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Policy Brief - FRANCE

<b>The project aims</b>	<b>EMILIE PROJECT OVERVIEW</b> <p>EMILIE examines the migration and integration experiences of nine EU Member States and attempts to respond to the new challenges that multiculturalism is facing in Europe in the early 21<sup>st</sup> century. EMILIE studies three important areas: Education; Discrimination in the workplace; Voting rights and civic participation, in Belgium, Denmark, France, Germany, Greece, Latvia, Poland, Spain and the UK. EMILIE aims to:</p> <ul style="list-style-type: none"><li>• track the relationship between migration-related diversity and citizenship, i.e. multicultural citizenship, across these EU countries; and</li><li>• identify whether multicultural citizenship is emerging in Europe, and if so what distinctive patterns and types can distinguished.</li></ul>
<b>Case studies</b>	EMILIE conducted three policy-related case studies in each country. The first set of case studies focused on education policy and the measures and practices adopted in dealing with cultural diversity in secondary education. The second set of case studies assessed the implementation of the EU 2000 Anti-Discrimination Directives in the different national contexts. And the third set of case studies investigated voting rights and overall issues of political participation and representation of migrant communities and ethnic minorities in the countries studied.
<b>Definitions</b>	(Multicultural) Citizenship: The notion of citizenship requires a self-governing political community in which individuals have rights and correlative duties enforced by law but are likely to also have a sense of shaping and being shaped by a public space that goes beyond law and politics. Multicultural citizenship debates ask how citizenship can be fully enacted for and by individuals that are culturally diverse.
<b>Methods, data and period of reference</b>	Each case study focuses in the last twenty year period (from 1989 till today). Data collected include policy documents, media coverage, scholarly studies, statistical data, qualitative interviews with key informants, and where it has been possible discussion groups with civil society actors and policy makers.
<b>Focus</b>	The project is concerned with migration-related cultural diversity and not with historical, native ethnic minorities. Special attention is paid to religious diversity and issues concerning Muslim migrants as their integration in European societies has been approached as increasingly challenging in these EU Member States.

## Main findings

- In 2002, the unemployment rate among immigrants was 18.4% compared to 8.3% for native-born French citizens. Interestingly, though, discrimination in the labour market is larger towards ethnic groups than it is towards migrants. Discriminations are directed towards migrants' descendents; that is, predominantly, French citizens. In 2005, 22.1% of 18-45 year old second generation North Africans were unemployed, against 7.1% of French citizens of the same age with both parents born in France.
- The issue of discrimination became prominent in France with the entry of the second generation of immigrants in the job market in the 1990s. However, a policy focusing on antidiscrimination measures alone will not address the discrimination on the level of access to the labour market effectively. It also needs to take some steps backwards: in particular, challenge the structures through which migrants' children are prepared for the French labour market. The education system that channels immigrants' children in the least prestigious curricula is crucial in this respect.
- The main policy response to discrimination in the workplace was the creation of the HALDE (the High Authority to fight against Discrimination for Equality) in 2004. HALDE is an institution that issues recommendations aiming to influence employers' or public services' professional conduct.
- Since the beginning of the 2000s, workplace discrimination has gained visibility in the public sphere. This new item on the political agenda deeply challenges the French model of integration according to which equal treatment is meant to take no account of the citizens' origin or religion. The rising awareness of discrimination in the workplace introduced a form of *colour consciousness*. Yet, workplace antidiscrimination policies in France remain embedded in the principle of colour blind egalitarianism and refrain from collecting any data on the incidence of discrimination.

**Features of the occupational structure of the migrant Population**

- In 2006, the number of foreign workers in the French labour market was estimated to be around 1,500,000 people, nearly 5.7% of the overall working population (Portuguese:22.8%, Algerians: 12.6% and Moroccans:12.5%).
- In 2002, the unemployment rate among immigrants was 18.4% compared to 8.3% for French citizens. Migrant women are more affected by unemployment than men; and North Africans, sub-Saharan Africans and Turks are more affected than, say, Spaniards, Italians, or Portuguese.
- In 1998, 20.1% of Northern African origin youths were facing long-term unemployment (that is after having spent 3 years in the economically active age) compared to 10.2% of young people with both of their parents born in France. Furthermore, a 2004 study on young people showed that they are often offered precarious jobs for which they are over-qualified.
- Discrimination pervades the prestigious and skilled jobs as well. A 2006 study by FASILD confirms that, North African origin managers have to be more educated than their European background counterparts in order to get the same position.

**Main anti-discrimination policies dealing with diversity in the workplace**

The legislation on discrimination evolved following the EU race directive of 2000 and, since December 2004 is monitored by the HALDE (the High authority to fight against discrimination for equality), an institution created under EU impetus. Hence, the EU has been a crucial actor in stimulating workplace antidiscrimination policies in France. The institution issues recommendations which do not have legal binding power but do influence employers or public services professional conduct.

The work of ethnicity-based NGOs and human resources consultants were key in the successful implementation of anti-discrimination strategies in the workplace. A charter for diversity intended to increase awareness on the matter has been signed by more than 3,000 firms since its launch in 2004. More effort has been directed towards stressing the positive effects of diversity-related policies on economic performance and less on pointing out discriminators. Nevertheless, NGOs and consultants have threatened with legal sanctions to be carried out by the HALDE. There have been cases where the discriminatory practices of private firms were exposed and pressure to change their practices was successfully exercised.

Yet, the resistance to the collection of relevant data makes it difficult to detect discrimination in the workplace and to assess the effectiveness of antidiscrimination policies. More in particular, it discourages litigation since evidence is impossible to collect. Second, the equal opportunities policies are not assisted in targeting disadvantaged groups.

**How is discrimination or equality understood and defined by the legal system**

The labour code and French legislation in general were designed around the core notion of *equal treatment*, and only few provisions concerning discrimination existed. Until recently, equality was understood as a given right, rather than as a right to be earned. Legislation targeted only overt and direct discrimination, leaving aside indirect and insidious forms of discrimination.

The issues of discrimination and equality gained momentum in the political agenda when the migrants' second generation entered en masse the labour market. However, the development of the antidiscrimination legislation was the consequence of the adaptation of European directives.

Nevertheless, antidiscrimination policies are restricted in their means and objectives by the prevalence of the principle of colour-blindness in the public sphere. The policy tools of ethnic monitoring or positive action measures are dismissed because they are seen as elements that would upset the homogeneous image of French society and therefore threaten its cohesion.

HALDE's policy also exemplifies the strong resistance to a multicultural policy perspective. Characteristically, the HALDE has not used the opportunity arising from the development of antidiscrimination legislation to push for a more multiculturalist agenda. On the contrary, it treats antidiscrimination and racism as consequences of individual misbehaviours and not as phenomena created by French society's institutions. The French antidiscrimination policy expects that by identifying racist acts the problem will slowly disappear. Punishing discriminatory conduct on a wide scale would translate in supporting the right of its citizens to differ from each other. This in turn would be a serious blow on the way equality and fraternity – these fundamental rubrics of French democracy – are perceived in French society: fraternity/solidarity is too risky to be tried out by vesting equal rights to different groups.

The efficiency of the antidiscrimination legislation is further undermined by the lack of training of French judges on the EU-imported legal provisions with regard to discrimination. The civil society agents (NGOs, trade unions) are also sceptical in supporting the expression of the ethnic and religious diversity of the workforce as they fear that worker solidarity will be splintered this way.

**New knowledge**

The antidiscrimination paradigm is slowly taking over the French workplaces, especially in big businesses. However, it necessitates to deepen our knowledge of discrimination in the labour market and to extend policies against discrimination outside the workplace. Discriminatory practices need to be recognised as chronic institutional pathologies and not as individual aberrations if public and private actors are ever to assist the economic and social inclusion of ethnic minorities. Social science needs to provide more evidence-based knowledge on the formation and reproduction of prejudices and stereotypes in everyday life and of the implicit bias that opens the floor to unequal treatment.

Comparative research with countries with a long experience of antidiscrimination policies, such as the UK, US and Canada, should provide more scientific insights and good practices for policy makers and stakeholders.

**Key  
messages for  
policy makers**

It is necessary:

- To implement ethnic monitoring in the workplace in order to increase awareness and provide tools to measure discrimination, set goals and assess the progress achieved.
- To improve access to legal remedies in Courts so that victims of discrimination are better protected.
- To articulate the antidiscrimination policy with a broader commitment towards promoting cultural diversity.

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For more information on the Social Sciences and Humanities Research Programme of the European Commission please see: [http://ec.europa.eu/research/social-sciences/index\\_en.html](http://ec.europa.eu/research/social-sciences/index_en.html)