

DEFINITIONS

DISCRIMINATION

Less favourable treatment of a person or group, without objective justification, based on an actual or perceived personal characteristic such as origin, sex, gender, disability or sexual orientation.

EQUALITY

The principle that all people have equal rights and inherent worth, regardless of gender, origin, sexual orientation, religion, disability or any other personal characteristic.

SEXISM

Attitudes, comments, behaviour or practices based on sex or gender that create, perpetuate or reinforce inequalities and gender stereotypes.

RACISM

Attitudes, comments, behaviour or practices based on actual or perceived origin, ethnicity, nationality, skin colour or racialisation that exclude, disadvantage or establish a hierarchy between people or groups.

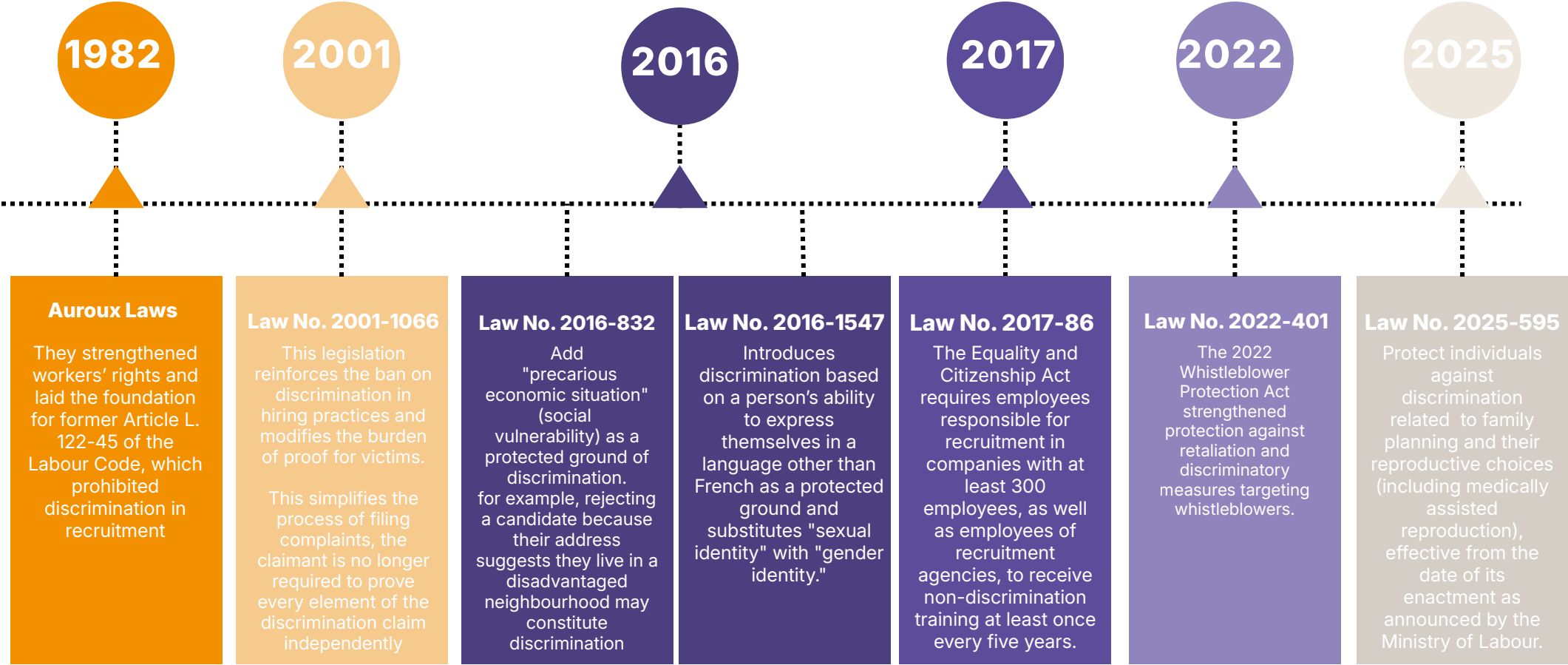
HOMOPHOBIA

Negative, hostile, discriminatory or violent attitudes, comments or behaviour directed at lesbian, gay or bisexual people, or people perceived as such.

SOCIAL CONDITIONING

The process through which beliefs, behaviours and ways of thinking are shaped by education, culture, social norms, the media and repeated exposure to particular ideas.

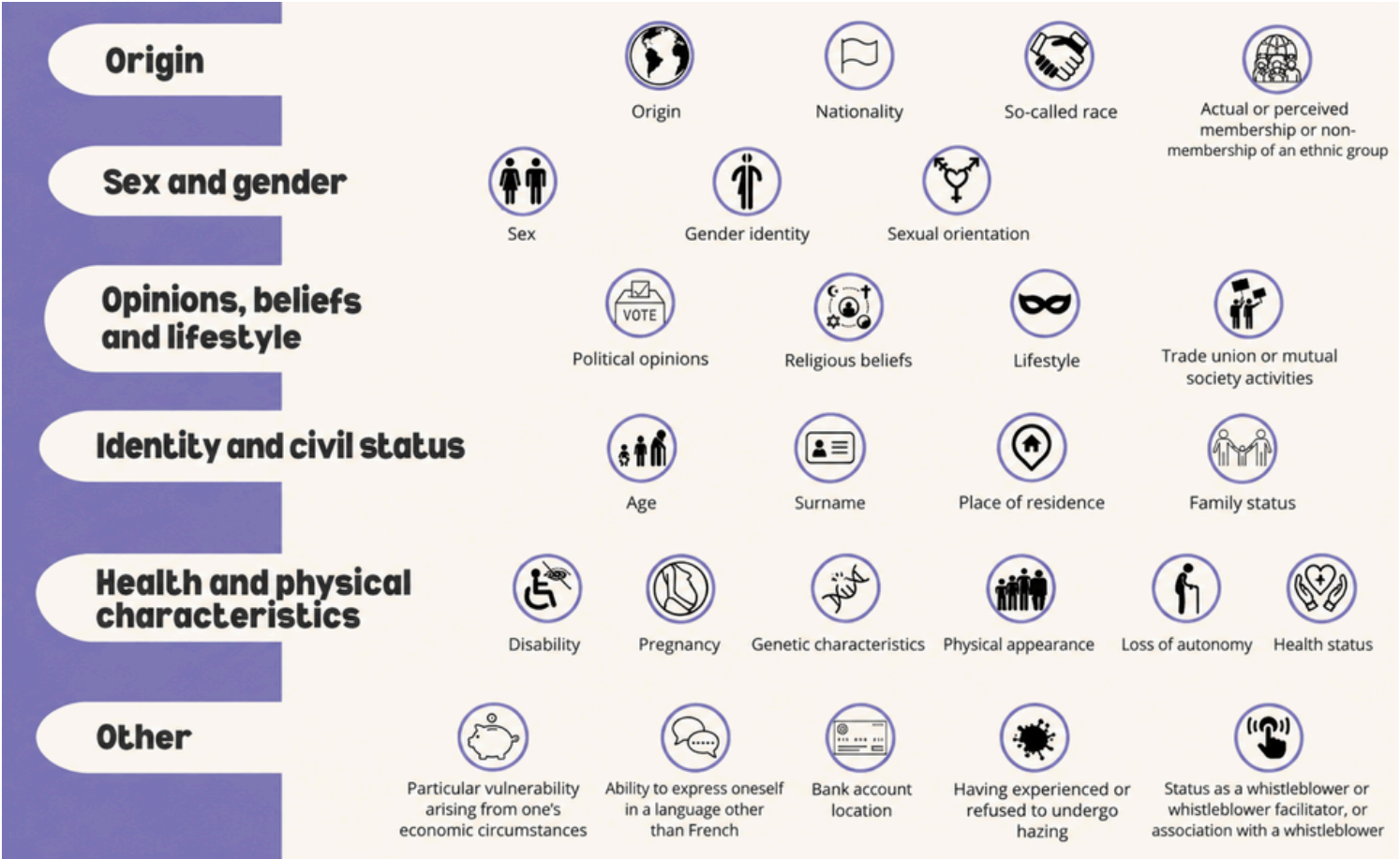
Key Developments in French and European Anti-Discrimination Law



- November 27, 2000: Directive 2000/78/EC establishing a comprehensive framework for equal treatment in employment and occupation (encompassing religion or belief, disability, age, and sexual orientation).
- June 29, 2000: Directive 2000/43/EC concerning equal treatment of individuals regardless of their racial or ethnic origin.
- 2006: Directive 2006/54/EC concerning equality between men and women in employment and occupation (equal treatment, remuneration, etc.).
- 2023-2026: Directive (EU) 2023/970 on pay transparency was adopted in 2023, with a transposition deadline of 7 June 2026. Job applicants must receive information about the initial pay or pay range sufficiently early in the recruitment process, and employers may not ask candidates about their pay history. Workers may also request information about their individual pay level and average pay levels, broken down by sex, for categories of workers performing the same work or work of equal value.

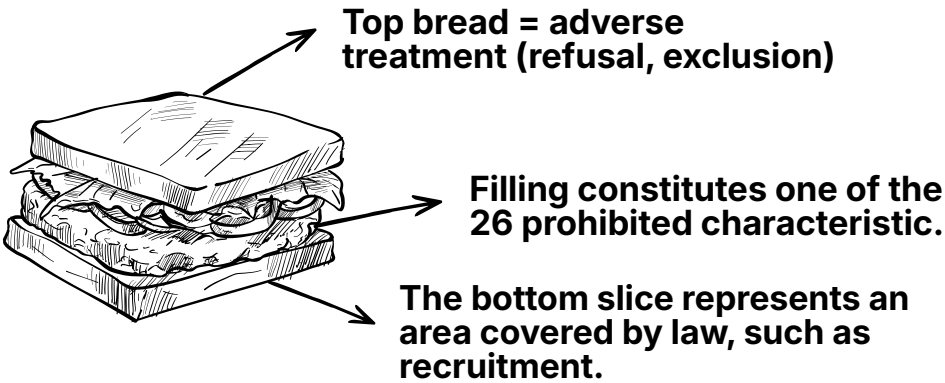
Legal resources

In France and throughout the European Union, recruitment is predicated on skills rather than personality. The law forbids discrimination against candidates based on protected personal characteristics, physical appearance, opinions, or circumstances. These factors are referred to as discriminatory criteria; using one of these characteristics to make a recruitment decision may constitute unlawful discrimination. As of February 2026, there are a total of 26 such criteria.



In legal terms, discrimination refers to less favourable treatment that typically must satisfy two cumulative conditions: it must be based on one of the 26 criteria and pertain to a situation governed by law (such as employment, access to housing, services, etc.).

Discrimination resembles a sandwich:



Legal resources

This guide examines three forms of discrimination:

Direct discrimination: this constitutes an immediate red flag! It is an unequivocal rejection "on the basis of" a prohibited criterion.

Indirect discrimination: a less visible form of discrimination! A rule may appear neutral, at first glance, yet in practice, it may disproportionately disadvantage a group protected under the 26 criteria. If this disadvantage cannot be objectively justified by the requirements of the position and is not proportionate, it is considered unlawful.

Systemic discrimination: arises when an entire "system" (such as an organization, its rules, or established habits) consistently creates disadvantages for a protected group, regardless of any intent to discriminate.

French non-profit organisations governed by the Law of 1 July 1901 are subject to the French Labour Code when they employ staff. Volunteers without an employment contract are not covered by the Labour Code in the same way as employees, but other legal protections against discrimination may still apply.

Volunteers who do not have contracts or receive no remuneration are not covered by the Labor Code. However, they are still entitled to the protections provided under the relevant legal framework governing volunteer activities.

Creating a volunteer charter that includes equality principles helps prevent discrimination and abuse while demonstrating your commitment to acting in good faith.

Discrimination in recruitment, whether overt or subtle, exposes organisations and compagnies to significant legal penalties

- **Criminal penalties:** up to 3 years of imprisonment and fines of up to €45,000 for individuals and €225,000 for legal entities
- **Civil liability:** compensation may be awarded by the Labour Court (for employees) or by the civil courts (for volunteers)





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CONFIDENTIAL





AMIR S.

Age: 63

Retired chartered accountant.

A numbers enthusiast who enjoys helping others.

ABOUT AMIR

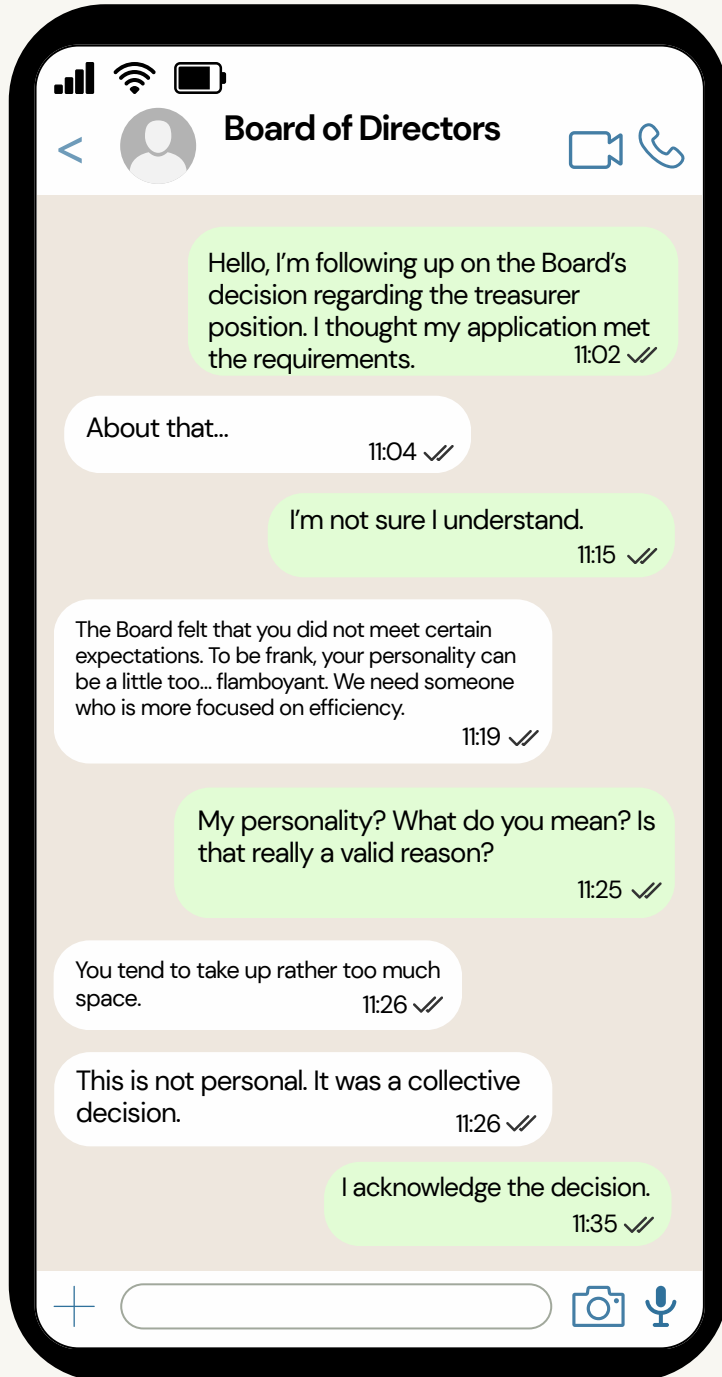
Amir volunteers with an organisation that works to combat poverty and social exclusion.

When the organisation's treasurer resigned, Amir offered to take on the role, drawing on his professional experience as a chartered accountant. Having volunteered with the organisation for ten years, he also hoped to become more actively involved in its Board of Directors.

Shortly after marrying Arnaud, Amir went on honeymoon to Morocco, where his family is from. When he returned, he learned that he had not been selected as treasurer. The Board had chosen Jean, who had joined the organisation only recently.

After exchanging messages with another volunteer, Amir discovered that the Board considered him too effeminate and untrustworthy. Some members believed that he would be better suited to secretarial or supporting roles, where his "feminine sensitivity" could be useful without damaging the organisation's reputation.

After speaking with several women in the organisation, Amir realised that they were also mostly assigned supporting or traditionally "feminine" roles. Despite this, the organisation publicly promotes equality and diversity.



INSPECTION REPORT

VISIT TO THE EUROGATE

FACILITIES



We Want Jobs, Not Same-Sex Marriage



MEMBERS OF THE ORGANISATION'S BOARD OF DIRECTORS



VOLUNTEERS SUPPORTING THE ORGANISATION'S BENEFICIARIES



AMIR S. CASE



Association for the
Combat Against Poverty
and Social Exclusion

Following an anonymous report concerning discriminatory, racist, sexist and homophobic comments and practices within the organisation, the AEPDE was asked to investigate the evidence and the organisational environment and to recommend measures to address and prevent further discrimination.

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DISCRIMINATORY COMMENTS/ACTIONS

[illegible]



AEPDE

Autorite Europeenne
de Protection
des Droits et de l'Egalite

INVESTIGATION REPORT

AMIR S. CASE



2

ACCESS CODE



3

RECOMMENDED CORRECTIVE MEASURES



EVIDENCE CARD



EVIDENCE
N° 01



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EVIDENCE CARD



EVIDENCE
N° 02



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EVIDENCE
N° 03



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EVIDENCE N°1



TYPE OF DISCRIMINATION

Discrimination on the basis of sexual orientation

DISCRIMINATION

☐ Implicit

☒ Explicit

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EVIDENCE N°2



TYPE OF DISCRIMINATION

Racial discrimination

DISCRIMINATION

☐ Implicit

☒ Explicit

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EVIDENCE N°3



TYPE OF DISCRIMINATION

Gender discrimination

DISCRIMINATION

☐ Implicit

☒ Explicit

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EVIDENCE CARD



EVIDENCE
N° 04



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EVIDENCE CARD



EVIDENCE
N° 05



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EVIDENCE CARD



EVIDENCE
N° 06



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EVIDENCE N°4



TYPE OF DISCRIMINATION

Discrimination on the basis of sexual orientation

DISCRIMINATION

☐ Implicit

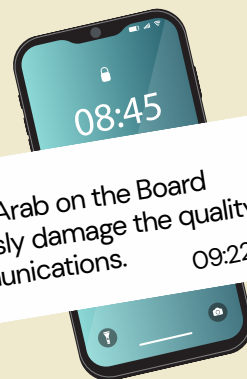
☒ Explicit

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EVIDENCE N°5



TYPE OF DISCRIMINATION

Racial discrimination and discrimination based on sexual orientation

DISCRIMINATION

☐ Implicit

☒ Explicit

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EVIDENCE N°6



TYPE OF DISCRIMINATION

Discrimination based on gender expression and sexual orientation

DISCRIMINATION

☒ Implicit

☐ Explicit

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APPENDIX

RANKING OF OBSERVATIONS



ANSWER -
OBSERVATION 1



ANSWER -
OBSERVATION 2



ANSWER -
OBSERVATION 3



ANSWER -
OBSERVATION 4



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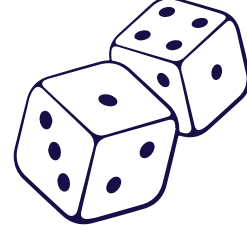
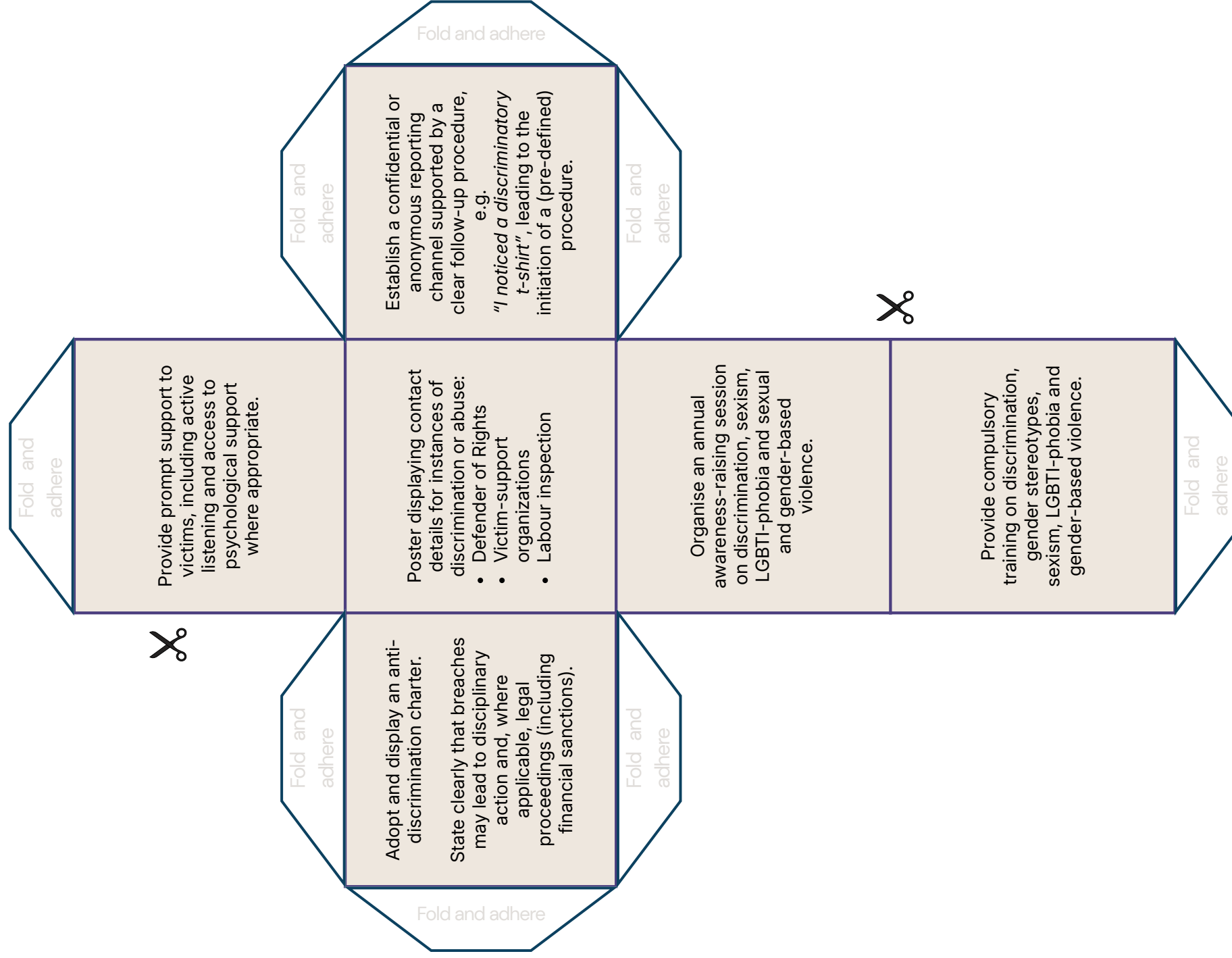
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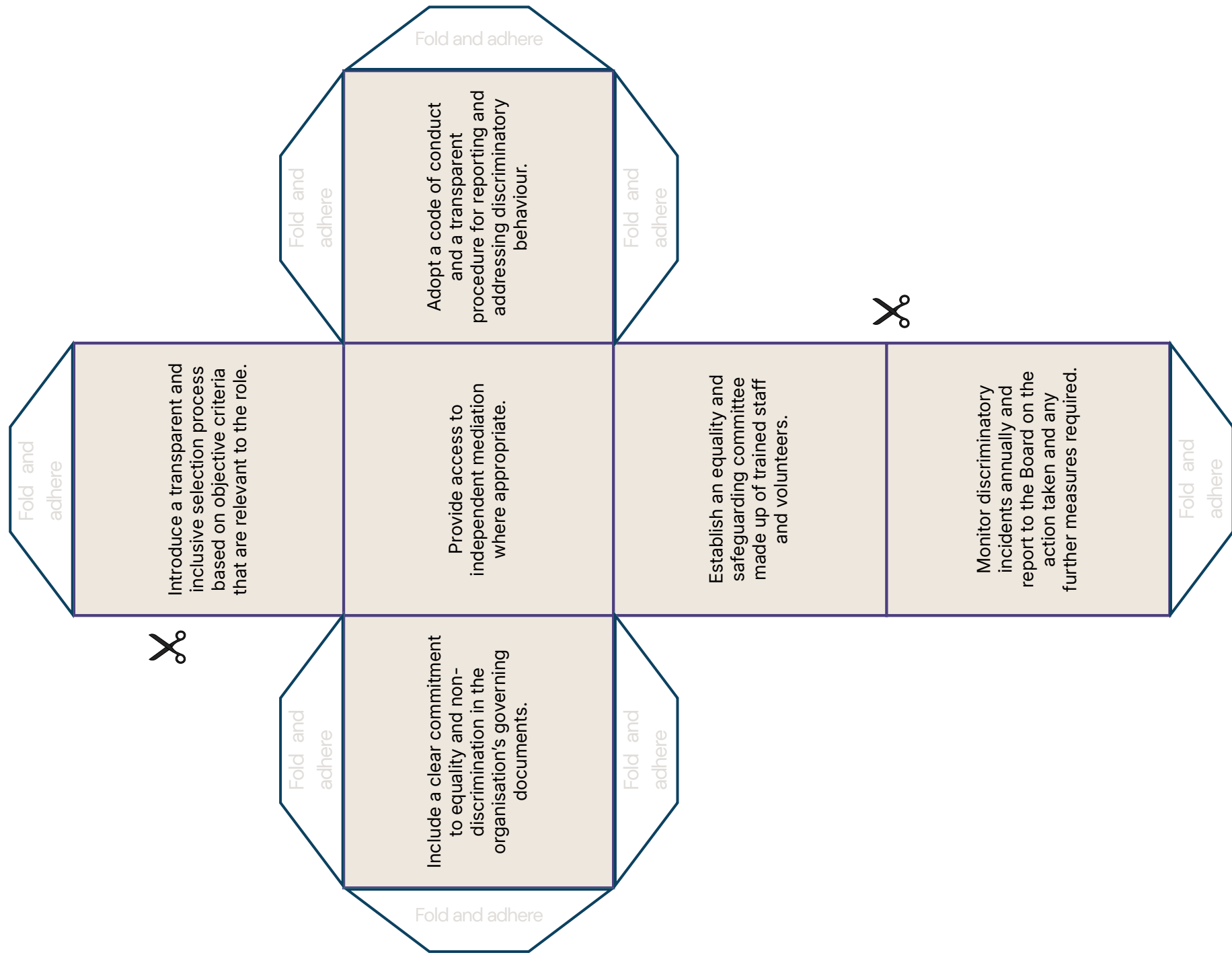
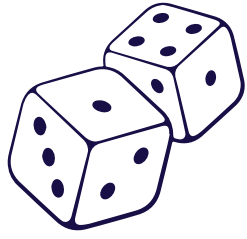
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Together, we are transforming practices to make small organisations in the social and solidarity economy more inclusive.