



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

### NEWS REPORT

<b>Country:</b>	France
<b>Title:</b>	Projects of Law concerning gender equality
<b>Date:</b>	17 July 2018
<b>Expert:</b>	Helene Masse-Dessen
<b><u>Context</u></b>	
<b>Issue at stake:</b>	Various legislative proposals regarding gender equality are currently being debated in parliament
<b>Ground of discrimination:</b>	Sex
<b>Source:</b>	Miscellaneous
<b>Field:</b>	Employment and other
<b>Applicable law:</b>	Art L. 3221-2, L. 1153-5 and L. 2232-9 of the Labour Code

### **Content**

**Case law/policy development:** The French Government proclaimed gender equality as "the great cause of the quinquennium".

After a consultation that ended on 9 May 2018, Muriel Penicaud, Minister of Labor, and Marlene Schiappa, Secretary of State for Equality between Women and Men, presented a global action plan for professional equality between women and men: "15 actions were formulated to end unequal pay and to strengthen the fight against gender-based and sexual violence.

Some of these projects require legislative reforms, and several projects of law are presently under debate in Parliament.

Proposed legislative changes aiming to strengthen the fight against "sexual and sexist violence"<sup>1</sup>

The proposed legislative change, provides that the prosecution of crimes of a sexual or violent nature committed against minors may be brought to the court up to thirty years after the victim has reached the age of 18 years. The proposed legislative change, classifies acts by which minors are sexually assaulted or harassed repressed as more severe. The question of the free consent of the minor has been hardly discussed.

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<sup>1</sup> Position of the High Council for equality [http://www.haut-conseil-egalite.gouv.fr/IMG/pdf/note\\_de\\_positionnement\\_projet\\_de\\_loi\\_violences\\_sexuelles\\_et\\_sexistes\\_v1804.pdf](http://www.haut-conseil-egalite.gouv.fr/IMG/pdf/note_de_positionnement_projet_de_loi_violences_sexuelles_et_sexistes_v1804.pdf)  
Project adopted by the National Assembly (first discussion) <http://www.assemblee-nationale.fr/15/pdf/ta/ta0115.pdf>.  
Project submitted to vote of the Senate <http://www.senat.fr/leg/pjl17-590.html>.

The project gives a new definition of moral and gender harassment. Harassment cannot be penalized if a single act has been committed by the offender but sets the requirement of several acts. The legislative proposal also qualifies acts carried out in a concerted manner by a group of people against a single victim as harassment. It creates a new infraction called "sexual outrage" punishing such acts even if they are isolated incidents and not repeated. As a penal sanction, the convicted person may be obliged to attend at his own expense a training session about sexual behavior and gender equality.

At the moment, the law has not been adopted yet. The law is still under discussion, and the vote is expected during or after the summer.<sup>2</sup>

A proposed bill called "Equal pay for women and men, and the fight against sexual and gender-based violence at work" has been formulated as part of the project "freedom to choose one's professional future."<sup>3</sup>

The bill provides that in companies with at least 50 employees, respect for the principle of equal treatment, and more specifically equality between women and men, will be measured using a numerical indicator. This indicator will be developed according to a defined calculation model by decree and will make it possible to establish the possible differences of remuneration. As part of the overall plan of action, the Government added that in case inequalities are obvious, the company should set aside a wage catch-up envelope for women, the amount of which will be determined by collective agreement within the next three years. The indicator should be operational as from 1 January 2020 in companies with 50 to 250 employees, and from 1 January 2019 for companies with more than 250 employees. A mission has been created to define the implementation modalities of the software intended to evaluate the pay gap between women and men. The development of this common methodology is important. Labor inspectorate shall have majored powers to fight harassment and violence and financial penalties can be applied to authors.

The bill also provides that professional branches must make their actions to promote professional equality between women and men part of their annual report. The assessment should include "classifications, the promotion of gender diversity and certificates of professional qualification which promote women's career paths."

At last, the bill provides that employers must provide and post information about civil and criminal remedies for harassment as well as the contact details of the competent organizations dealing with complaints such as trade unions, NGO's and administration.

At the moment, the law has not been adopted. The bill is still under discussion and should be voted on in July or after summer.<sup>4</sup>

**Internet link source:**

[http://www.assemblee-nationale.fr/dyn/15/dossiers/alt/lutte\\_violences\\_sexuelles\\_sexistes](http://www.assemblee-nationale.fr/dyn/15/dossiers/alt/lutte_violences_sexuelles_sexistes).  
[http://www.assemblee-nationale.fr/dyn/15/dossiers/alt/choix\\_avenir\\_professionnel](http://www.assemblee-nationale.fr/dyn/15/dossiers/alt/choix_avenir_professionnel).

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<sup>2</sup> See the whole legislative process on [http://www.assemblee-nationale.fr/dyn/15/dossiers/alt/lutte\\_violences\\_sexuelles\\_sexistes](http://www.assemblee-nationale.fr/dyn/15/dossiers/alt/lutte_violences_sexuelles_sexistes).

<sup>3</sup> Project adopted by the National Assembly (first discussion) <http://www.assemblee-nationale.fr/15/pdf/ta/ta0128.pdf>.

<sup>4</sup> See the whole legislative process on [http://www.assemblee-nationale.fr/dyn/15/dossiers/alt/choix\\_avenir\\_professionnel](http://www.assemblee-nationale.fr/dyn/15/dossiers/alt/choix_avenir_professionnel).