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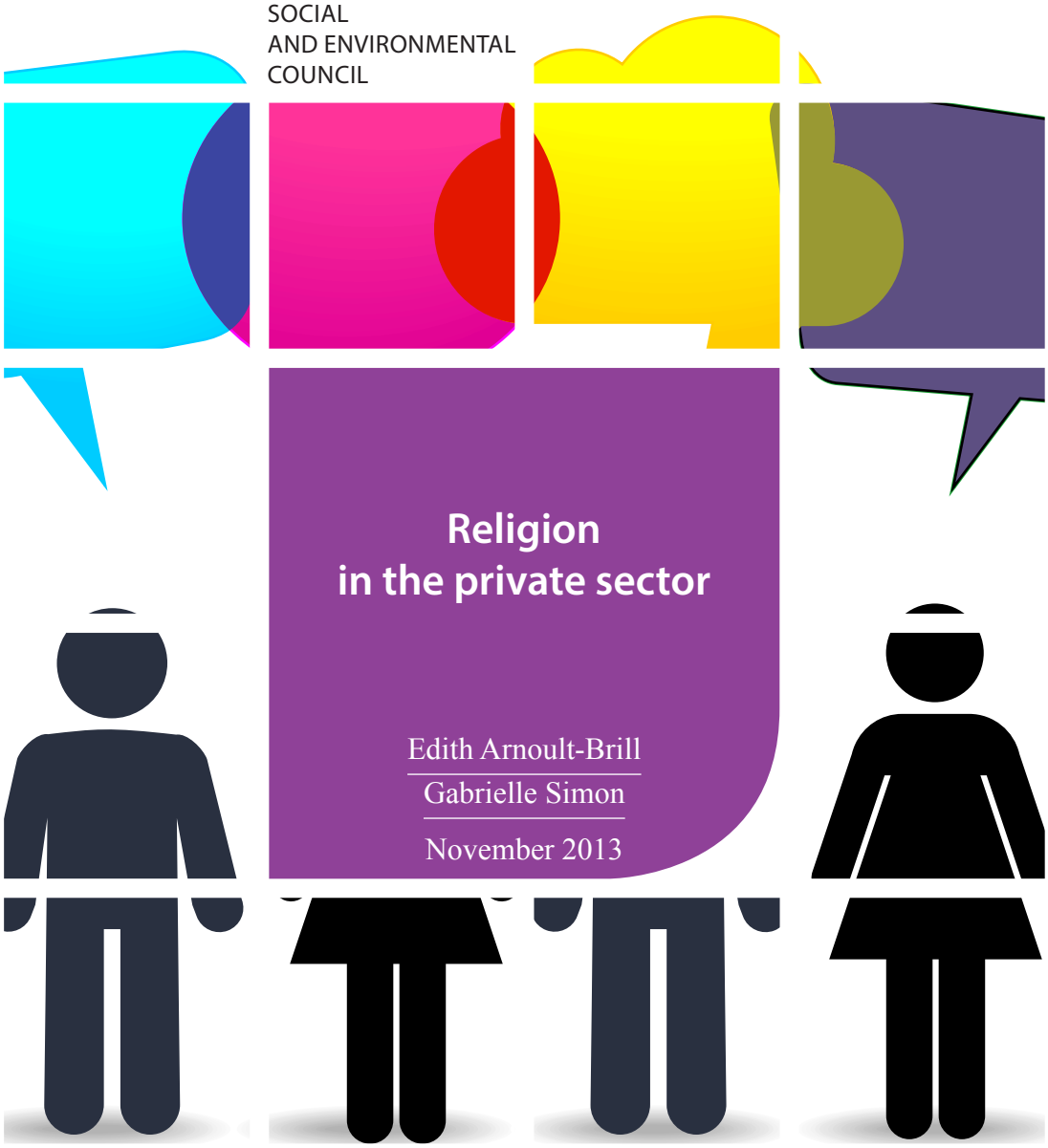

Religion in the private sector

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RELIGION IN THE PRIVATE SECTOR

Opinion of the Economic Social and Environmental Council

presented by
Ms Edith Arnoult-Brill and Ms Gabrielle Simon, rapporteurs

in the name of the
Section for Labour and Employment

Issue brought before the Economic, Social and Environmental Council through a decision by its bureau on 11 June 2013 pursuant to Article 3 of Order No. 58-1360 dated 29 December 1958 as amended, concerning the Organic Law on the Economic, Social and Environmental Council. The Bureau entrusted to Section for Labour and Employment the drafting of an opinion on Religion in the Private Sector. The Section for Labour and Employment, chaired by Mrs Françoise Geng, appointed Ms Edith Arnoult-Brill and Ms Gabrielle Simon as rapporteurs.

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Introduction

As we stand at the beginning of the 21st century, the opinion of the Economic, Social and Environmental Council has been sought regarding the issue of religion in the private sector within a societal context characterised by cultural diversity and diversity of religious worship and by a search for direction. When secularism was instituted in France between 1880 and 1905, a single faith was professed by the vast majority of citizens. Since that time, French society has undergone considerable change. This change has accelerated and increased in recent years. The diversity of our human and relational environment, which is currently unprecedented, is a mark of openness and a source of cultural enrichment. This diversity is reflected in the world of work and finds expression in the religious beliefs and practices of employers and employees. The assertion of demands relating to religious convictions and practices is currently perceptible in the work place. This trend requires adaptation that is sometimes difficult. The phenomenon is encouraged by the pursuit of recognition of the individual in a world that is in a state of total flux due to a range of factors (political, economic, social and climatic) which are mutually interdependent. According to Gilles Kepel, some demands expressed in a religious idiom are arising from social milieux that have not previously had access to civil expression. In certain cases, this can result in identity exploitation or manipulation.

The ESEC takes the view that it is essential to take diversity in the workplace into account in order to provide an effective long-term response to these difficulties. Accordingly, it would point out that discrimination prevention and the equal treatment of individuals are important issues in the private sector that are already being negotiated.

This opinion is issued within a specific jurisprudential and legislative context that ought briefly to be outlined.

Firstly, the **jurisprudential context**: two rulings issued by the Court of Cassation on 19 March 2013 - one on the Baby Loup daycare centre, the other regarding the Seine-Saint-Denis Social Security Office (CPAM) - have revived debate on the wearing of religious symbols in the workplace.

Secondly the **legislative context**: following the Baby Loup ruling, the government has announced its intention to legislate in this field. A number of bills were recently tabled on the subject, without passing, for the time being. A resolution was adopted by the National Assembly on 31 May 2011 (resolution No. 672), but by its very nature it lacks legal force.

Moreover, the Observatory on Secularism (chaired by Jean-Louis Bianco, a former minister) was established at the beginning of the year by means of a decree issued by the Prime Minister. At the request of the Observatory's Chairman, the French National Consultative Commission on Human Rights (CNCDH), issued an opinion on 26 September

1 **The draft opinion was adopted in its entirety by public vote with 172 votes to 1 and 13 abstentions** (see annexed voting results).

2013 in which it ruled out the idea of extending the scope of the principle of secularism beyond its current parameters and took the view that any action by the legislature on this issue would be pointless as things currently stand.

In the first part of its opinion, the ESEC will endeavour to address the tangible nature of the concept of religion in the workplace as regards both the applicable case law and the situations and practices reported on and analysed by actors in the field and by a number of observers. The second part of this opinion will focus on recommendations intended to facilitate access to current law and to promote good practices by securing the commitment of actors in the private sector.

It addresses religion in its broadest sense, i.e. taking into account all religions.

It draws upon an analysis of religion in the private sector, encompassing companies, civil society organisations and entities acting on behalf of the public authorities. Consequently, this opinion is intended to cover all workplace contexts. Public administrative entities fall outside the scope of this opinion.

A legal framework protective of freedom of religion that merits further clarification

A fundamental freedom

Freedom of religion is a fundamental freedom that is closely linked to freedom of conscience. It also includes the freedom to manifest religious beliefs. So defined, it is protected by numerous international, EC and national law instruments. The restrictions that may be imposed upon it, specifically in the field of work and employment, constitute an exception and are subject to very strict control.

A fundamental freedom protected by many instruments

❒ *International Treaties*

International standards, such as the International Covenant on Civil and Political Rights (1966) and the International Convention on the Rights of the Child (1989) protect freedom of religion and belief and are subject only to such limitations as are provided for by law and made necessary in the interests of public safety, for the protection of public order, health or morals, and for the protection of the fundamental rights and freedoms of others.

At the European level, article 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) is the foundation for freedom of thought, conscience and religion:

"Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance."

The States party to the Convention are therefore required to protect and respect freedom of thought, conscience and religion which is understood in a broad sense and extends to the

right to manifest one's religious or other beliefs "*in public or private*". Restrictions on this freedom must be justified by a higher interest and formally enshrined in law.

❒ *European Union Instruments*

The stipulations of the ECHR where incorporated virtually without modification into the Charter of Fundamental Rights of the European Union, dated 7 December 2000. The latter instrument prohibits discrimination of any kind, and particularly discrimination on the basis of religion. The Lisbon Treaty signed in 2007 conferred legally binding force upon this instrument.

However, above all it was Directive 2000/78/EC dated 27 November 2000 which established the general framework within the European Union for the prevention of discrimination. This instrument addressed freedom of religion through the upholding of equality of treatment and through the obligation not to discriminate.

❒ *French Law Instruments*

In French law, freedom of religion, which is closely linked to freedom of conscience, is one of the fundamental freedoms protected by the rules that the Constitutional Council set in place at the highest levels of the legal hierarchy. The Declaration of the Rights of Man and of the Citizen of 1789 and the Preamble to the French Constitution of 1946 are also the cornerstones of freedom of conscience and religion within French law.

In accordance with these higher standards, two articles from the Employment Code provide for the upholding of freedoms within private sector entities:

Article L. 1121-1: "No-one may restrict individual or collective rights if such restriction is not justified by the nature of the task to be accomplished or proportionate to the objective sought. "

Article L. 1321-3, which specifies, in paragraph 2, the stipulations that the internal regulations of a private sector entity may not contain:

"*Internal regulations may not contain: (…) 2) Stipulations imposing restrictions upon the rights of the individual and upon individual and collective freedoms if such restrictions are not justified by the nature of the task to be accomplished or proportionate to the objective sought.* "

Three further articles of the Employment Code (L. 1132-1, L. 1133-1 and L. 1321-3) transpose the above-mentioned European stipulations on equality of treatment in the sphere of employment and work. Religious beliefs are cited as one of the fourteen grounds of discrimination against an employee.

A freedom restricted by exception

❒ *Restrictions are possible but must be justified and proportionate*

Outside public administrative entities where the principle of secularism is applied in France, employers may not impose a strict religious neutrality obligation or prohibit the manifestation of religious opinions within an organisation. Freedom of religion does not cease to apply at the workplace door. However, the Directive dated 27 November 2000[2] transposed into the Employment Code, allows for restrictions on fundamental freedoms

2 Directive 2000/78/EC dated 27 November 2000 which created a general framework upholding equality of treatment in the spheres of employment and work.

provided that these are "*justified by the nature of the task to be accomplished*", that they meet "*a genuine and consequential occupational requirement*" and that they are "*proportionate to the objective sought*".

❒ *Restrictions placed under the control of a judge*

A judge, as provided for by these instruments, is able to assess the justification and proportionality of restrictions imposed by employers in order to safeguard the balance between the freedom of religion of individuals and the pursuit of the organisation's legitimate goals.

For example, in the Baby Loup ruling handed down on 19 March 2013, the Court of Cassation struck down the clause from the daycare centre's regulations requiring a neutrality obligation of its personnel because its wording was too general and, consequently, infringed upon freedom of religion in a way that was unjustified and disproportionate. However, had the employer been able to demonstrate that in this particular case the wearing of the veil was incompatible with the duties of the employee, the judge might have ruled otherwise and might have decided that the dismissal of the employee in question was well-founded.

As a matter of fact, the case law, which has given rise to a number of legitimate grounds for restricting freedom of religion, does give consideration to the interests of private sector employers.

❒ *The case law sets out the grounds on which freedom of religion may be restricted*

Public safety and public health considerations may constitute objective restrictions that are justified due to the nature of the tasks to be accomplished.

An employee or employer may not be released from his or her contractual obligations because of their religious beliefs. Neither may the religious beliefs of either of the parties establish any additional obligations vis-a-vis the other party, above and beyond those set out in the employment contract.

Obviously, legal and regulatory stipulations always take precedence over the following of religious interdicts. Accordingly, the Court of Cassation has, on a number of occasions, pointed out with regard to compulsory medical visits that the employee may not be exempted from the application of compulsory stipulations.

The prohibition of proselytism has been established by case law based on the restriction of freedom of expression both by the Council of State and by the Court of Cassation. Although internal regulations may not censor political and religious discussions, employees may not however be exposed to political or religious pressure by their colleagues, and "injurious, defamatory or excessive" discourse constitutes an abuse of freedom of expression which must be sanctioned.

On the issue of authorisations for absence (whether for religious or other reasons), in principle the employer possesses considerable latitude, provided that its decision is founded on imperatives having regard to the organisation of work and production. Indeed, in considering the requests of its employees, it must comply with the principle of "contractual good faith", which means that if there is no genuine impediment to the request being granted, the employer must grant it.

Judges have allowed further grounds for restricting freedom of religion within private sector entities.

Accordingly, the ground of respect for service users or of respect for the commercial sensitivity of consumers may be invoked. Restrictions imposed upon employees in terms of how they choose to dress, whether or not this has a religious connotation, may be envisaged in the interests of the private sector entity. However, because no judgement has been handed down by the Court of Cassation on the wearing of a religious garment, the rulings of the Court of Appeal have not been entirely consistent. For example, the ruling by the Court of Appeal of Saint-Denis de la Réunion dated 9 September 1997 found that there were serious and genuine grounds for dismissal of an employee who refused to dress in accordance with the brand image of the establishment, in this case a fashion boutique. However, on 19 June 2003, the Paris Appeal Court upheld the reinstatement, ordered by means of an emergency ruling, of an employee who had been dismissed from a call centre, who wore a scarf that covered her hair, ears, neck and half of her forehead. The justices found that the employee had been hired wearing the same veil and that her employment contract had, from the time it was concluded, contained a mobility clause that allowed her visit customers directly. The issue is a contentious one in that arguments that invoke customer sensitivity and the company's brand image sometimes serve no other purpose than to conceal prejudice.

A legal instrument that would benefit from clarifications on certain points

What are the precise limits to the manifestation of religious beliefs or convictions in a private sector entity?

Although freedom of thought poses no difficulties at the legal level, the same may not be said for the manifestation of religious beliefs in private sector entities, since its limits are not clearly defined by the Employment Code, which merely sets out the general principle of justification and proportionality. As has been shown, a body of case law exists in addition to legislation. However, from the hearings conducted by the section it has emerged that actors in the field often experience difficulty in grasping the applicable rules of law. The complexity and lack of transparency of the law prevents employers and employees from availing themselves of guidance that is indispensable for reconciling freedom of religion with the smooth running of a business and with the upholding of other individual freedoms.

Examining the dividing line between the private sector, governed by the principle of freedom of religion and the public sector, which is bound by the principle of neutrality

In its Seine-Saint-Denis CPAM ruling dated 19 March 2013, the Court of Cassation added its case law to that of the previous ruling by the Council of State (*CE, 31 janvier 1964, CAF de l'arrondissement de Lyon*), in ruling for the first time that the principle of secularism and the associated obligation of neutrality apply to all public administrative entities regardless of the legal structure of the managing entity, which in this case was a private legal person. Thus, private entities discharging public service duties by delegation are required, along with their employees, to uphold the obligation of neutrality associated with the principle of secularism. No distinction may be drawn between its personnel, as to whether or not they

have dealings with service users, or as to whether or not they assume responsibilities that could result in them representing the public service in question.

At the same time, the ruling by the Court of Cassation dated 19 March 2013 on the Baby Loup daycare centre had the result of keeping outside the scope of the neutrality obligation private organisations carrying out, jointly with public-sector actors, a public interest role involving permanent contact with dependent sections of the public.

In view of this fact, although the public service criterion set down by the judge appears remarkably clear and simple, doubts have been expressed as to the conditions for and the consequences of its application.

❒ *For staff employed in Industrial and Commercial Public Services (SPIC)*

Following the CPAM ruling, the principle of secularism applies to private sector operators discharging a public service role without the need for a distinction to be made as to whether an SPIC or a public service is being provided. The employees of a private sector company entrusted with the public service role of water treatment and distribution or electricity generation and distribution, whose activity falls partially within the public service sphere, are now required to uphold the obligation of neutrality. This very recent case law has led some of these private sector entities to examine the conditions for the review of their practices as regards the restriction of freedom of expression, and in particular the freedom to manifest religious beliefs,of their employees. The change from a system of restricted freedom of religion to one of strict neutrality is further complicated in the case of private sector entities whose public service role constitutes only part of their activity[3].

❒ *For staff employed in entities with public interest roles that do not provide public services*

It is not always easy for a distinction to be drawn between a Public Interest Role (MIG) and a public service role and this may give rise to legal disputes in the future.

It should be remembered that the Council of State, in its judgement *Association du personnel relevant des établissements pour inadaptés* dated 22 February 2007, confirmed the maintaining of an entire category of social and medical-social institutions out of the public service sphere. In that case, it took the view that a work-based support centre does indeed carry out a "public interest role" but that this role does not possess "the character of a public service role" taking into account the desire of law-makers as this emerges from "the stipulations of the law dated 30 June 1975, informed by their preparatory work" (see Annex 6 on determining the existence of a public service).

Moreover, some of the public interest bodies and activities that fall outside the scope of public service provision, are nevertheless unique in that their activities are directed towards weak or vulnerable sections of the public. In the main, this applies to services falling within the scope of the law of 2 January 2002, reforming social and medico-social work.

Aware of the practical difficulties that this subtle division between the two legal areas in certain private sector entities can pose, the Defender of Rights recently petitioned the Council of State on the distinction between a public service role and a public interest role and on the situation of private sector employees working jointly with the public authorities.

3 In this regard, Jean-Baptiste Obéniche, head of EDF Group's Department for Occupational Health and Quality of Life in the Workplace, drew attention, when heard by the section for labour and employment on 4 September 2013, to the tricky situation in which private sector entities find themselves with regard to applicable law.

Has the debate concerning the notion of an "ethos-based" private entity been settled?

The question arises as to how to determine whether the case law on private sector entities deemed to be "ethos-based" applies to a charity or business that sets out in its internal regulations its desire to uphold the principle of neutrality. The Baby Loup case provided an opportunity for the judge of the Court of Cassation to set out its doctrine on the concept of an "ethos-based" entity in a restrictive sense. The judge was unwilling to broaden this concept - which allows the employer to require that an employee uphold the values inherent to the activity of the private entity - beyond those categories already recognised by previous case law, i.e. political parties, unions, private sector learning establishments, etc..

Ruling on the merits, the Court of Cassation found that neutrality as a corollary of secularism cannot be held to be similar to a chosen ideological or philosophical position since the former is a higher organising principle of the State. On the basis of this interpretation, a private legal entity cannot be neutral and therefore cannot avail itself of the principle of secularism.

In justifying its opposition to any further broadening of the concept of an ethos-based private entity, the Court also invoked the "standstill" clause of the EC Directive dated 27 November 2000 requiring Member States not possessing legislation in this field not to designate any further such entities following the entry into effect of the Directive.

However, the notion was recently the subject of debate once more, and in certain quarters there has been an attempt to read into the notion of an ethos-based private entity a protective legal framework for private sector entities in the nursery and social work sectors wishing to impose a neutrality obligation upon the freedom of their employees to manifest religious beliefs[4].

Can religious freedom be restricted with only internal regulations as a legal basis?

As the law currently stands, legal doctrine is divided on the issue of determining whether an employer may restrict religious practices in a private sector entity with only the internal regulations setting out the general permanent regulations governing discipline within the entity as a legal basis.

Specifically, the issue dividing jurists is that of determining whether or not an employer may, by virtue of the law in its current form, restrict such a fundamental freedom without more specific legislative stipulations.

Only the measures listed in paragraphs 1 and 2 of article L. 1321-1 of the Employment Code can be considered to be measures taken on the basis of a legal stipulation to apply regulations in the health and safety field. However, the litigious clause within the internal regulations of the Baby Loup daycare centre, for example, falls under paragraph 3 of the aforementioned article and therefore cannot be considered to be a measure applying a legislative stipulation.

From this standpoint, the Baby Loup ruling sanctioned what was an excessively broad interdict on the freedom to manifest religious belief, one of the cornerstones of a fundamental freedom. It did not rule on the underlying issue, namely that of the wearing

4 The opinion of the Advocate General of the Court of Cassation in the Baby Loup case raised this as a possibility (Semaine sociale Lamy 30 September 2013, No. 1599). Pastor Baty, when heard by the section for labour and employment on 18 September 2013, indicated that he was not adverse to this type of solution.

of a veil by an employee having contact with young children. Furthermore, the case has not been settled. It was referred to the Paris Appeal Court for a ruling on the merits.

In practical terms, religion is increasingly being taken into account in the private sector but this can still meet with certain difficulties.

Greater consideration for freedom of religion in the private sector

Greater manifestation of religious beliefs but little legal action

Economic globalisation and increased trade along with increasingly open borders have made societies more diverse, including in the sphere of religion. Accordingly, the population of France, which at the beginning of the 20th century was 90% catholic, is increasingly diverse in its religious beliefs. According to a IFOP-La Croix poll conducted in 2006, 65% of respondents stated that they were Catholic, 25% Agnostic, 6% Muslim and 2% Protestant. The number of practising Jews stood at 600,000 and Buddhists numbered 400,000. This diversity of origin and religious faiths is obviously present in the workplace, where new demands concerning religious practices have steadily emerged over the last 40 years.

In the same period of time, the process of secularisation of French society has continued, which may explain why many of our fellow citizens mistakenly think that the neutrality obligation applies to all individuals and to society as a whole.

A number of experts are now finding that there has been an increase in demands expressed in an essentially religious idiom[5].

The situation has changed markedly since the disputes in the early 1980s linked to restructuring in the automobile industry, when immigrant workers made certain demands concerning religious practices. Currently, religious demands in the workplace, irrespective of the particular faith in question, are made mostly by employees who are French nationals. They are also made more on an individual than a collective basis and are rarely linked to social conflicts.

However, available figures on the difficulties associated with the manifestation of religious belief in the workplace do not support the conclusion that the phenomenon is widespread. Nevertheless, there are certain signs indicative of an increase in problematic situations. Or at any rate, this is the perception of managers in this regard.

A study conducted in 2012-2013 by the French Observatory for Religion in the Private Sector (OFRE) and the Randstad Institute, has revealed that 28% of HR Managers consulted had already been faced with issues of a religious nature within their organisation. However,

5 Hearings of Gilles Kepel and Isabelle Barth by the section for labour and employment of the ESEC, on 22 May and 10 July 2013.

results varied greatly by geographical area, depending on the level of urbanisation: although over 40% of HR Managers in the Ile-de-France region stated that they had encountered issues of a religious nature, this was only the case for 5% of those working in Brittany.

It also appears that the vast majority of such issues are currently being resolved internally as only 6% of cases are reported to result in a deadlock with the potential to jeopardise the normal conducting of activities or workplace relations and result in legal action.

A survey of 393 companies conducted by IFOP in 2008 had already revealed this trend. One third of these felt concerned by the issue of religion in the workplace and according to interviews with their HR Directors, 37% of companies in the sample surveyed, based in the Ile-de-France region, were concerned by an increase in religious demands.

A study carried out in 2010, at the request of the French High Council for Integration (HCI), revealed that the increase in these types of demands, initially identified in large companies, was spreading to entities with fewer than 50 employees[6].

In sum, the situation regarding religion in the private sector appears to be somewhat nuanced. Certainly, there hasn't been any surge in religious demands or practices having the potential to curtail the activity of businesses on a major scale or adversely affect collective labour relations. However, as previously stated, HR Directors feel that this is an emerging issue. Furthermore, although open disputes are rare and even though the actors concerned make every effort to resolve matters through discussion, this is not to say that there is not a high level of legal advice taken. Company lawyers claim that they are often consulted on the issue, without such consultations resulting in legal action.

Diversity of religious requirements: symbols, meals, places of prayer …

In the workplace, requirements and behaviours concerning religious rules and practices can differ in scope. Requirements might include the taking of leave in accordance with a liturgical calender, the provision or reorganisation of certain areas in order to carry out rites, or finding ways to ensure that dietary interdicts and requirements are complied with. Behaviours might include fasting, or concern the dissemination of a religion, the display of religious symbols or the adoption of a dress code in accordance with an individual's religious faith. Finally, and this is very problematic, behaviours may include the type of relations that a believer thinks that he or she must have with colleagues because of who they are (men or women, members of another religion, non-practising members of a religion or non-believers).

In the majority of these situations, solutions that are satisfactory for employees and which enable the smooth running of the entity in question can be found. The issue of religious holidays does not appear to pose any great difficulties. Employees are not required to justify their request for leave and although employers are not required to know the reasons for absence, they can factor into their personnel management those dates that may be sensitive for certain personnel members. The issue of dietary interdicts is frequently resolved, in the case of a staff canteen, by a sufficiently varied range of options to cover the choices of all customers.

6 AL Conseil, *Entreprise et religion: état des lieux, problématiques et acteurs*, December 2010, updated April 2011.

The practice of fasting is physically restrictive and may require certain temporary changes to the way work is organised to prevent any health and safety issues from arising. The majority of entities concerned appear to find solutions to these types of situation that are satisfactory for all parties. However, small businesses with few employees may encounter greater difficulties depending on the nature of their activity, particularly where this activity makes flexible working hours difficult.

Requests for collective places of worship appear to be very infrequent and rarely have a favourable outcome. They only make sense in very specific sectors, where employees are on site for prolonged periods. The real issue is rather the use of a work area to allow an employee to be alone for times of prayer. In this regard, solutions are very often found where the type of premises and the organisation of the company permits.

The wearing of religious symbols or of certain types of clothing (chiefly the head scarf for women) is a potential source of dispute in certain professional sectors. As has been stated, the problem resides in the way in which such symbols could be viewed by customers or service users.

Proselytising behaviour is undoubtedly the most difficult to detect and can cause considerable tension in the workplace. In fact, although it is understandable that believers couldn't imagine leaving their faith (and therefore their deepest self) in the lobby when they arrive for work in the morning, the fact remains that open and exaggerated proselytising behaviour can be extremely disturbing. Such pressure is liable to jeopardise the freedom of conscience and expression of other employees and accordingly is sanctioned by the courts. In this field, it is a question of checks and balances between an individual's freedom to manifest a religious belief and the freedoms of other people.

Some socio-religious behaviours take the form of very strict practices that directly jeopardise workplace rules and customs, particularly the notion of equality in relations between individuals. In such situations, it is, generally speaking, relations between individuals of another sex or gender that are jeopardised, i.e. the manifest and exaggerated standoffishness of a male employee in his dealings with his female colleagues, or insubordination where his hierarchical superior is a woman, and, conversely, the refusal by a woman to assume responsibilities that would require her to manage male employees. Such behaviours must in principle be sanctioned because they constitute either discrimination or contractual non-compliance. However, clearly the refusal by an employee to accept promotion to a position entailing certain responsibilities on religious grounds falls outside the scope of normative regulation.

It is sometimes difficult for company managers to bring to light and objectively present tensions between employees arising from excessive behaviour that directly threatens the rules of collective life and social cohesion in the workplace. The victims of this are often hesitant to speak up[7].

Tailored responses

Confronted with what is a widespread phenomenon, companies have for a number of years sought information and solutions. They have openly examined the issue of religious practices in the workplace, which is attested to by the emergence of internal documents,

7 Hearing of Pascal Bernard by the section on labour and employment, 19 June 2013.

generally in the form of "guides" or "orientations" to assist management and HR Managers in dealing with demands of a religious nature made by their employees or to take a decision in certain situations.

In each case the goal is the same - not to leave front-line managers to muddle through on their own or implement "DIY" solutions based on their personal perceptions and standpoints. Risk control is important for a company, which must ensure that there is no potential for discrimination, particularly where religious beliefs are concerned. A sense of injustice and internal tensions can also manifest when the conducting of certain religious practices is not correctly regulated.

Within EDF, the state-owned electricity generation and distribution company, HR Managers first launched a study in 2008, enabling them to better identify the religious practices and requirements of their employees in relation to their religious beliefs. In order to prevent subjective reactions or solutions that fail to take the law into account or that create social tension, the company issued, with external support, a guide entitled "Guidance on Religious Affairs within the Company for Managers and HR Managers". The guide was created following dialogue between the managers in the various sectors of the company in order to assess their expectations, and was presented to union bodies.

The consumer retail group Casino has, for its part, formulated a guide in response to questions raised by managers on the practical application of the concepts of secularism, freedom of religion and non-discrimination, since, within the group's establishments, teams are often multi-cultural. Created as a pragmatic decision-making tool, this guide provides clear information on the legal framework for religious non-discrimination and sets out company practices and the group's management position. The guide, which sets out a reference framework, grew out of consultations within the group in which union bodies participated. It was created jointly by two lawyers, one specialising in company law and the other in civil liberties, and was also approved by the Defender of Rights (formally the HALDE).

IBM, a largely international company, has also developed a specific guide for France, providing practical assistance and serving as a reference tool for managers dealing with demands or situations of a religious nature. This document also sets out and explains the applicable law. It covers a number of real-world scenarios using an interpretative framework formulated using the criteria set out by HALDE and establishes a general approach for dealing with demands that allows managers to take a step back from the religious nature of the demands.

In the civil society field, the secular education charity *La Ligue de l'Enseignement* has endeavoured, with the creation of a non-binding guide for its employees, to set down communal living and working rules in holiday centres that respect the freedoms of all individuals and are consistent with the public interest focus at the heart of the charity's activities.

These practical and largely preventative approaches are to our knowledge limited to a small number of large groups that are capable of mobilising the corresponding competences and resources, which is obviously beyond the means of small businesses.

A recent development concerning small and medium-sized businesses has been pointed out on a number of occasions in the hearings conducted by the section for labour and employment: with increasing frequency, religion is being approached openly and jointly using the theme of diversity. Many businesses apply for France's "*Diversity Badge*"

(*Label Diversité*) which has the merit of being issued by a committee on which the social partners sit. It is a requirement of award of this badge that businesses negotiate effectively on diversity. Within this context, the issue of religion was recently included into these negotiations. It is increasingly being taken into account in diversity agreements.

Difficulties that should not be underestimated

A lack of awareness regarding the rules applicable to freedom of religion in the private sector

As previously stated, the law governing freedom of religion is, despite its consistency, relatively complex and the majority of our fellow citizens have only a partial understanding of it that can give rise to completely erroneous interpretations. Accordingly, the principle according to which secularism is not enforceable for private sector employers is a relatively little known one, even among the actors in question. Some HR Managers of large companies who were interviewed by the section stated that they had been surprised to learn, during the implementation of their project on diversity and the management of religion that ignorance concerning the applicable legal framework was widespread even at the highest levels of management.

Also, the "social space" of the company is viewed (incorrectly from a legal standpoint) more as a "public" space than as a private space in which many people think that freedom of religion ought to be curtailed. Some commentators have proposed a set-up that would be unique to France, designating the economic sphere (business and work) as public and the religious sphere as private. These commentators take the view that this is more an ideological than a rational way of thinking about things since religion is essentially first and foremost a collective phenomenon, the rituals of which have a public dimension and the values of which are embodied in the life of the collective. In fact, work and religion co-exist in the social or civil sphere, which is also the sphere of production[8].

Highly divergent company strategies: from denial to complacency

In the face of faith-based demands and even when naturally they are bound by a strict requirement to observe the principle of non-discrimination, employers may find themselves in quite uncomfortable situations. On the one hand, in their personnel management, they are in theory required to show a degree of neutrality since by law they must not take into account the religion of their employees. On the other hand, demands of a religious nature are put to them and when these are not taken into account, they may give rise to complaints of direct or indirect discrimination.

In theory, employment contract law makes it possible to prevent such situations to the greatest extent possible, but this requires an accurate knowledge of, and extensive experience in legal practice.

8 Pierre-Yves Gomez in *Management et religion*, a publication coordinated by Isabelle Barth. Editions EMS, 2012

In actual fact, many companies seem uncertain about the approach to be taken and are tempted to opt for what appears to be the simplest solution: either to deny the existence of such situations and systematically refuse to take them into account, or on the contrary, to be too complacent. But decisions made in this way can turn out to be lacking in any legal basis and even wholly unreasonable in terms of their consequences.

A study conducted based on interviews with managers that was carried out between 2008 and 2010 identified three types of managerial attitudes to religion: denial, unconditional acceptance and management on a case-by-case basis with "reasonable" accommodation of requests. In the view of the study's authors, none of these approaches are appropriate[9].

Company managers who are in denial about the phenomenon seemingly try to keep religion at a distance. They often justify their attitude based on the neutrality obligation of an employer regarding the beliefs and personal choices of employees. In actual fact, an attitude of denial may result in the systematic refusal to entertain any requests prompted by membership of a religious faith. Hence the common misconception in the private sphere of a social space in which the manifestation of beliefs must be excluded and personal affiliations kept in abeyance. In the majority of cases, denial takes the form of a refusal to acknowledge such issues and, in larger organisations, leads to front-line managers being entirely responsible for dealing with them and being tasked with ensuring nothing is escalated any further up the decision-making chain. When company heads are in denial about such issues, this prevents the setting out of any clear rules concerning what is and is not permitted, with the risk that this will become a source of concern and even frustration for employees.

The second attitude taken is the polar opposite of the first, since it basically involves acceding to all requests relating to religious beliefs. Companies composed of sub-contractors whose recruitment is "culturally" relatively homogeneous" may be tempted accordingly to "keep the peace" socially by permitting virtually everything related with religious beliefs. In taking this approach, there is a significant risk of endorsing practices that are illegal or which at least run counter to social norms, for example encouraging the formation of groups of communities in the canteen or allowing discriminatory behaviour against women to develop. Such departures may go as far as to determine the organisation of labour such as a company employing mostly women in which a tacit rule is applied according to which technical management roles are reserved for men alone.

The third approach involves managing situations on a case-by-case basis but without any real guidelines. In such circumstances, religious issues are handled through successive individual compromises. Here, too, social cohesion is jeopardised, in as much as employees are dealt with using rules that are being made up on the fly. The silent majority consisting of those who do not have any specific demands, are liable to have to put up with the consequences of accommodating those who do in terms of working arrangements.

Many private sector actors and observers are now emphasising the importance of incorporating enforceable principles into the managerial process, obviously founded upon the framework provided by legislation and case law and only then to set down practices enabling the demands of employees to be considered and an accommodation sought. The

9 Géraldine Galindi and Hedia Zannad, *Quelques clés pour mieux gérer le fait religieux dans les entreprises*, in *Management et religion*, coordinated by Isabelle Barth, 2012. Hearing of Isabelle Barth by the section for labour and employment, 10 July 2013.

smooth running of the department and equal treatment of employees must be the basic principles in private sector human resources management, with the law as a basis.

What about managers who lack training in dealing with religious issues?

As previously stated, it is still frequently the case that those individuals tasked with applying the applicable legal rules concerning religion in the private sector fail to understand them. This situation is certainly improving, as has been shown by the innovative and highly successful practices of some large companies, but awareness in this regard is far from being the norm.

Businesses and managers face considerable challenges since, as Jean-Christophe Sciberras pointed out a number of years ago, companies are not prepared for the increasing legal assertion of religious demands since in the majority of cases they are latent. "*However* (he writes) *when religious grievances rear their heads in the workplace, their impact can be dramatic*"[10].

Those most exposed are the front-line managers. Left alone, with no guidance or training, all too frequently they are unable to understand or anticipate such situations, which is why they come as such as shock. The skills lacked are often of a legal nature, but can also be cultural. It is not rare for managers with a very high level of technical skill to be largely at sea when it comes to dealing with the religious beliefs of others. Acting in a pluralistic society such as our own also requires a certain amount of accumulated historical, sociological and geographical knowledge.

Recommendations

The opinion of the ESEC is given within a specific legislative and juridical context. In fact, a number of bills have been tabled in this area recently, but have not resulted in any new legislation thus far. A resolution was adopted by the National Assembly on 31 May 2011 (resolution No. 672). The President of the Republic has consulted the recently created Observatory on Secularism, in particular on the difficulties encountered by nursery establishments. The Observatory issued two opinions on 15 October 2013. Moreover, the Paris Appeal Court to which the Baby Loup was referred, is set to issue its judgement at the end of November 2013. Accordingly, the position of the Council, particularly on whether or not there is a need to legislate, will have particular ramifications for these contextual factors.

Secularism is an organising principle of the State, which implies the neutrality of those serving it. Its goal is to ensure the impartiality of public authority to safeguard the upholding of freedom of conscience and religion within society. The ESEC rejects any interpretation of the principle of secularism that could restrict a fundamental freedom. In its view, the law must be reacquainted with and it recommends that the questions raised by the distinction between public service and public interest roles be kept in mind. It proposes diversified cultural and managerial responses to enable private sector entities to handle religious

10 Jean-Christophe Sciberras, HR Director, France and Director of Social Relations, Monde Rhodia, *Travail et religion dans l'entreprise: une cohabitation sous tension*. Droit social, No. 1, January 2010, p. 72.

diversity whilst upholding non-discrimination and fundamental freedoms. Furthermore, it recommends that employees be informed about their rights and the limits to these rights.

Promoting increased transparency of the legal framework for freedom of religion in the private sector

Access to applicable law in the area of freedom of religion in the workplace must be made easier in order to prevent misunderstandings and disputes, which are often due to a poor knowledge and an incorrect interpretation of the rules currently in effect.

Recommendation No. 1

Promote an improved awareness of the legal rules

The body of law setting out the conditions for the exercising of freedom of religion in the private sector is highly coherent but it is also complex and difficult to assimilate. Despite well-informed and impassioned debate on the issue, sometimes garnering considerable media attention, many of our fellow citizens do not know where the principle of secularism begins and where it ends, what the fundamental freedom of religion means, or what such concepts amount to in law.

The law governing freedom of religion in the workplace is complex because it is based on a number of sources: the great republican laws, international conventions, an EU Directive transposed into national law and finally an abundance of case law. In the workplace, the delicate legal balance between the right to manifest religious beliefs and legitimate restrictions that may be imposed on this right is not an easy one to grasp.

However, when tensions arise in private sector entities in relation to religion, it is vital for the law to be applied in order to prevent the actors concerned (employers, employees and their representatives) from engaging in power struggles solely on the basis of their inclinations, beliefs or convictions.

- Accordingly, in the interests of simplicity, the ESEC recommends that the applicable legal rules (legislation and case law) be made known through the issuance of a circular by the General Directorate of Labour (DGT) and divided into fact sheets.

In the first instance, such a circular would raise awareness within external State services in contact with private sector entities regarding an aspect of labour relations that they have had little to do with until now. Secondly, the core content of the circular could be divided into sections and clearly set out in the form of fact sheets on the website of the Ministry of Labour.

Recommendation No. 2

Disseminate a calendar of religious holidays for the different faiths

Attention should be drawn to two major developments:

- private sector entities are a reflection of French society which is showing itself to be increasingly diverse in its make-up;
- in a modern society, acknowledgement of employees for who they are as individuals is becoming a necessity for private sector entities in their human resources management. Personal development and professional development are often closely interlinked.

Today, the desire for well-organised working hours that comply with the stipulations of the Employment Code reflects a wish to work these, in various ways, around family and social time.

- **Given these circumstances, the ESEC takes the view that business leaders and HR Directors must be able to anticipate leave requests made by their employees on religious grounds**. The calendar of religious holidays for the different faiths should be officially issued each year, so that corresponding leave requests may be considered under the best circumstances. There is no need for any new legislation in this regard

Furthermore, it should be remembered that according to the High Authority for Discrimination Prevention (HALDE), an employer must "*justify, by means of objective proof that is free of discrimination, its refusal to grant a leave authorisation for a religious holiday*" (Halde Resolution No. 2007-301, 13 November 2007; Halde Res. No. 2009-117 dated 6 April 2009.)

It should be emphasised that such a practice, which is part of good management, is already formalised in the French Civil Service, where, by means of a circular dated 23 September 1967, renewed each year by the Civil Service Minister, the dates of the main ceremonies for each religious faith are made known to all ministries and public-sector bodies, who are required to pass this information on to department heads.

This principle is recognised by administrative case law which allows department heads, in the absence of legislation, to authorise absences for religious holidays provided that they are compatible with the requirements of the department (Council of State ruling dated 12 Feb. 1997 Ms. H., Administrative Law, 1998 No. 248).

- In the interests of efficiency and in order to reach the greatest number of employers, the ESEC recommends that in the private sector, this information be passed on each year through professional organisations.

Recommendation No. 3

Take into account private sector entities in the social, medico-social and nursery sectors: formulate rules governing life in the workplace together with and in compliance with the existing legal framework.

Private organisations carrying out public interest social activities, sometimes working closely with the public authorities, nevertheless fall outside the scope of public service provision and as a result they cannot avail themselves of a neutrality obligation that is binding on their employees in their dealings with service users.

This is the case for social and medico-social institutions providing services to sections of the public deemed to be vulnerable and nursery establishments.

Some of these establishments require their employees to ensure that their behaviour complies with a level of neutrality that they do not always succeed in achieving, which sometimes leads to their being placed in extremely precarious legal situations, as was shown by the Baby Loup daycare centre scandal.

Moreover, the Defender of Rights recently drew the attention of the public authorities to the uncertainty raised by the distinction between a public service role and a public interest role as regards the freedom to manifest religious beliefs and secularism. As regards the Observatory on Secularism, in its opinion dated 15 October 2013, it made recommendations specifically concerning the Baby Loup daycare centre case (change to its internal regulation or proposed delegation of public service).

Prior to this, two proposals had been put forward, the purpose of which had been to legally establish the application of the principle of neutrality to these activities.

The first of these proposals concerned an extension of the neutrality obligation by legislative means. In its opinion dated 1st September 2011 on *The Manifestation of Religious Belief and Secularism in the Private Sector,* the HCI suggested that:

"*The principle of secularism governing the public services must be extended to private sector entities in the social, medico-social and nursery sectors with a public service or public interest role, excluding the case of chaplaincies and entities having their own faith-inspired character.* "

Although "*entities having their own faith-inspired character"* are kept out of the picture, this proposal is very general in scope and from a legal standpoint, is likely to jeopardise freedoms in an entire activity sector and to contravene France's European and international undertakings in this field.

The second proposal, put forward by jurists and religious affairs specialists, envisaged a more liberal solution based on the choice of establishments and service users. Accordingly, establishments acting in the helping professions could claim the status of a faith-based organisation, even on the basis of having a philosophical, agnostic or atheist orientation. However, the likelihood of this being recognised by case law runs up against the obstacle of the "standstill" clause contained in the EU Directive dated 27 November 2000. Under these circumstances, the creation of new faith-based establishments is legally unworkable.

Both proposals therefore face considerable obstacles in principle.

- Consequently, the ESEC takes the view that no suitable response of a legal nature has thus far been found to resolve this important issue which reaches the frontiers of secularism and freedom of religion.
- The ESEC nevertheless thinks that the difficulties encountered by associations in the conducting of public interest community projects cannot be overlooked.

It wishes to point out that many private entities pursue the public good and carry out a public interest role through the development of projects whose goal is to strengthen the social fabric. These private initiatives serving the public interest are developing outside of the public service sphere, with which they do not necessarily wish to be associated.

- The ESEC feels that these private sector establishments must possess the internal regulatory mechanisms needed for the execution of projects that are founded on a desire to forge social links whilst respecting differences of every kind.
- More broadly, the ESEC proposes that without recourse to law, those sectors dealing with vulnerable sections of the public should be invited to become involved, during sector negotiations on the promotion of equality and diversity, in the drafting

of guides like those that exist in certain companies, in order to provide a shared framework for labour relations in private sector entities within these sectors.

Recommendation No. 4

Step up the mediation and accompaniment role of the Defender of Rights in discrimination prevention, including religious discrimination

The Defender of Rights assumed its powers from the HALDE. It therefore acts in "amicable settlements" after discrimination complaints in the field of employment are referred to it. The process, which resembles mediation, is principally conducted by the regional delegates of the Defender of Rights.

Within this context, the institution may be called upon to deal with situations in which the exercising of freedom of religion in a private sector entity is challenged. However, the option of making use of the Defender of Rights is little known about by the general public, which may explain the relatively small number of cases that it has received.

- The ESEC suggests to the public authorities that they should greatly publicise this out-of-court settlement approach to such individual disputes in the workplace.

Mobilising actors

Certain institutional mechanisms that exist in the world of work can be brought into play by the social partners to deal more effectively with situations involving religious convictions and the manifestation of religious beliefs.

Recommendation No. 5

Use all options provided for by social dialogue

- The ESEC recommends that the personnel representative bodies fully participate in the regulation of freedom of religion in the workplace.

Indeed, these bodies possess competences which may profitably be used to prevent and deal with difficulties associated with the manifestation of religion and religious practices in the workplace.

Personnel representatives in companies and establishments with a workforce of more than ten employees, and the Works Council and the CHSCT (Committee on Health and Safety and Working Conditions) in those with fifty and more employees, are each vested with specific powers that allow them to play a role, in the discharging of their respective duties, with regard to the violation of human rights and tensions in the workplace surrounding the issue of membership of a religion or religious practices.

- The ESEC is of the opinion that social dialogue in its current form, ought, by means of a constructive approach, to be able to prevent and deal with the majority of difficulties that may arise owing to the manifestation of beliefs and the practise of religious rites in the workplace.
- However, it considers it vital for employers and employees called upon to sit on representative bodies to be aware of this relatively new aspect of the issue of religion

in working relations. Obviously, this raises the issue of their level of awareness and training.

- Having observed the legal complications that can arise from the drafting of the stipulations of internal regulations whose purpose is to regulate the exercising of rights and freedoms in a private sector entity, the ESEC calls upon the social partners within such entities to make the most sensitive stipulations of internal regulations the subject of social dialogue. Their joint formulation would bring about greater compliance with these common rules and would limit the uncertainty associated with the risk of any legal action.

Recommendation No. 6

Train managers and employee representatives on the issue of religion in the workplace

Some large companies have created guides for internal use intended specifically for their management. In so doing, they have endeavoured to provide sociological and cultural guidance on the religions that managers often lack knowledge of, and above all to provide a clear picture of the legal framework and the position of the company's management and the methods to be used in order to ensure that both are applied.

- The ESEC considers it necessary in addition to this type of information document to focus, moving forward, on vocational training actions first and foremost targeting front-line managers and employee representatives.

Some large companies have committed to voluntary training initiatives for their managers, in which the management of cultural and religious diversity is given priority so as to develop their ability to deal with the risk of discrimination. These could be used as references in the field.

- Similar training could also be provided to employees sitting on representative bodies to equip them to lead social dialogue on the issue from an informed standpoint.

Higher education training syllabuses have begun to incorporate modules on religious diversity in society and the workplace into their initial training. The Strasbourg School of Management (EMS) appears to be playing a pilot role in this regard.

- The ESEC would like teaching on religious affairs to become widespread, and to be included in all syllabuses preparing students for management roles.

Recommendation No. 7

Dissemination and sharing of good practices by private sector entities

The good practices developed by certain companies and in particular the guides and charters that they have created should be widely disseminated and shared. These documents have been shown to be useful decision-making tools for small entities. Ensuring greater visibility for these innovative approaches would be beneficial for employers who do not always possess the means to anticipate and analyse situations pertaining to religious issues, which can lead to their facing genuine difficulties.

- This dissemination and sharing could be coordinated through a public website for official information to be managed either by the Ministry for Labour and Employment, or by the Observatory on Secularism.

Some large companies have also been bold enough to encourage the involvement of union bodies in this field.

- The ESEC calls upon the social partners to follow these examples. It takes the view that addressing the cultural dimension of diversity in an open and preventive way could enable certain taboos to be lifted and could smooth tensions that exist in the professional sphere.
- Moreover, the ESEC views the self-censorship situations that lead women to refuse promotions or to elect not to pursue a career in private sector companies because of cultural and religious conventions as a problem falling within the sphere of the promotion and application of professional equality between men and women. It therefore asks that this issue be taken specifically into account through dialogue and negotiations on equality between men and women in which some progress is now being made. Reports of comparable situations, compulsory negotiations or, failing this, unilateral action plans of companies must be used to identify, analyse and manage such situations.
- The creation of a charter for the manifestation of religious beliefs within private sector entities might also be envisaged.

Conclusion

In private sector entities (excluding those with public service roles or to whom public service functions are delegated) regardless of their activity or legal structure, the law stipulates that freedom of religion shall be the rule. Obviously, this must be compatible with job requirements i.e. the normal discharging of the activity concerned and the faithful execution of the contract of employment. This is not the case for all activities, however. In fact, freedom of religion is restricted by the principle of secularism from which the neutrality obligation stems, and by which state sector employees are bound. It is at the frontier between the public and the private sectors that situations become more legally complex, as the recent case law rulings of the Court of Cassation have shown.

The issue of the manifestation of religious beliefs now concerns all workplaces, irrespective of the legal structure of the employer. Certainly, overall, it does not give rise to many legal disputes, but it is a concern for managers, as has been demonstrated by a number of recent studies.

In recent years, some large companies have sought to deal with and anticipate difficulties that could arise in this field by increasing the awareness of their managers and by setting in place specific decision-making tools. However, the majority of actors in the workplace are inadequately prepared for the increasing assertion of religion. They often lack knowledge in two respects:

- firstly legal: although the rules of applicable law make it possible in theory to deal satisfactorily with situations, the fact remains that owing to the important role assumed by complex case law, they are difficult to fathom for all economic and social actors;

– and secondly sociological: as many employers and employees know little or nothing about religious cultures beyond their own faith. This state of affairs plays a role in maintaining prejudice and may be one of the root causes of serious misunderstandings and difficulties that risk jeopardising the economic performance and social cohesion of a private sector entity.

This is why the ESEC has largely framed its recommendations around the need for information and training regarding the situations themselves and the law.

As things currently stand (religious issues are far from being a major impediment to working relations), the ESEC is of the opinion that legislation is not currently needed. Accordingly, it has given priority to practical, preventive recommendations that are principally oriented towards employers and employees and which make use of social dialogue. Finally, the ESEC calls upon the public authorities to help to improve the situation by drawing attention to and explaining the law of freedom of expression in the workplace.

Voting

Voting on the full text of the draft opinion presented by Mrs Arnoult-Brill and Mrs Simon, rapporteurs

Number of voters	186
Voting in favour	172
Voting against	1
Abstentions	13

The ESEC adopted the opinion.

Voting for: 172

Agriculture Group	Mr Barrau, Mr Bastian, Ms Beliard, Ms Bernard, Ms Bocquet, Ms Bonneau, Mr Brichart, Ms Dutoit, Mr Giroud, Mr Gremillet, Ms Henry, Ms Lambert, Mr Lefebvre, Mr Roustan, Ms Serres, Ms Sinay, Mr Vasseur.
Cottage Industry Group	Ms Amoros, Mr Bressy, Mr Crouzet, Ms Foucher, Ms Gaultier, Mr Griset, Mr Le Lann, Mr Martin.
Associations Group	Mr Allier, Ms Arnoult-Brill, Mr Charhon, Mr Da Costa, Mr Jond, Mr Leclercq, Mr Roirant.
CFDT Group	Mr Blanc, Ms Boutrand, Ms Briand, Mr Duchemin, Ms Hénon, Mr Honoré, Ms Houbairi, Mr Jamme, Mr Le Clézio, Mr Legrain, Mr Malterre, Ms Nathan, Ms Pichenot, Ms Prévost, Mr Quarez.
CFE-CGC Group	Mr Artero, Ms Couturier, Mr Delage, Mr Dos Santos, Ms Weber.
CFTC Group	Mr Ibal, Mr Louis, Ms Parle, Ms Simon.
CGT Group	Ms Cailletaud, Ms Crosemarie, Mr Delmas, Ms Doneddu, Ms Dumas, Mr Durand, Ms Farache, Ms Geng, Ms Hacquemand, Ms Kotlicki, Mr Mansouri-Guilani, Mr Marie, Mr Michel, Mr Prada, Mr Rabhi, Mr Teskouk.
Cooperation Group	Ms de L'Estoile, Mr Lenancker, Ms Rafael, Ms Roudil, Mr Verdier.
Enterprise Group	Mr Bailly, Ms Bel, Mr Bernasconi, Ms Castera, Ms Coisne-Roquette, Ms Dubrac, Ms Duhamel, Ms Duprez, Ms Frisch, Mr Gailly, Ms Ingelaere, Mr Jamet, Mr Lejeune, Mr Marcon, Mr Placet, Mr Pottier, Ms Prévot-Madère, Mr Ridoret, Ms Roy, Mr Schilansky, Ms Tissot-Colle, Ms Vilain.

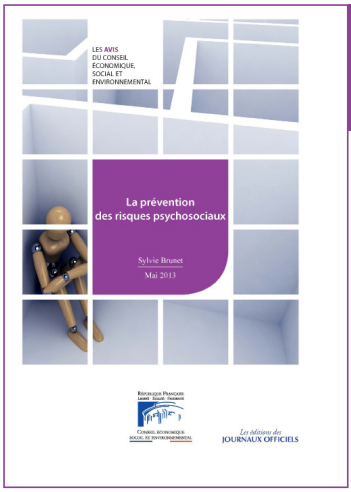
Environment and Nature Group	Mr Beall, Mr Bonduelle, Mr Bougrain Dubourg, Ms de Bethencourt, Ms Denier-Pasquier, Ms Ducroux, Mr Genest, Mr Genty, Mr Guerin, Ms de Thiersant, Ms Laplante, Ms Mesquida, Ms Vincent-Sweet, Mr Virlouvet.
Mutual Insurance Group	Mr Andreck, Mr Beaudet, Mr Davant, Ms Vion.
Student Bodies and Youth Movements Group	Mr Djebara, Mr Dulin, Ms Guichet, Ms Trellu-Kane.
Overseas Group	Mr Grignon, Mr Kanimoa, Mr Omarjee, Mr Osénat, Ms Romouli Zouhair.
Qualified Leading Figures Group	Mr Aschieri, Ms Ballaloud, Mr Baudin, Ms Brishoual, Ms Brunet, Mr Corne, Ms Dussaussois, Ms El Okki, Mr Etienne, Ms Flessel-Colovic, Ms Fontenoy, Mr Fremont, Mr Gall, Mr Geveaux, Ms Gibault, Ms Grard, Ms Graz, Mr Guirkinger, Mr Hochart, Mr Jouzel, Mr Khalfa, Mr Le Bris, Ms Levaux, Mr Martin, Ms de Menthon, Ms Meyer, Mr Obadia, Ms d'Ormesson, Mr Santini, Mr Soubie, Mr Urieta.
Liberal Professions Group	Mr Capdeville, Mr Gordon-Krief, Mr Noël, Ms Riquier-Sauvage.
UNAF Group	Mr Damien, Mr Farriol, Mr Fondard, Mr Joyeux, Ms Koné, Ms L'Hour, Ms Therry, Mr de Viguerie.
UNSA Group	Ms Dupuis, Mr Grosset-Brauer, Mr Rougier.

Voting against: 1

Qualified Leading Figures Group	Ms du Roscoät.

Abstaining: 13

CGT-FO Group	Mr Bellanca, Mr Bernus, Mr Hotte, Ms Millan, Mr Nedzynski, Ms Nicoletta, Mr Peres, Ms Perrot.
Entreprise Group	Mr Roger-Vasselin.
Qualified Leading Figures Group	Ms Hezard, Ms de Kerviler, Mr Lucas, Mr Terzian.



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