

Stonewall

ABOUT THIS RESOURCE

This resource is produced by Stonewall, a UK-based charity that stands for the freedom, equity and potential of all lesbian, gay, bi, trans, queer, questioning and ace (LGBTQ+) people.

At Stonewall, we imagine a world where LGBTQ+ people everywhere can live our lives to the full.

Founded in London in 1989, we now work in each nation of the UK and have established partnerships across the globe. Over the last three decades, we have created transformative change in the lives of LGBTQ+ people in the UK, helping win equal rights around marriage, having children and inclusive education.

Our campaigns drive positive change for our communities, and our sustained change and empowerment programmes ensure that LGBTQ+ people can thrive throughout our lives. We make sure that the world hears and learns from our communities, and our work is grounded in evidence and expertise.

To find out more about our work, visit us at www.stonewall.org.uk

Registered Charity No 1101255 (England and Wales) and SC039681 (Scotland)

Stonewall is proud to provide information, support and guidance on LGBTQ+ inclusion; working towards a world where we're all free to be. This does not constitute legal advice, and is not intended to be a substitute for legal counsel on any subject matter.



FRANCE



Population: 67+ million



Stonewall Global Diversity Champions: 68



THE LEGAL LANDSCAPE

In Stonewall's **Global Workplace Equality Index**, broad legal zoning is used to group the differing challenges faced by organisations across their global operations.

France is classified as a Zone 1 country, which means sexual acts between people of the same sex are legal and clear national employment protections exist for lesbian, gay, and bi people.

Two further zones exist. In Zone 2 countries, sexual acts between people of the same sex are legal but no clear national employment protections exist on grounds of sexual orientation. In Zone 3 countries, sexual acts between people of the same sex are illegal.

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

The French Constitution (1958) and constitutional principles recognise the rights to **freedom of expression, association and assembly**.

According to case law, the freedom of speech principle also **protects the expression of opinions** that may **hurt the feelings of LGBT people**.

The Law on Freedom of the Press criminalises public abuse, public slander and public **provocation of discrimination, hatred or violence on grounds of sexual orientation or gender identity** of the victim.

FAMILY AND RELATIONSHIPS

Sexual acts between people of the same sex are **not criminalised** under Law No 82- 683, 4 August 1982.

There is an **equal age of consent** for sexual acts regardless of gender.

Same-sex marriage is **legal** under the Law Providing for Same-Sex Marriage (2013).

As a result, there are also **no marriage restrictions specific to trans people**.

The Law Relating to the Civil Solidarity Pact (1999) **allows** for same-sex and different-sex **civil unions**.

Married same-sex and opposite-sex couples have the **same right to adopt children**, including second parent adoption and joint adoption (Article 6-1 of the Civil Code).

EQUALITY AND EMPLOYMENT

Article L1132-1 of the Employment Code **prohibits discrimination on grounds of sexual orientation or gender identity in employment**.

Discrimination on grounds of sexual orientation and gender identity is **criminalised** under Articles 225-1 of the Penal Code and Law No 2016-1547.

Article 1 of the French Constitution states that the Republic "shall ensure the **equality of all citizens before the law**, without distinction of origin, race or religion". The **list of criteria** does **not include sexual orientation or gender identity**.

The **penalties** for a criminal offense are **aggravated when the offence was motivated by the sexual orientation or gender identity of the victim** (Article 132-77 of the Penal Code).

The decree determining the selection criteria for **blood donors requires** a compulsory **one-year period of sexual abstinence** for men who have sex with men.

GENDER IDENTITY

Trans people have the **right to change their legal gender** to female or male under Articles 61-5 to 61-8 of the Civil Code enacted by Law No 2016-1547. The change is recorded on the **birth certificates** and, on this basis, can be modified on **all other identity documents**.

Pursuant to Article 61-5 of the Civil Code as enacted by the above mentioned law, the **change of legal gender is subject to proof**, by a sufficient combination of facts, that the **person's legal gender** in civil status documents does **not match the gender** in which the **person appears** and by which the **person is known** to other people.

Article 61-6 states that **medical treatment or surgical intervention** is **not a requirement** for the legal change of gender.

The **change of legal name** has to be **requested before a court** under Article 60 of the Civil Code.

IMMIGRATION

French law does **not distinguish between same-sex or different sex relationships** for **immigration purposes**.

French courts recognise a **right to asylum** for persons that are **subject to persecution** on the grounds of their sexual orientation or gender identity.



A VIEW FROM FRANCE

Marie-Hélène Goix is president and **Christophe Margaine** is a board member of L'Autre Cercle, a volunteer association operating nationally. L'Autre Cercle works across 12 French regions and aims to eliminate discrimination against LGBT people in the workplace. The association partners with multinational companies and local businesses in France to advance workplace equality and inclusion.



What is the public opinion of same-sex marriage today?

Just before the French parliament passed the equal marriage legislation in 2013, large numbers of people publicly protested against it. These public protests can be seen against the background of the French political climate at the time: many opponents framed the President's election promise to legalise same-sex marriage as being part of a socialist agenda. At the same time, some religious groups also mobilised people claiming that marriage should only be defined as a union between one man and one woman. However, the percentage of acceptance has slowly been increasing since the law was passed. A study conducted by IFOP in September 2016 showed that 65 per cent of people in France would oppose repealing the law on same-sex marriage. This is an increase of five per cent in two years. However, it's still important for the LGBT community to be vigilant. For example, ahead of the 2017 national elections, some groups tried to use the political climate as a platform to relaunch a campaign to repeal same-sex marriage, though they did not receive much support.

Which issues affect trans people in France?

It's extremely difficult to obtain a change in one's legal gender on official documents. Not only does a legal change in gender have to be requested before a court, but the person also has to meet strict criteria for the application to be successful. All of this contributes to the discrimination faced by trans people in their daily lives and more specifically when seeking employment. Gender recognition is one area of law in which there is still lots to be done.

What challenges do LGBT people face in the workplace?

In 2017, L'Autre Cercle published a survey on the experiences, perception and expectations of LGBT people in the workplace. This survey was carried out in collaboration with the French national survey company IFOP. More than 6,500 LGBT and non-LGBT employees responded, all of them part of 41 organisations who are signatories to L'Autre Cercle's Charter of Commitment to LGBT Equality. The survey showed that 29 per cent of LGBT people are 'invisible' in the workplace, meaning that they hide their sexual orientation and/or gender identity. While this number is too high, it's lower than the average result obtained in other studies, which is around 66 per cent. This suggests that LGBT employees who work for organisations that signed the L'Autre Cercle Charter feel more able to be themselves at work. In terms of discrimination, 30 per cent of LGBT people were aware of cases of discrimination against gay employees, while only 9 per cent of straight people were aware of this. A difference also remains between the levels of discrimination faced by lesbian, gay and bi people and trans people. Less than four per cent of the respondents felt 'uneasy' with a lesbian, gay or bi co-worker, but 15 per cent felt 'uneasy' with a trans co-worker.

What can employers do to promote LGBT equality inside and outside the workplace?

Creating LGBT employee resource networks and groups of allies can be significant for making LGBT employees feel welcome and able to be themselves. Employers can also show their commitment to LGBT equality by signing L'Autre Cercle's Charter of Commitment to LGBT Equality, and should then work on implementing the charter's principles in their own organisations. Another important element is collaboration between employers. Sharing experiences and best practice with other employers can really drive workplace equality for LGBT people in France. Lastly, it's important to support LGBT groups in France, for example by participating in LGBT community events.

LGBT INCLUSION IN THE WORKPLACE

THE FOUNDATIONS

There are several steps employers can take to start creating a supportive workplace environment for their LGBT employees in France:

- ✓ **Consult local LGBT organisations to understand the local context for LGBT people**
- ✓ **Introduce explicitly LGBT-inclusive anti-discrimination and bullying and harassment policies**
- ✓ **Train HR staff and promote inclusive policies**
- ✓ **Carry out LGBT-inclusive diversity training**
- ✓ **Encourage senior managers to promote their commitment to LGBT inclusion and equality**

NEXT STEPS

Once a foundation has been built, there are further steps employers can take to bring about positive change for LGBT people. For example:

- ✓ **Audit and extend equal benefits to LGBT partners**
- ✓ **Establish employee engagement mechanisms like LGBT networks and allies programmes**
- ✓ **Carry out LGBT awareness-raising events**
- ✓ **Partner with local LGBT groups to advance LGBT equality beyond the workplace**
- ✓ **Work with suppliers and partners to advance LGBT workplace equality**

Employers can improve their initiatives by participating in Stonewall's Global Workplace Equality Index - a free benchmarking tool offering a clear roadmap to LGBT inclusion in the workplace. www.stonewall.org/gwei

LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

BNP Paribas BNP Paribas is determined to create an inclusive environment for LGBT employees. Business and HR managers at BNP Paribas in France are offered LGBT diversity training, starting with an internal guide called 'I'm a Diversity Manager'. In 2015, Jean Laurent Bonnafé was the first CEO of a banking group to sign the L'Autre Cercle charter, supporting equality in the workplace for LGBT staff members. BNP Paribas also participated to the drafting of the 2017 UN Guiding Principles on Business and Human Rights and is officially sponsoring the Gay Games, taking place in Paris in August 2018.

In 2015, BNP Paribas launched its local LGBT employee network, PRIDE France, which is open to LGBT employees and their allies. PRIDE France works with the firm's stakeholders, such as senior management, HR and unions, to further equality in the workplace. Since the launch, PRIDE France has expanded outside Paris and now covers the entire country, even in the bank's smallest branches. Through events, the network continues raising awareness on LGBT-related topics, such as homophobia in the workplace, having HIV+, or LGBT parenthood. In October 2017, BNP Paribas has strengthened its commitments towards LGBT inclusion by inviting major BNP Paribas investment banking clients to BNP Paribas PRIDE anniversary event.

Herbert Smith Freehills In partnership with Stonewall, Herbert Smith Freehills invited colleagues from across their Europe, Middle East and Africa (EMEA) business to a day-long roundtable in Paris. The objective of the roundtable was to explore the working contexts for LGBT people and develop an LGBT diversity and inclusion action plan for the EMEA region. Colleagues were able to learn from each other and share ideas about LGBT inclusion initiatives to take back to their offices. The event was supported by partners in the Paris office as well as the global IRIS (Inclusion Respecting Identity and Sexuality) network sponsor, who is a member of the Global Executive and spoke at the event. Following the roundtable, Herbert Smith Freehills hosted a drinks reception advertised to all staff in the Paris office. The event was also attended by representatives from l'Autre Cercle, a French LGBT workplace organisation with whom Herbert Smith Freehills are partners. As a result of the roundtable, the Paris IRIS network has continued to grow its initiatives and activities. This included its first annual summer party attended by clients, partners and staff, and leaders of other Paris-based LGBT networks. Herbert Smith Freehills were also the first corporate law firm to sign l'Autre Cercle's Charter of Commitment to LGBT Equality.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

June – Paris Pride. www.inter-lgbt.org/marche-des-fiertés

June – Lyon Pride. www.fierte.net

June – Strasbourg Pride. www.festigays.net

July – Marseille Pride. www.facebook.com/pridemarseille

July – Chéries-Chéris – LGBT Film Festival Paris. www.cheries-cheris.com

Check the events websites for the most up-to-date information on dates.



FIND LGBT GROUPS AND COMMUNITIES

Bi'Cause – a group for France's bi community, working to create bi spaces, increase societal understanding of bisexuality and defend the interests of the community. www.bicause.fr

Centre LGBT – a venue in Paris offering a space, networking opportunities and events for LGBT groups and individuals. www.centrelgbtparis.org

Inter-LGBT – an umbrella group of 50 local and regional groups across France. Among other activities, the group organises Pride events across France. www.inter-lgbt.org

L'Association Nationale Transgenre – a trans community association, offering information, assistance and solidarity and operating on a regional and national level. www.ant-france.eu

L'Autre Cercle – an organisation working with multinational companies and local businesses to advance workplace equality for LGBT people in France. www.autrecercle.org

Le Refuge – a group offering support and temporary shelter to young LGBT people in need. www.le-refuge.org

SOS Homophobie – a national association against homophobia, biphobia and transphobia, offering information, support, educational events as well as an anonymous hotline. www.sos-homophobie.org



FIND LGBT GROUPS AND COMMUNITIES

Illico – a free bi-monthly LGBT magazine available in print and online. www.e-illico.com

Centre LGBT – an LGBT magazine aimed at men. www.tetu.com



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 68 ORGANISATIONS OPERATING IN FRANCE.

Our team of workplace advisors offers tailored one-to-one advice on how to create LGBT-inclusive workplaces globally. If you would like to receive support or want to be featured as a case study in one of our Global Workplace Briefings, contact Stonewall.

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Every effort has been made to ensure that the information contained in this Global Workplace Briefing is correct as of July 2018. Introducing any new initiative requires careful consideration and the safety of staff should always be of paramount importance. This overview is for guidance purposes only and does not constitute, nor should it be interpreted as a substitute for, detailed legal advice. If you have any specific legal concerns, always consult with local legal experts. Stonewall Equality Ltd, Registered Charity No 1101255 (England and Wales) and SC039681 (Scotland)