



## European network of legal experts in gender equality and non-discrimination

### NEWS REPORT

<b>Country:</b>	FRANCE
<b>Title:</b>	Law of 14 June 2016 to fight against discrimination based on social precariousness
<b>Date:</b>	1 July 2016
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<b>Update of news report nr:</b>	87-FR-ND
<b><u>Context</u></b>	
<b>Issue at stake:</b>	Creation of a new ground of prohibited discrimination based on social precariousness
<b>Ground of discrimination:</b>	Other (social precariousness)
<b>Source:</b>	legislation
<b>Field:</b>	employment, access to goods and services, education, housing
<b>Applicable law:</b>	Article L1132-1 Labour Code, article 225-1 Penal Code, articles 1 and 2 of the Law 2008-496 of 27 May 2008

### Content

#### **Law:**

A parliamentary legislative proposal of the socialist group to create a prohibited ground of discrimination regarding social precariousness (*précarité sociale*) was discussed in first reading before the senate on 18 June 2015. Since it was voted in identical terms on 14 June 2016 by the National Assembly, the law has been adopted.

The text voted in first reading by the Senate did not retain the terms social precariousness, but adopted the expression "specific vulnerability resulting from a person's economic situation, whether apparent or known by the author [of discrimination]" (« *de la particulière vulnérabilité résultant de leur situation économique, apparente ou connue de son auteur* »).

This new ground is to be added to the Penal Code, the Labour Code and article 2 par 2 of the law of 27 May 2008. It will therefore be applicable to public and private employment, to independent occupation or employment and to penal prohibition of direct discrimination in employment and goods and services covered by Articles 225-1 and Seq. of the Penal code.

#### **Key points of analysis:**

This new ground targets direct discrimination against the poor. The future interpretation of the choice of words that was made remains uncertain and may further limit the scope

of the protection.

**Internet link source:**

Legislation:

[http://www2.assemblee-nationale.fr/documents/notice/14/ta/ta0757/\(index\)/ta](http://www2.assemblee-nationale.fr/documents/notice/14/ta/ta0757/(index)/ta).

Legislative dossier:

[http://www.assemblee-nationale.fr/14/dossiers/discrimination\\_precarite\\_sociale.asp](http://www.assemblee-nationale.fr/14/dossiers/discrimination_precarite_sociale.asp).