



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

NEWS REPORT

Country:	France
Title:	Report of the Defender of rights regarding experiences of discrimination in the lawyer profession
Date:	23 May 2018
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<u>Context</u>	
Issue at stake:	Documenting the reality of discriminatory practices among law firms in France
Ground of discrimination:	All grounds
Source:	Miscellaneous
Field:	Employment
Applicable law:	Law 2008-496 of 28 May 2008

Content

Context: Over the years, the Halde (the former equality body) and the Defender of Rights (the current equality body) have received many complaints of lawyers relating to difficulties in access to apprenticeship on the ground of origin or to dismissals of women upon their return from maternity leave.

Most young lawyers work under the status of liberal collaborators. The cases investigated by the Defender of Rights and ensuing court decision revealed that there were gaps in the protection of pregnancy and the protection against discrimination of liberal collaborators. After having recommended the Government to modify the status of liberal collaborator in order to improve the protection against discrimination and to guarantee access to recourse of liberal collaborators during pregnancy, the Law n° 2014-873 of 4 August 2014 was adopted insuring full implementation of EU Anti-discrimination directives.

In that particular context, the National Union of Young Lawyers Federations (FNUJA) proposed to jointly engage with the French Equality Body in order to carry out a survey measuring discrimination within the lawyers' profession in support of change.

The survey: The survey was elaborated and undertaken within the French Equality Body in collaboration with the FNUJA and sent to all members of the lawyers' profession in France.

It was answered by 7 138 lawyers, a very significant sample of the social groups that are statistically represented among the members of the profession.

The survey presents questions on the form, means and frequency of situations and practices of discrimination. The results have been given to the Bar organisations for

further exploitation, but the main findings have been analysed and presented in a synthesis report prepared by the French Equality Body.

The results of the survey were announced in a joint press conference on 2 May 2018, in presence of all representatives of the lawyers' profession, i.e. the National Bar Council, the National Conference of Bar Presidents and the President of the Bar of Paris. At this press conference, the Bar associations jointly announced a wide scale of measures to ensure professional training of lawyers on discrimination law and the protection of lawyers against victimisation and discrimination. They announced that they intended to act drastically to improve sanctions imposed in cases of discrimination.¹ These measures include putting an end to the practice consisting in favouring mediation over prosecution, by systematically imposing sanctions in cases of discrimination, ensuring enhanced protection by the Bar against victimisation of complainants, and reviewing the code of ethics.

Highlights: 72% of women and 47% of men who took the survey report having been witness of discrimination towards colleagues in the last five years.

38% of respondents (53% of women and 21% of men) report having experienced discrimination themselves in the last five years. The main grounds of discrimination reported are sex (22,4%), pregnancy (19,7%) and age (17,3%).

Even if 53 % of lawyers are women, the profession is characterized by significant inequalities between women and men. When questioned on experiences of discrimination in the last five years, some social groups are more exposed to discrimination than others:

- 25% of men aged 30-49 years who have a child;
- 48% of women aged 40-49 years perceived as white;
- 66% of men aged 30-49 years perceived as black or Arab;
- 69% of women aged 30-39 years who have a child;
- 74% of women aged 30-49 years of Muslim religion.

According to the report, discrimination is most likely to occur between colleagues during professional relationships and in the specific context of negotiating earnings.

Less than 5% of women and men who have been victim of discrimination have initiated some form of formal recourse to obtain redress. The (perceived) uselessness of any recourse (29%), insufficiency of evidence (23%), fear of victimisation (21%) are the main reasons invoked to justify the absence of recourse on the part of lawyer victims.

Key points of analysis: The mobilisation of the legal profession in the context of the publication of this survey is the result of the strategy of the French Equality Body over a period of 10 years. Its action combined statistical studies, pursuing claims, recommending reforms and field work with representatives of the profession. In the face of former denial, obtaining sanctions and documenting the reality of discrimination was necessary to obtain a strong commitment of the profession.

Internet link source:

<https://www.defenseurdesdroits.fr/sites/default/files/atoms/files/rapp-eng-avocats-a4-num-02.05.2018.pdf>.

¹ In the lawyer profession, a complaint to the President of the Bar is the only recourse available in first instance to lawyers. The President of the Bar's decision can be appealed before the Court of Appeal.