAL LABELLING COMMISSION

Following analysis of the report and of the proposal by the evaluator, AFNOR Certification presents these elements to the labelling commission which gives its own independent recommendation. The firm is also audited by members of the commission. On the basis of its recommendation, AFNOR Certification then ratifies the decision to grant, suspend or refuse the Diversity Label to the company concerned.

The company might be asked for further action or to adjust activities so as to warrant attribution of the Diversity Label. Labelling is valid for a period of three years.

There is a follow-up evaluation after 18 months. A new report is then sent to the labelling commission which formulates a recommendation advocating complementary action, maintenance, suspension or withdrawal of the label.

MAINTENANCE OF ONE'S LABEL: A QUESTION OF DEVELOPMENT

The limiting of the validity of a Diversity Label to three years poses the question of its renewal. This procedure embodies the principle of continued improvement of which the labelling system forms part.

The renewal procedure for the Diversity Label needs to be started by the company at the very latest two months before expiry date. Diversity Label renewal follows the same procedure as that by which it was initially obtained. If, based on the position of the commission,

AFNOR Certification decide to renew it, the Diversity Label is granted the firm for a further period of three years.

Evolution of the environment, markets and legislation have an impact on the activities and social commitment of the firm. Keeping one's label thus corresponds to a question of development. Whatever the reason, loss of the Diversity Label can have extremely harmful effects (change of image, loss of dynamism in Human Resources, disappointment of employees and so on) for the company concerned.

Undertaking renewal of the Diversity Label means bringing one's practice up to date and assuring that one's management and its administration of human resources is in a continuous process of improvement.

Interactions between Diversity tools (plans, charter, labels, standards)

The operational tools upheld by the State as regards Diversity are established by the Diversity Charter, plans of action (territorial, sectoral, public, etc.) and also the Labels of Equality and Diversity:

- *the Diversity Label, an inclusive label covering all fields of the 18 criteria of discrimination;*
- *the Equality Label seeks to establish male-female equality by removing the « glass ceiling » as regards recruitment, promotion, salary and the balancing of professional and family life.*

What these tools have in common is that they constitute a progressive movement towards a planned Diversity system, from least to most restrictive, or from most conventional (Diversity Charter) to most inclusive (Diversity and Equality Labels).

A standard of Diversity was also established at the same time as the Diversity Label and this was published in the Journal Officiel of September 2008. It comprises a reference text employers may use as a model if they wish to establish a policy promoting Diversity over and above the process of involvement and external recognition.

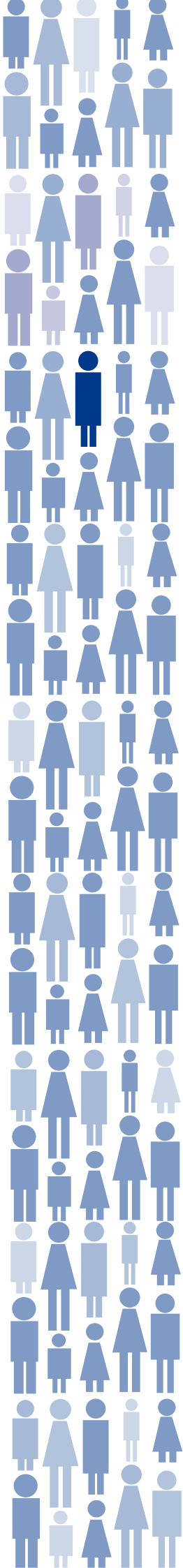
The State also supports collective activities regarding Diversity which target top priority populations, industries and territories such as local strategies for the fight against discrimination.

This specifically takes into account the Program of Awareness Skills Development for the Equality of Treatment developed by FACE in several regions and the activities of the AFMD with professionals concerned.

Every firm should choose, agree on and put into practice the approach or approaches most appropriate to its own needs.

Michel Aubouin,

Director of the Reception, Integration and Citizenship
at the Ministry of Immigration, Integration,
National Identity and Solidary Development



PART 2

**MEETING
SPECIFICATIONS
IN VIEW OF OBTAINING
THE DIVERSITY LABEL**

Obtaining the Diversity Label is subject to respect for the labelling specifications published by AFNOR Certification. There are three different versions of these specifications²⁴:

- for organisations of more than 50 salaried employees;
- for organisations of fewer than 50 salaried employees (micro businesses, SMEs);
- for civil service departments.

24. Downloadable versions available at: <http://www.afnor.org/certification/lbh004>

Diversity Label specifications fall into 5 areas:

Domain 1: an appraisal of Diversity

Domain 2: the definition and application of a Diversity policy

Domain 3: in-house communication, information, consciousness raising and training

Domain 4: implementing Diversity in activity

Domain 5: evaluation of and improvement in the application of Diversity

For ease of reading, this second section of the guide is broken up into five chapters corresponding to the five areas of specification.

An introductory chapter presents formalities useful to the preparation of the labelling process. This initial phase presents elements of response to the formalisation and structuring of the process of obtaining a Diversity Label.

Chapter 1 concerns an appraisal of Diversity. During this stage a company is required to examine its practices and define the fields of action that will orient its Diversity policy.

Chapter 2 concerns the (re)definition and application of the Diversity policy. During this phase the company draws up and formalises its Diversity policy, starting from what already exists and adding further measures of structuring and adjustment to this based on analysis of the results of the appraisal.

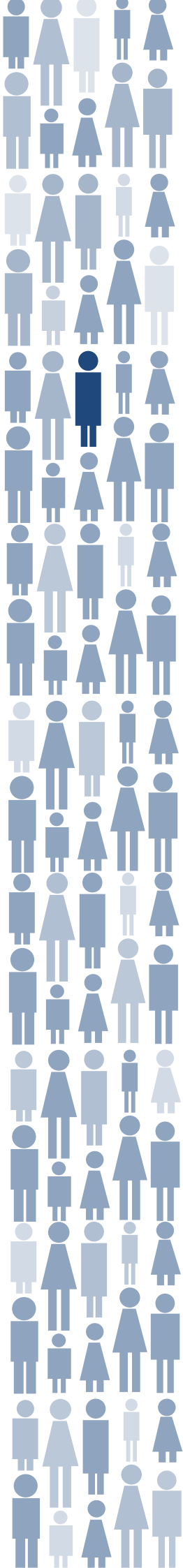
Chapter 3 speaks of promotion of the Diversity policy and sensitising salaried employees in the firm to the principle of non-discrimination. Meeting specifications for domain 3 entails the company's internal

communication of its Diversity policy and informing, raising the awareness of and training its personnel and all persons concerned in its definition and application.

Chapter 4 explains how to take Diversity into account in company activities. During this stage, the company is required to protect itself from possible discriminatory practices by improving management of its human resources (recruitment, induction and integration, career management, training), putting its Diversity policy to work in external communications and developing relationships with stakeholders (clients, territorial partners, suppliers).

Chapter 5, finally, deals with the evaluation and enhancement of the company's Diversity policy. In response to the specifications of domain 5, the company is required to register, measure, analyse and evaluate its Diversity policy, initiate and carry out improvements and draw up an annual assessment.

In this English version we shall present a rapid overview of these fields, drawing on the French text which, itself, goes into greater detail as regards implementation. This will give you a good idea of both the practices of French companies and of the key points for response to the requirements in each area.



INTRODUCTORY CHAPTER

THE PREPARATION

In order to ease involvement in the principle of non-discrimination, a company may make provision for an initial preparatory phase aimed at formalising and structuring its approach to obtaining a Diversity Label and at sensitising those members of its hierarchy concerned.

The process a company will follow in response to the stipulations of labelling resembles that of project management, and the constitution of a steering committee, carrying out of audits, definition of objectives, drawing up of plans of action or evaluation of systems may thus form part of the activities entailed in the implementation of a project.

Key factors for success:

1. Nominate someone to head the project
2. If necessary, establish a Diversity steering committee
3. Define the labelling limit
4. Organise presentation meetings with social partners
5. Sensitise all concerned by application of the policy of Diversity to the principle of non-discrimination



PLAYERS IN DIVERSITY

General management, the Diversity interlocutor, social partners, salaried employees, the head of or service in charge of HR, and the head of or service in charge of communications, etc.

The involvement of players implicated in Diversity policy is necessary throughout the process of applying for a Label.

In order for it to be perceived and put into practice both internally and externally, the company's undertaking as regards prevention of and the fight against discrimination must necessarily be accepted and upheld by the management.



The role and influence of trade unions is often decisive both in encouraging the participation of employees and in promoting the idea of obtaining the Diversity Label. It should particularly be recalled that the social partners are members of the national labelling commission.

The company should also nominate a head of Diversity (full-time or part-time depending on the size of the firm). This **referent** directs the implementation of the monitoring of the Diversity policy (throughout the labelling process and then after having received the Diversity Label in order to ensure its upkeep). It is important for continued improvement that all key players participate in the framing of their own assignments.

The principal tasks of the Diversity interlocutor are:

- steering the Diversity policy;
- the coordination and setting up of plans of action;
- the launching of new projects;
- follow-up and reporting;
- setting up in-house consciousness raising and training;
- responding to the demands of labelling specifications for the purposes of obtaining or renewing the Diversity Label.

Over and above proven relational qualities and skill in organisation, the person directing the Diversity policy will necessarily have a good understanding of all problems and principles relating to the emergence and treatment of discrimination in the workplace. They will also, ideally, know the firm (its history, culture, values, activities) and its stakeholders (clients, suppliers, partners, ministerial departments, societies, etc.).

They are generally attached to the HR department or directly to the company manager. Company management is thus regularly informed of the application of the Diversity policy and of possible improvements that might be made (log tables).

The (re)definition and implementation of the Diversity policy are carried out in concert with the person or service in charge of **human resources**. The Diversity interlocutor must, in fact, be satisfied as to the application of plans of action and of the introduction of necessary changes and adjustments as identified after assessment of HR practices and the current system.

Involvement of the person or service in charge of **communications** will facilitate deployment and concrete implementation of the Diversity policy both internally and externally.

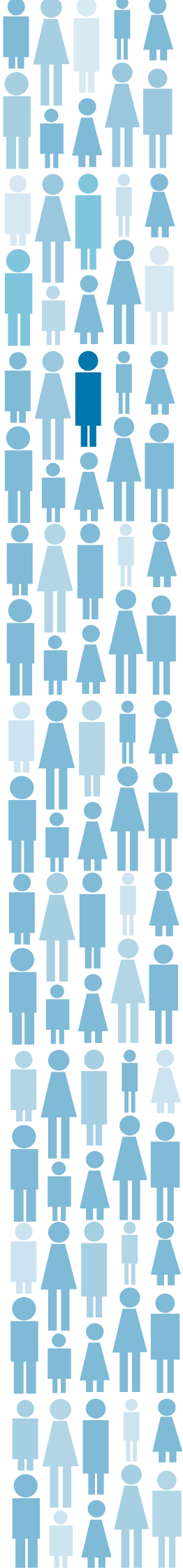
Where necessary, the person or group in charge of **corporate social responsibility, quality standards** and so on, may bring their support, particularly as regards definition of the Diversity policy as well as in the analysis of possible responses to the requirements of the labelling specifications.

Finally, for employees to join and adhere to a company's policy of non-discrimination will necessitate their involvement in both the assessment of the policy of Diversity (discussion panels) and in its concrete application (participation activities such as tutoring, backing, initiation into the profession, support, etc.).



The benefits of **employee involvement** in the implementation of concrete actions are manifold. Involvement of the employees reinforces their awareness of the need to be vigilant, being watchful so as to prevent prejudices and possible discriminatory behaviour or actions. There may also be increased pride in being part of a firm that translates its social responsibilities into concrete terms.

The investment of all players in the Diversity policy constitutes a significant tool for the prevention of discrimination and application of equal treatment within the company.



CHAPTER 1

DOMAINE 1:

CARRYING OUT A DIVERSITY ASSESSMENT

FOCUS ON THE REQUIREMENTS OF DOMAIN 1

ASSESSMENT OF THE CURRENT STATE OF AFFAIRS

EXAMINATION OF ALL DISCRIMINATORY CRITERIA IDENTIFIED

ANALYSIS OF RISKS OF DISCRIMINATION

Source: Cahiers des charges de Labellisation
(applicables aux entreprises et organismes
de moins de 50 salariés et plus de 50 salariés),
AFNOR Certification, p. 9 et p.10

A Diversity assessment allows a company to examine its setup and detect risks of discrimination with reference to the body of criteria laid down by the law. This first step is an opportunity for the company to evaluate its practices and identify lines of improvement (orientations, actions, etc.) whereby to adapt its Diversity policy.

Although assessment may be conducted by the leader of the steering committee or the committee itself, for reasons of impartiality and confidentiality it is, nevertheless, preferable that it be carried out by a third party individual or group as guarantee for the methodology used and the implementation of the assessment.

The assessment of HR practices and of systems and subsequent communication of the results are the two main phases to be accomplished in the first area of labelling specifications.

KEY FACTORS FOR SUCCESS IN DOMAIN 1

1. Obtain **the participation of colleagues**
2. Systematically involve **staff representatives** and **trade unions**
3. Carry out **separate assessments** (company/trade unions)
4. Create a **diagnostic framework**
5. Carry out **assessments within audited companies**
6. Carry out an **assessment of HR practices**
7. Identify **activities related to Diversity**
8. Analyse **the current situation**
9. Carry out in-**depth appraisal**
10. Put questions to **panels of staff representatives**
11. List past and present **grievances**
12. Study the **conclusions of internal audits**
13. Communicate the results of the assessment to the **staff representatives and trade unions**



TESTIMONIES

BNP PARIBAS: The Diversity assessment

At BNP Paribas the labelling process took place at the level of the Diversity Group team and mobilised General Management, Central Services, branches in Paris and in Province and our subsidiaries not to mention social and external partners. More than a hundred people were interviewed during each audit. Our HR and Diversity interlocutors in different professions served as our intermediaries throughout the auditing period.

The keys to our success were the availability and involvement of the people we met and the

upstream audit carried out by the team.

For BNP Paribas, receiving the Diversity Label in 2009 and maintaining it in 2010 (the first bank to have received it), is a natural extension of the Group's global commitment to Diversity: recognition of what has been accomplished since signing the charter and a springboard for further action.

Elisabeth KARAKO

Head of Diversity-BNP PARIBAS

OMENDO:

Diversity assessment and raising the awareness of employees

Since 1999 I have been taking young graduates from the poorer quarters training in overcoming racial discrimination with the ODTI (PRO-FIL) into the company. This was a first step in raising the awareness of staff to Diversity, and was accompanied by a poster campaign on the themes of Diversity (created by the CJD).

In December 2004, having signed the Diversity Charter, all employees took part in an ethical assessment of their activity. Following an awareness campaign as regards the law, they analysed their activities and the steps in their decision-making processes and worked together in groups to examine their criteria and the legitimacy of these.

It was this work by and for the employees that brought about the best relations in the company. « I feel more able to open up to « the other » because Management is too » and « I'm more reassured as to my own future » were the high points of the final synthesis. Open-minded and reassured employees, that's the outcome we wanted!

Jean-Luc GAIDON

Executive Director - OMENDO (NEF OSMOSE
**FORMACTION & DFM) National Director for Diversity Issues
Centre des Jeunes Dirigeants (CJD)**



CHAPTER 2

DOMAINE 2:

(RE)DEFINITION AND APPLICATION
OF A DIVERSITY POLICY

FOCUS ON THE REQUIREMENTS OF DOMAIN 2

FORMALISATION
OF MANAGEMENT COMMITMENT

DEFINING A POLICY OF DIVERSITY

RESPONSIBILITIES, AUTHORITIES
AND DEDICATED BODIES

INVOLVEMENT OF SOCIAL PARTNERS
IN THE ABSENCE OF EMPLOYEES

DRAWING UP AND PROMOTION
OF PLANS OF ACTION

PROVIDING THE REQUIRED
RESOURCES

IMPLEMENTATION OF AND FOLLOW-UP
ON PLANS OF ACTION BY MANAGEMENT

Source: Cahiers des charges de Labellisation
(applicables aux entreprises et organismes
de moins de 50 salariés et plus de 50 salariés),
AFNOR Certification, pp. 10–12 et pp.11–12

The (re)definition and implementation of a **Diversity policy** refer to domain 2 of the labelling specifications.

Drawn from the conclusions arising from the assessment, the company now possesses key information for adapting its Diversity policy. Analysis of these results allows it to **(re)construct and formalise** its Diversity policy, starting from the existing situation and progressively bringing in measures of structuring and adjustment in a drive for constant improvement.

There are two phases a company can follow in adapting its Diversity policy: **(1) its commitment to a policy of Diversity and (2) the implementation of its Diversity policy.**

KEY FACTORS FOR SUCCESS IN DOMAIN 2

1. Formalise and put into practice the company management's **commitment to non-discrimination**
2. Sign the **Diversity Charter** and/or come to an **agreement** to prevent and fight against discrimination
3. Take the **time to reflect** so as to better understand the complexity of questions relating to discrimination
4. Keep a **specific watch**
5. Involve the **HR body** and **social partners** in the project
6. **Encourage awareness among staff** as regards their contribution to the development of the Diversity policy
7. **Name and establish someone as head** of the Diversity Mission and Label
8. **Create an internal body** devoted to Diversity
9. Set up a **listening cell and troubleshooting group**
10. Draw up and promote a Diversity action plan **adapted to local specificities and all potentially discriminatory situations**
11. Encourage **partnerships** with specialised groups

12. **Promote the Diversity action plan** among staff
13. **Adapt the structure** of the body dealing with Diversity to the size and activities of the firm
14. Involve the individuals or services in charge of **human resources, quality and communication**
15. **Draw up and share a log table** of Diversity activities with management



TESTIMONIES

LA POSTE:

The listening cell and troubleshooting group

In order to respond to the specifications of the Diversity Label, in 2008 La Poste set up a « a centre for grievances and information concerning discrimination » attached to the Group's Office of the Diversity and Disability Project (DPDH).

This body allows postal workers who consider themselves victims of discrimination to point it out by post or e-mail to a dedicated address. There is also a telephone number at their disposal, but only written requests are taken into account. The DPDH then refers the case to the Human Resources Department concerned so that it may give the postal worker a suitable response. It assures the conformity of responses as regards non-discrimination and draws up an annual statement of applications.

Thus, for the 200-odd applications received in 2009, the primary grounds for discrimination observed was handicaps or disabilities (47 % of requests) and La Poste consequently instituted improvements in this domain in 2010.

Sylvie SAVIGNAC

Director of Diversity and Equal Opportunity-LA POSTE

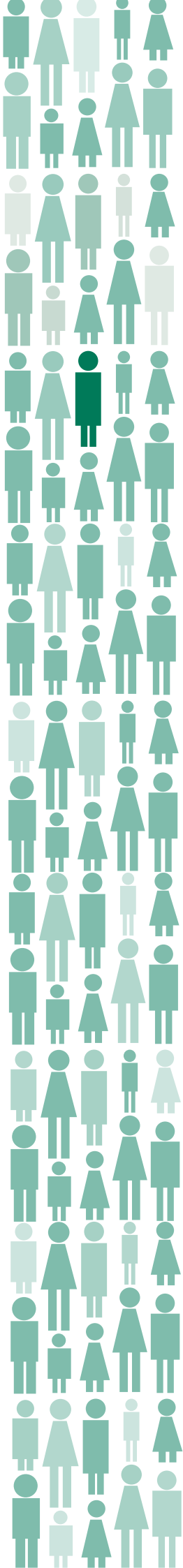
D&O:

Involvement of the trade unions

D&O is a social protection group with equal representation on both sides. What this means is that it is run by organisations representing management and employees in equal number. It is thus natural that union organisations be associated with this company project. A project outline and a subsequent plan of action based on the recommendations of the Diversity assessment was presented to them. The CHSCT also became linked with the Diversity Project Group and a company agreement was signed.

Mireille LO

Head of the Mission Disability and Diversity – D&O



CHAPTER 3

DOMAINE 3:

IN-HOUSE COMMUNICATION,
INFORMATION, CONSCIOUSNESS
RAISING AND TRAINING

FOCUS ON THE REQUIREMENTS OF DOMAIN 3

UNIVERSAL COMMUNICATION

INFORMATION OR CONSCIOUSNESS
RAISING WITH REGARD TO DIVERSITY,
PREVENTION OF DISCRIMINATION
AND THE FIGHT AGAINST
STEREOTYPES AND PREJUDICE
FOR THE ENTIRE STAFF

TRAINING OF THOSE INVOLVED I
N ACTIVITIES AFFECTED
BY DIVERSITY POLICY

Source: Cahiers des charges de Labellisation
(applicables aux entreprises et organismes
de moins de 50 salariés et plus de 50 salariés),
AFNOR Certification, pp. 13–14

Having defined and implemented the structuring elements of its policy of Diversity, the company should ensure its in-house circulation. The efficacy of the Diversity policy depends, first and foremost, on the ability of the firm to promote it and sensitise its employees to the principle of non-discrimination. In-house communication, information, consciousness raising and training correspond to the requirements for domain 3 of the labelling specifications.

In response, a company becomes involved at three levels, promoting **a general communication, the information and sensitising of the personnel and (3) the training of all those concerned in the application of the Diversity policy.**

KEY FACTORS FOR SUCCESS IN DOMAIN 3

1. Involve the **person or service in charge of in-house communication**
2. Draw up an **in-house plan for Diversity communication**
3. Alternate **global communication and specific zooms**
4. Define a specific **Diversity budget**
5. Put together **communication tools and supports**
6. Call on the expertise of **specialist bodies**
7. Multiply **occasions to communicate**
8. Vary **pedagogical programs and tools**
9. Encourage **the involvement of staff members**
10. Identify **training needs**
11. Add the policy of Diversity to the **company's HR policy**
12. Create **appropriate training systems**
13. Assess **the impact of consciousness raising and training activities**



COMPANY PRACTICE

VARYING PEDAGOGICAL PROGRAMS AND TOOLS

ALCATEL LUCENT

The Alcatel–Lucent Group has developed a serious game²⁵ to encourage the integration of people with disabilities into the company. The tool sensitises employees to visual and auditory deficiencies and can also be used by those subject to these by means of an adaptable interface.

25. [...] a tool of sensitisation, training and promotion, [the serious game] is a species of «useful» variant of video game for professional people. [...] – (Definition taken from Manifeste du jeu sérieux, Succubus Interactive, 2010).

D&O

The D&O Company utilises a theatre company for a quiz among its colleagues. Answers given by participants—each of whom has a remote control—are reproduced globally after each question, revealing the rootedness of stereotypes and prejudice that sometimes create discriminatory attitudes or behaviours, and thus encouraging debate.

ENCOURAGING STAFF INVOLVEMENT

Sponsorship and the corroboration of experience

A company may promote sponsorship and experiential activities of confirmation among students or people outside the work context. This facilitates consciousness raising as regards the company Diversity policy among employees and helps them appreciate their involvement and their profession which reinforces the support and sense of belonging among company staff.

Skills Patronage

For a company, skills patronage consists in dedicating a portion of its volunteer activities to societies or foundations.

This availability (part or full time) may translate as an occasional or regular investment of company employees (support, professional presentation, sponsorship, etc.) in teaching establishments, with people looking for work, students, etc. Tax arrangements concerning this approach allow a company a reduction in income tax²⁶.

26. In the case of patronage, donations by companies grant access to a tax reduction of 60 % of the amount paid within the limits of 5 to 1000 of the total company turnover before tax, whoever the beneficiary (loi du 1er août 2003 relative au mécénat, aux associations et aux fondations).

Special events and activities:

A company might provide for special activities aimed at raising employee awareness of the principle of non-discrimination (tournaments or events involving personnel). It might, for example, organise a poster making competition to heighten employee interest in the subject.



TESTIMONIES

PSA PEUGEOT CITROËN: Raising staff awareness

Since 2008, the Groupe PSA Peugeot Citroën has opened up to its managers a « Diversity management training module ». The goal of the module is to give managers concrete answers and operational tools for dealing with everyday problems in their teams regarding equal opportunity. It allows them to translate the principles of respect of difference and the prevention and proscription of all forms of discrimination into concrete terms. Participation in this training is extended to the HR services and to members of union organisations comprising the Diversity commissions of sites. Participants receive a « Best Practices » guide on completion of their training.

Furthermore, training in the prevention of harassment and cases of discrimination has been presented exclusively for HR staff involved in the process of recruitment.

With the launch in 2010 of l'Engagement Diversity Monde (World Diversity Commitment),

the Groupe PSA Peugeot Citroën set up an approach articulated around 7 founding principles. The 3rd of these is aimed at raising the awareness of and training all employees so that each can become a player in Diversity at his or her own level.

Paul-Philippe UHEL

Head of CSR and male-female equality

PSA PEUGEOT CITROËN

Example

Program to raise awareness as regards « the issues of equal treatment and non-discrimination » for HR personnel (FACE, 2011)

Target public

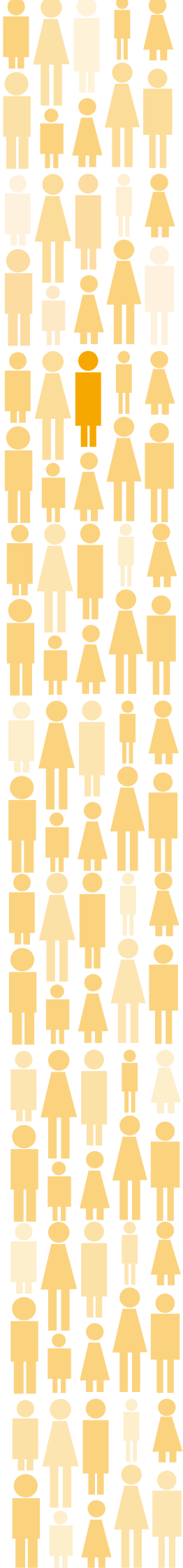
All those contributing to the management of human resources, recruitment, career development and the daily management of teams.

Program goals

- Understanding of the issues of the prevention of discrimination and the implementation of equality of treatment;
- Knowledge of the legislative and statutory frameworks;
- Reflection on personal practices and encouragement of the acquisition of new professional behaviour.

Program content

- A reminder of fundamental concepts;
- Reminder of the legal framework;
- The role and place of mental representation and stereotypes;
- Analysis of professional situations experienced by participants;
- Identification of best organisational and managerial practices;
- Ways of implementing equality of treatment in the HR process;
- Sharing experiences having to do with Diversity.
- Evaluation of the impact of the training activities



CHAPTER 4

DOMAINE 4:

TAKING DIVERSITY INTO ACCOUNT
IN COMPANY ACTIVITIES

FOCUS ON THE REQUIREMENTS OF DOMAIN 4

RECRUITMENT

INDUCTION AND INTEGRATION

CAREER MANAGEMENT

TRAINING

EXTERNAL COMMUNICATION

PARTNERSHIP WITH LOCAL PLAYERS

RELATIONS WITH SUPPLIERS

CLIENT AND USER RELATIONS

Source: Cahiers des charges de Labellisation
(applicables aux entreprises et organismes
de moins de 50 salariés et plus de 50 salariés),
AFNOR Certification, pp. 15–18

Domain 4 of labelling specifications has to do with **company activities** likely to be concerned with the policy of Diversity. From recruitment to relations with its clients and users, a company may sometimes produce or promote discrimination in the everyday management of its affairs. To protect against this the specifications recommend

improving daily practices with a view to guaranteeing the equality of treatment of candidates, employees and also stakeholders.

A company will respond to the stipulations of domain 4 of the specifications by dealing with following three items: **its HR process, external communications and relations with stakeholders.**

KEY FACTORS FOR SUCCESS IN DOMAIN 4

1. Verify **company commitment** to the process and tools of recruitment
2. **Train** the members of staff in charge of recruitment
3. Define recruitment needs **in consultation with HR**
4. Put together tools to **oversee and facilitate recruiting**
5. **Revise offers** of work, courses and training
6. **Vary channels** of recruitment
7. **Record and track** recruitment processes
8. Guarantee **equality of treatment** in the induction and integration of new colleagues
9. Create **tools** to facilitate induction and integration
10. **Individualise and adapt** the process of induction and integration for each colleague
11. **Track and assess** the process of induction and integration
12. **Adapt** workstations
13. Guarantee **good working conditions**
14. **Train** the managers in charge of carrying out appraisal interviews
15. **Provide support for evaluators** in the process of evaluation
16. Guarantee **equal possibilities of evolution, promotion, training and remuneration** to those in identical situations and equal in competence
17. Get involved in **the creation of in-house training offers**

18. Anticipate **measures of adjustment** in case of possible deviations
19. Add the principle of non-discrimination to the criteria for evaluation of training bodies
20. Increase opportunities for encouraging the commitment of management as regards the principle of non-discrimination
21. Encourage company commitment as far as the general public is concerned
22. Communicate concerning the possibility for anyone from outside the firm to lodge a complaint in the event of supposed or proven discrimination
23. Multiply partnerships with local players
24. Encourage the commitment of suppliers for the principle of non-discrimination
25. Encourage respect for the principle of non-discrimination in all relations with clients and/or users



COMPANY PRACTICE

Examples of themes addressed in the training of those in charge of recruitment:

- The drafting and distribution of recruitment advertisements
- Diversification of recruiting channels
- The preparation and execution of a job interview
- Prevention of discrimination and application of the principle of equality
- Prevention of stereotypes, prejudice, etc.



TESTIMONIES

**OMENDO:
Recruitment**

In 2000, investment in the E-Learning team was blocked because the board of directors did not wish to develop this activity. We got round the difficulty by creating a team outside recruitment standards, less costly in the short term because of the work-study program: one person on the RMI (1st contract of adult qualification for the region), a woman having difficulty finding work again after protracted maternity leave (today Director at the CODIR) and a graduate of the Beaux Arts who was not selling. This motivated team quickly gained credibility with the extended group.

NEF²⁷ did not have the HR means to maintain its undertakings following the Diversity charter in 2004. We engaged a final year Masters student in Human Resources on a work-study program to analyse processes and GPEC, and to carry out a survey among staff and clients on the NEF's commitment and the prevention of discrimination.

We also opened training courses to help young French people of foreign origin validate their degrees, a stance of positive action helping integrate French trainees of foreign origin. By 2006 this set-up had made us visible at the European level (the Cyprus congress) and won us the 1st prize in Diversity.

Jean-Luc GAIDON

Executive Director-OMENDO

(NEF OSMOSE FORMATION & DFM)

27. NDA: Omendo did not exist at the time. NEF was the original company.

ILO: Staff training

At ILO taking Diversity into account in our activities is an essential part of company culture. Indeed, ILO is fundamentally a company with strong Diversity by the very nature of the services it provides: training in all languages, translation and interpretation. We thus have people of all or nearly all nationalities on our staff to satisfy the often quite particular and clearly targeted needs of our clients.

Diversity of personnel means difference. In order to turn these differences into a strength for the company we have placed a lot of emphasis on improving our recruitment policy and staff training.

Examples of improvements accomplished:

- *respecting procedures and criteria of recruitment established according to the nature of the job;*
- *diversification of sourcing;*
- *utilisation of grills taking into account the required criteria for the selection of CVs;*
- *personalised interviews with various people;*
- *practical role playing and simulation exercises according to post;*
- *staff training in company values so as to stimulate deeper involvement;*
- *staff language-training according to need and/or choice in order to facilitate integration and communication between staff members, etc.*

Clare HART

Founder and Director-ILO



COMPANY PRACTICE

PROMOTING COMPANY COMMITMENT AMONG THE GENERAL PUBLIC

« Best practice sharing » workshops of the AFMD

A place for reflection, exchange and sharing of experience, the AFMD organises small dinners, conferences, work commissions and best practice sharing workshops where people can collectively come up with solutions and share company practices as regards the principle of non-discrimination (examples of themes dealt with: integration of the long-time unemployed, management of the handicapped, time management, women and governance).

The thematic commissions of FACE

FACE organises thematic commissions to discuss company concerns as regards the prevention of discrimination. These practical workshops help in the development of practice and the implementation of collective activities both national and local (examples of themes dealt with: the integration of young workers into companies, senior workers).

The Diversity Chair of the Université Paris-Dauphine

With the support of Club XXI^e siècle and several firms (EADS, GDF SUEZ, La Poste, La Macif and SFR), the Université Paris Dauphine created a chair dedicated to Diversity management with a view to developing

research into and transmission of company managerial practices in the field.

DEVELOPING PARTNERSHIPS WITH LOCAL PLAYERS

Examples of partnership

Partnerships with non-profit organisations (AFIJ, AFIP, Arborus, « Elles bougent », Nos Quartiers ont des Talents, Proximité, Retravailler, etc.)

Companies may enter into partnership with specialist associations, for example, so as to carry out specific recruitment activities (young graduates, female engineers, the handicapped).

Partnerships with government

The signing of charters or conventions of partnership with local governments, Departments of Labour, the Ministère de l'Intégration de la Jeunesse, and Ministry of Health could strengthen company commitment as regards the prevention of discrimination and its attendant psychosocial risks.

Partnership with employment agencies (APEC, AGEFIPH, Maisons de l'Emploi, Missions Locales, PLIE, Pôle Emploi , etc.)

In order to vary recruitment sources and obtain the support of specialised players, companies may enter into partnerships with employment agencies.

Company networks (AFMD, CCI, CGPME, CJD, FACE, IMS, MEDEF, etc.)

By setting up a network, companies may link resources and discuss practice in order to improve and develop actions suitable to their size and activities. Company networks are particularly reinforcing for small and medium enterprises and industries and micro businesses, whose means are often limited. Linking several players, a company network is also a means for developing numerous partnerships with institutions and non-profit organisations.

Partnership with teaching establishments

Signing a charter of company commitment to the service of Equal Opportunity in education, or creating partnerships with schools, junior high schools, high schools and establishments of higher education may help certain young people with difficulties in professional orientation or integration (HALDE, 2009). Companies may, for example, undertake to recruit them as a priority, support them in their search for work or even grant them financial or human aid.



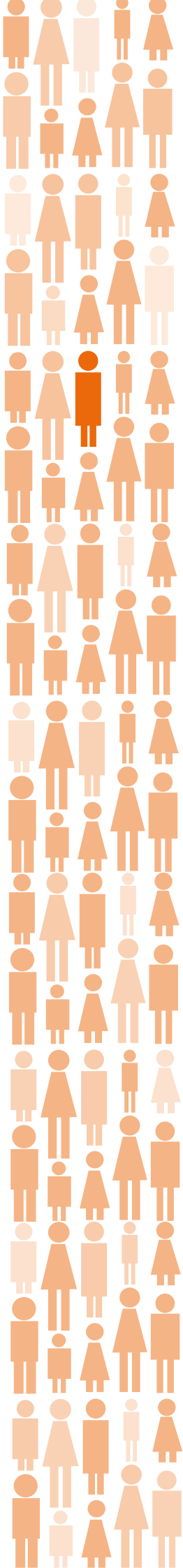
RESPECT FOR THE PRINCIPLE OF NON-DISCRIMINATION IN CLIENT AND/OR USER RELATIONS

- **SFR** has capitalised on its experience with handicapped people to develop a range of telecommunication products adapted to persons with sensory, particularly audi-

tory, disabilities.

- **L'Oréal** has included Diversity in its commercial and marketing approach for years, so as to remain innovative in its production of beauty and care products aimed at women of various origin and physical characteristics.
- **Ikea Monde** made Diversity the subject of its 2009 business campaign. Its catalogue speaks clearly of a plurality of population and lifestyle.
- **Casino's** official logo carries a slogan promoting Diversity.

Source: « Des pratiques pour l'égalité des chances... », HALDE (2009)



CHAPTER 5

DOMAINE 5:

EVALUATION OF AND IMPROVEMENT
IN APPLICATION OF DIVERSITY

FOCUS ON THE REQUIREMENTS OF DOMAIN 5

MEASURING

ANALYSIS AND EVALUATION

ANNUAL REVIEW

MONITORING IMPROVEMENTS

TRACEABILITY

Source: Cahiers des charges de Labellisation (applicables aux entreprises et organismes de moins de 50 salariés et plus de 50 salariés), AFNOR Certification, pp. 19–20

The fifth domain of labelling specifications concerns assessment of company Diversity policy. A firm measures and assesses its commitment to non-discrimination within a context of regular improvement.

The process for obtaining a Diversity Label is allied with management of a company-wide project that needs to be steered, assessed and improved on qualitative and quantitative levels.

The company may proceed in four main phases to fulfil requirements for domain 5: **measurement, analysis and evaluation of its Diversity policy, implementation and monitoring of improvement projects, recording and traceability of data concerning the Diversity policy and (4) presentation of an annual review.**

KEY FACTORS FOR SUCCESS IN DOMAIN 5

1. Drawing up of a **Diversity management chart**
2. Gathering of **data** concerning the Diversity policy
3. Identification of the **source of complaints** that arise
4. Planning and implementation of **improvement projects**
5. Making respect for the principle of non-discrimination a **decisive factor in the evaluation of managers**
6. Creating a **monitoring and tracking system** for improvement projects
7. Drawing up an **assessment** of the company Diversity policy
8. Setting **new goals** and **new projects** for improvement
9. Including a Diversity assessment in the company's **employment policy review**



COMPANY PRACTICE

Examples of legal yardsticks

- The percentage of various population groups within the staff of a company as a whole
- The percentage of various population groups within the different levels of post available (workers, line managers, unit heads, executives, board of directors)
- Types of contract, general salary at various levels and acknowledged salary discrepancies
- Details of access to training by population group and job category
- Establishment of goals for the (...) population types for the year N+1

Source: Rapport Deloitte
« La promotion de la diversité... », (2010).



COMPANY PRACTICE

DRAWING UP A DIVERSITY
MANAGEMENT CHART**Example of measurement and monitoring
of specific requests****Measurement**

Of 220 grievances recognised, 75 will concern real or supposed discrimination based on a staff member's origin.

Benchmark

*Proportion of complaints concerning
discrimination based on origin =*

$$\frac{\text{Number of complaints concerning
discrimination based on origin}}{\text{Number of complaints registered}} \times 100$$

Benchmarking applied to our example

= 34 % of all complaints concern discrimination based on the origin of staff members and/or candidates.

Follow-up

This measure is to be carried out regularly (at least once a year) and figures are to be compared in order to evaluate the evolution of the effect of targeted actions the company has implemented.



The situation test or testing:

The situation test also called testing is an empirical method for detecting discrimination. It consists in a comparison of two types of candidate identical in all ways except one, the characteristic being tested (e.g., origin, dwelling place, consonance of name and surname, etc.), subjected to the same process of selection. The moment there is a more favourable result for one of them, one may conclude that there is discrimination (...). Over and above its minimal cost of implementation, the advantage of this technique is in the complete control of the characteristics of the two types of candidate so that one may be certain of perceiving the cause of dissimilar treatment (...).

The limit of this approach is that testing does not got give an idea of the actual extent of discrimination such that one could compare countries and eras. Testing is valid as a valuation survey only at the time it is being carried out. It cannot be generalised on a national level because not representative of the entire population. As such, testing cannot become a complete technique for systematic statistical oversight.

Source:

Website of the Observatoire des Inégalités



Examples of quantitative investigations and studies (HALDE, 2009)

CARBONE LORRAINE

Enquiry into the equality of treatment of staff representatives as opposed to other staff members.

TOTAL

Study of the remuneration of men and women.

AIR France

Statistical enquiry into the management of employees 50 years old and older.

LA POSTE

Statistical survey of possible discrimination as regards « sensitive » populations (age: below 26 and over 45 years old, gender, handicapped persons, family situation, persons from French Overseas Colonies (DOM), nationality, employees resident in Sensitive Urban Areas (ZUS), staff representatives).

Examples of qualitative investigations and studies (HALDE, 2009)

GDF-SUEZ

Study concerning the conditions for integration of handicapped workers (including a qualitative section on the meetings of handicapped worker groups).

PSA PEUGEOT CITROËN

A qualitative study of images of and attitudes toward Diversity (based on discussion groups and individual interviews).



TESTIMONIES

D&O

Measurement and evaluation of the Diversity policy

Evaluation of actions, which is not always simple, may be carried out by close reliance on benchmarks and outcomes. These are communicated to the staff and to staff representatives concerned. Particular attention is paid to specific populations in order to avoid difference of treatment. Staff have been able to express their opinion through anonymous response to a questionnaire on the themes of Diversity and equal opportunity. 12 % responded and the results were circulated and published in the annual report for 2010.

Mireille LO

Head of the Mission Disability and Diversity – D&O

Reflections on measurement

There is nothing that can't be measured... Since this could be the reaction in many companies particularly as regards ethnic Diversity, the AFMD began its activities in 2008 with a collective reflection on the goals and intentions of the yardsticks measuring Diversity in companies: who do they concern, what do they cost, to what use can they be put and what are the innovations possible? It published the results of the studies which were carried out in association with Rouen Business School in a white paper entitled « Mesurer la discrimination et la Diversité. Eléments de réponse » prepared by Hédia Zannad. This may be consulted on the AFMD website at: http://www.afmd.fr/documents/livre_blanc_afmd.pdf

On the strength of the first exploratory work and in the stream of Héran's report published at the completion of the work by COMEDD

recommending the creation of a comparative report on the situation as regards Diversity, in partnership with Equity Lab the AFMD subsequently prepared a quantitative and qualitative benchmark reference for means and results which forms the heart of its « Annual Diversity Report ». Based on the reflections and experience of experts from 11 large companies, it is available as an online publication at: http://www.afmd.fr/documents/rapport_annuel_diversites_web.pdf



TESTIMONIES

L'ORÉAL: The Annual Diversity Report

Having formalised its Diversity policy in 2005, in 2010 L'Oréal published and circulated its first Diversity Report so as to inform everyone of its commitment and share its results with them. Using a hundred-odd yardsticks, the Report presents an assessment of advances over 5 years by the Group in France, an approach for the years to come and testimonies by its main partners.

This innovative initiative, never before seen in France, was praised during the 6th International Meeting of Diversity Management in September 2010,. L'Oréal thus received the 2010 Grand Prize at the 5th Diversity Awards for its overall Diversity policy, and particularly for the creation of its 1st Diversity Report.

*The Report may be seen online at:
www.bilandiversiteloreal.loreal.fr*

George-Axelle BROUSSILLON
Head of International Diversity-L'ORÉAL

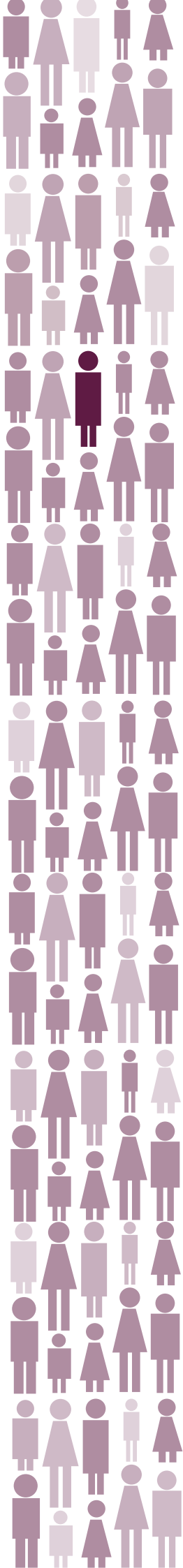
RANDSTAD: Feedback and renewal of Diversity Label

Randstad is one of the first 7 organisations to have received the Diversity Label in January 2009 and the first to have renewed it in March 2010. For us the labelling experience has been a concrete means of making our commitment to equal opportunity lasting and for including its approach in our quality process. Diversity is now an integral part of our ISO 9001 approach and our quality management system has been rebaptised the System for Management through Quality et and Diversity.

The audit for the Diversity Label carried out by the AFNOR allowed us to regularly review all elements in our policy and to make sure that the policy is applied and effective. Within the framework of our activity as an employment agency it is, indeed, essential that we be exemplary both within and without in the fight against all forms of discrimination.

Aline CREPIN

Director of CSR – RANDSTAD
Managing Director for equal opportunities
and sustainable development, Institut Randstad



CONCLUSION

To set out to obtain the Diversity Label constitutes an important choice for companies and organisations. Beyond all conviction as regards Diversity, it means giving oneself the means whereby to combat discrimination in all its forms and to guarantee genuine application of the principle of equal treatment. As this guide shows, there are no major difficulties in the approach. Aside from the required formalisation, only the multidimensional character of the criteria to be taken into consideration present a certain complexity. In offering a « step by step » approach, the guide aims at facilitating attainment of the Label.

With its five domains (assessment, politic, communication, action, evaluation), the project specification document guides the procedure. A systematic stance needs to be adopted, however, in order to enter simultaneously via the global and the particular. As with quality control, labelling procedures invite an approach of constant improvement. Diversity in a company takes into account its specificities such as its size, whether it is an industry or service, urban or rural. It is up to each organisation to define its own orientations, processes and practices as a personal « correct way » to obtain labelling. The examples and tools proposed facilitate this. The approach may be aided by an external structure such as the exchange workshop group established by the AFMD or the personalised support of FACE. This role of « third-party guarantor » is particularly useful in analysis of processes in place and the detection by players of real or imagined discrimination.

Over and above the legal obligations, the prevention of and fight against discrimination form an element in the requirements of social and societal responsibility in companies and translate as an affirmation of the principle of equal treatment also linked with those of equal opportunity, inclusion and social cohesion. Diversity and labelling arise from these various initiatives (objectification of processes, corrective measures, joint activities, etc.) while being at the same time part of a much wider process of socio-economic efficiency and development: social climate, external image, capacity for innovation, commercial results... If, in itself, the Label is a profitable investment, it is also a special lever for evolution reinforcing the entire organi-

sation process. Questioning one's in-house action system and one's links with stakeholders contributes to global company performance. Once labelled, you recruit better, train better, manage better, run better, and so on. Individual and collective success and economic and social performance are necessarily linked and it is on this basis that Diversity « by and for » the company must be promoted, resituating it in the context of more global social issues.

Thus, different approaches such as the Diversity Charter, FACE's Equality Plans, the Global Compact, Norme ISO 26000, etc., may come together and complete a labelling process. In this context, each organisation committed to the Label or its renewal contributes to the reinforcement of diversity for the benefit of individuals, companies and society in general. « Work together » thus dovetails with « live together ». The Diversity Label provides a unique framework between the republican ideal and entrepreneurial realism for the mobilisation and recognition of organisations (companies, associations, communities, etc.). Through its policy and human resource management, it is a company's ability to express universality and singularity that is ultimately what is assessed and put to work.

Vincent Baholet

Managing Director of the FACE Foundation

Marie –Christine Gabillaud–Wolf

Managing Director of the AFMD



PRESENTATION OF THE AUTHOR

ANISSA DJABI



After graduating from the MS degree in human resources management in the international corporations from the IAE Gustave Eiffel, Anissa DJABI is currently preparing a Ph.D. in management and administration at the Institut de Recherche en Gestion (Université Paris Est). Her work deals with the corporate social responsibility and more particularly on the corporate mobilization on non-discrimination.

Anissa DJABI is one of the FACE employees in charge of development. She leads firms toward structuring their social commitment, in partnership with public, paragonovernmental and private organizations. She is also teaching management and administration at the *Université Paris-Est*, the *Université Montpellier 2* and the *Université de Metz*.

AFMD



Founded in October 2007, the **AFMD (French Association of Diversity Managers)** is a forum for thinking and sharing best practices which addresses all types of managers (line managers, human resource managers, diversity managers...). It organizes focus groups, exchange workshops, symposiums and conference-debates in order to promote innovative solutions to manage diversity. Work groups have mainly focused on:

- Age management policies
- Time management
- Towards an annual diversity report
- The concepts in diversity policies: from semantics to action
- Implementing a diversity policy
- Helping the unemployed return to work
- Diversity and social dialogue
- Women and governance
- Diversity and suppliers
- Diversity and religion
- The French Diversity Label

For each topic, the AFMD co-produces a deliverable with its members in partnership with its academic, institutional and associative partners. These publications - white papers, operational guides - are available on its website. End April 2011, the AFMD had a total of 80 members (companies, non-profit organizations, universities, engineering and business schools).

www.afmd.fr

FACE

The **Fondation Agir Contre l'Exclusion (FACE)** was created in 1993. This foundation has set itself as an objective to fight any form of marginalization. Its network is composed of 37 local associations, called Clubs FACE (200 employees) and mobilizes 4000 firms (small and medium-sized companies).

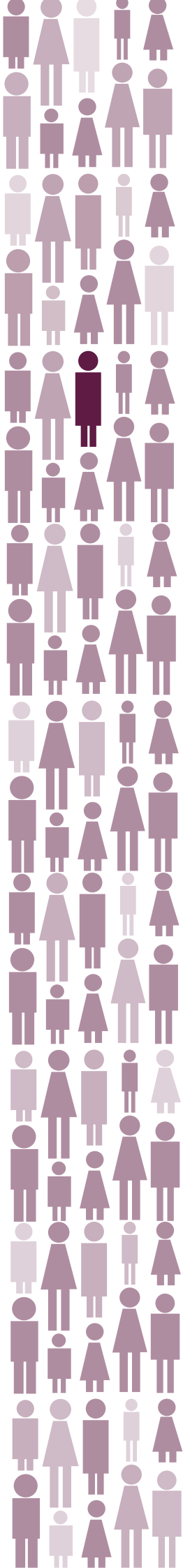
As mentioned in the Charter of the FACE Leaders, « FACE is fighting for solidarity, social cohesion, equal opportunities and equal treatment. »

The Clubs FACE are setting actions and trainings by leaning on the participation of the firms and their employees; namely by sponsoring, coaching, mobilization through sport, integrating thanks to culture, social mediation, support of leading firms toward preventing and fighting discriminations (e.g.; diagnosis, plans of action, labels of diversity, supporting associations).

Altogether, FACE sparks off about 60 actions which aim at acting for employment by innovating and experimenting local actions in order to promote a harmonious development which benefits the population.

The Fondation Agir Contre l'Exclusion promotes Corporate Social Responsibility and diversity management.

www.fondationface.org



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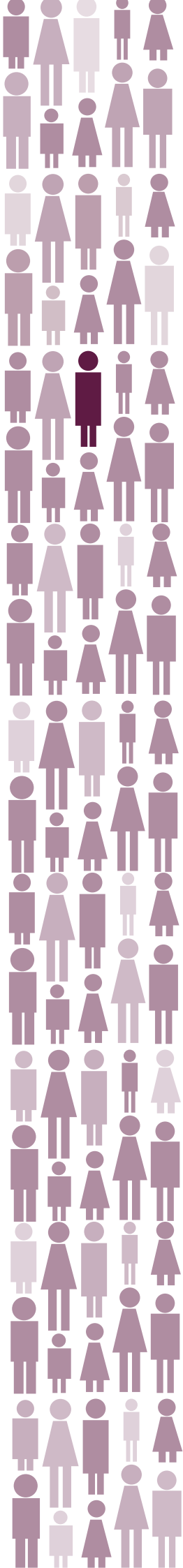
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GLOSSARY

Assessment

Determination of good or bad condition through analysis of a situation.

Discrimination (direct and indirect)

Discrimination is an inequality of treatment based on a criterion prohibited by law such as origin, sex, disability, etc., and in a sphere under legal oversight such as employment, housing, education, etc.

Direct discrimination is a situation in which, on the basis of real or imagined belonging or not belonging to an ethnic group, race, religion, belief system, or being or not being of a certain age, handicapped condition, sexual orientation or sex, a person is treated in a less favourable manner than another is being, has been or would have been in a comparable situation.

Indirect discrimination is a disposition, criterion or practice, neutral in appearance but likely, for one of the reasons mentioned above, to eventuate in a specific disadvantaging of a person or persons with regard to other persons, at least where this disposition, criterion or practice is not objectively justified by a legitimate target and where the means employed in hitting such a target are neither necessary nor appropriate.

Diversity Management

The administration, procedures, processes and means necessary as a whole for an organisation to set in motion management concerning the prevention of discrimination and promotion of Diversity.

Diversity Policy

The general orientations and intentions of a body as to Diversity as officially formulated by the management.

The Diversity policy is generally in accord with the general politic of the company and provides a framework for fixing objectives as regards prevention of discrimination and the promotion of Diversity.

Diversity Referent

A person or specific team of an organisation whose purpose is to assure the implementation and correct functioning of a management system concerned with the application and monitoring of the Diversity policy.

Diversity Watch

Close attention to the reflex that consists in application of equal treatment between persons.

Improvement

Any activity that strengthens the ability to satisfy the demands of a reference framework and reinforces the established management system so as to enhance the global efficiency of its methods.

Internal audit

A methodical process, independent and documented, permitting the gathering and evaluation of evidence in an objective manner in order to determine the extent to which the stipulations of a framework of reference have been satisfied.

Internal audits are carried out by or on behalf of an organisation itself for review by the management and other internal requirements. In many cases and particularly in small firms, independence may manifest as non-accountability as regards the activity to be audited.

Labelling field

Precise definition in terms of activities of the extent and limits to be covered in a labelling audit.

Labelling limit

Precise definition in terms of sites of the extent and limits to be covered in a labelling audit.

Listening cell

A means for gathering feedback from and analysing information presented by staff or would-be staff who consider themselves victims of discrimination.

Prejudice

A preconceived opinion concerning a person that is not based on impartial observation of fact.

Process

The collection of actions, tasks and operations whose execution allows the transformation of input elements into output elements and thus the provision of products or services.

The input elements of one process are generally the output elements of another.

Project specification document

A project specification document is a document that exhaustively catalogues the stipulations to which organisations requesting the Diversity Label must necessarily conform in order to obtain this mark of distinction.

Proof

Element facilitating demonstration of the truth.

Risk analysis

The identification and analysis of risks in a given field (e.g., Diversity) so as to bring the required means to bear to ensure proper mastery of the established management system

Stakeholder

An individual or collective player concerned by a decision or project.

The notion of a stakeholder is central to questions of societal responsibility. The identification of stakeholders and dialogue with them is the subject of part 5 of the Norme ISO 26000 on the societal responsibility of organisations which appeared in 2010.

Stereotype

Simplistic and reductionist stigmatisation of a group of people linked by a similar characteristic (e.g., blondes).

Traceability

The ability to recover the history, utilisation or localisation of a service, decision or document by means of records.

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- Constance **PERRIN-JOLY**
Head of research

- Marion **QUÉRAT**
Project Manager



- Vincent **BAHOLET**
Managing Director

- Virginie **BRUGUES**
*Public Relations' Manager,
Diversity Project Manager*

- Laurence **CUSSAC**
*Director of Strategic Coordination
and General Affairs*



- Patrick **AUBERT**
Head, in charge of promoting Diversity

Direction de l'Accueil,
de l'Intégration
et de la Citoyenneté

- Christophe **BIRAULT**
Deputy Head, in charge of promoting Diversity



- Thierry **GEOFFROY**
Project Manager, Head Office

- Aline **ORAIN**
*Project Manager, Innovation
and Development Department*



LA POSTE

- Sylvie **SAVIGNAC**
*Director of Diversity and Equal Opportunities,
Member of the AFMD board*



- Bruce **ROCH**
*Director of Social and Environmental
Responsibility, Vice-president of the AFMD
in charge of work-groups*

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THE FRENCH DIVERSITY LABEL

A LEVER TO PREVENT AND COMBAT DISCRIMINATION

ANISSA DJABI



After graduating from the MS degree in human resources management in the international corporations from the IAE Gustave Eiffel, Anissa DJABI is currently preparing a Ph.D. in management and administration at the Institut de Recherche en Gestion (Université Paris Est). Her work deals with the corporate social responsibility and more particularly on the corporate mobilization on non-discrimination.

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