

Diversity

ДИВЕРСИТИ

A reality check in a global world

Diversity Day - Thursday, May 29th 2008 - Paris

Sciences Po and Renault held an international Diversity Conference in Paris on May 29th 2008. This international event has been built on Sciences Po's and Renault's long-standing actions to promote diversity. For Carlos Ghosn, President & CEO of Renault, "it seems vital to promote diversity in companies, not just from an ethical point of view, but above all because it is key to lasting performance."

The symposium was attended by world-famous academics researching diversity issues and by senior managers of major companies with experience of real-world workplace issues.

Indeed, the shift towards diversity now looks unstoppable.

On August 28, 2008 in Denver, Colorado, the US Democratic Party convention ended a process that will remain a landmark in the history of diversity: the race for presidential nominee between a Black senator, Barack Obama and a female senator, Hillary Clinton.

Let's recall. A few decades ago, the business and political worlds had for the most part firmly shut their doors on racial minorities and women. The doctrine of separate spheres had cemented women's role in the home; non-whites were not considered competent for anything more than menial work.

Racism went particularly far in the United States and South Africa. And women were denied the right to vote until 1944 in France and as late as the 1990's in some Swiss cantons.

The paradigm has shifted. First overt discrimination was attacked. Laws emerged aimed at eradicating disparate treatment based on sex and race. Civil rights acts in the United States undid "Jim Crow" segregation laws and made discrimination in employment, housing and education illegal. At the international level, treaties and charters of the United Nations and European Union banned discrimination based on race and gender, among other categories.

Now the times call for promoting diversity.

Under President George W. Bush's administration, two African-Americans, Colin Powell and Condoleezza Rice, were appointed to the highest-ranked cabinet positions (Secretary of Defense and Secretary of State, respectively) never before filled by members of their race.

In Europe, Chancellor Angela Merkel of Germany has held Forbes magazine's #1 ranking of the 100 most powerful women in the world for three consecutive years. Nearly half of Sweden's parliament is composed of women. In 2003, Wales' parliament became the world's first to boast 50% female membership. French President Nicolas Sarkozy's cabinet is the most diverse in French history, with Christine Lagarde as minister of economy, and Rachida Dati, a female of Moroccan origin, as minister of justice.

A 1999 amendment to the French Constitution requires 50% female representation on party electoral lists. Norway goes further: mandating 40% female membership in the parliament. And in the United Kingdom, the government is currently debating new measures to increase the number of women, disabled people, and black, Asian and minority ethnic people appointed to the boards of public bodies, so that they better reflect the British public.

Women and minorities have also made some headway in the business world. In 1999, Carleton (Carly) Fiorina broke ground when she became the Chief Executive Officer (CEO) of Hewlett-Packard, a Fortune 500 company. Oprah Winfrey, the world's richest black person (and woman), posted a net worth of \$2.5 billion in 2007, according to Forbes. And Anne Lauvergeon is CEO of Areva, French leader of the nuclear industry.

How does diversity in the workplace, in government and society at large make a positive difference?

The late Benazir Bhutto, former prime minister of Pakistan described the different perspective she offered as a female politician, «As a woman leader, [...] I brought a different kind of leadership. I was interested in women's issues, in bringing down the population growth rate ... as a woman I entered politics with an additional dimension, that of a mother.»

For businesses and other large organizations, diversity brings "more and different ways of seeing a problem and, thus, faster/better ways of solving it," according to Professor Scott E. Page at the University of Michigan.

With regard to diversity in education, large American companies have urged that a varied student body better prepares future employees to compete in a global marketplace, and even the U.S. military has argued that educational diversity yields officers better trained to lead a racially diverse force.

So the move toward diversity is not only an ethical debate. It also raises practical questions like increasing efficiency and productivity.

For sure, the shift towards diversity is not unchallenged. But it now looks unstoppable.

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INTRODUCTION



Elizabeth TCHOUNGUI

Elizabeth TCHOUNGUI, journalist and moderator of the conference

This event is an opportunity to discuss and explore diversity – diversity put to the test of reality and at the global level. While this is certainly not the first time the topic has ever been dealt with, we all have different viewpoints on diversity and it is important to voice and contrast them. At the same time, all of the participants have one thing in common: they have studied discrimination in all forms (positive, negative, direct and indirect) and based on all grounds (race, age, etc.), and see the topic with a discerning eye.

Each of the four Round Tables held during this event will focus on a different aspect of discrimination: racial diversity versus culture; diversity and the economy; diversity, equality and difference, focusing specifically on gender and age; and finally, diversity and globalisation. The event will conclude with a summary and comments on the day's discussions.

Linda Hamilton, Professor at the University of California and Berkeley, and Carlos Ghosn, President of Renault, will chair the final segment.

WELCOME SPEECH



Richard DESCOINGS

Richard DESCOINGS, Director, Sciences Po Paris

It is my great pleasure, as Director of Sciences Po. Paris, to open this colloquium with Renault, thanks to which a topic of particular importance to our Institute is being broached today.

For more than one decade now, we have worked, from many directions, to achieve a simple but immensely difficult objective: to put together a diverse student body and faculty, bringing out a wide variety of talents and gradually bringing about the understanding that it is by looking differences and others in the eye that progress is made and that institutions, whether public, private, governmental or non-governmental, can never perform as well or be as fruitful as when they have successfully achieved diversity.

Indeed, diversity is a challenge and can be deemed a success when achieved. If this were not so, why would our respective countries need strong-handed incentive policies to make enterprises, government agencies and political arenas diverse? Why would the most basic form of diversity – that between men and women – still give rise to discussion in 2008, in France, as to the place of women in our society, companies and governing structures? Why would a sense of discrimination – on the grounds of culture, gender, race, belief, religion and, perhaps one day, opinion, still exist?

We put together this event knowing that we share values and have a concrete objective in common. Instead of falling into the trap of empty promises, let us reflect together, as professors, academic researchers, company leaders and university deans, to determine the boundaries between equality and anti-discrimination, difference and otherness. The aim is not to fight against differences for we are, thankfully, not clones. Rather, it is to identify the behaviours, methods and, possibly, standards that would make it possible for diversity to be considered not a fearsome phenomenon, but an extremely positive factor for success in universities, corporations and society as a whole.

One of the reasons for which France is not faring as well, if only in economic terms, as many of its partners, is because our country asks a lot of questions. The reality is that there is a great deal of conflict and the feeling that success is not drawing any nearer and that people are not living in harmony in our society is painfully acute.

My thanks go, once again, to Renault, which gave the impetus for the event, to its President, who will do us the honour of being present this evening, and to the Renault teams that worked a great

deal with Sciences Po so that this event could be a success. Like Renault, we are clear-headed and are very concretely determined to succeed. Anything else would be unacceptable, whether for a company or a university, though perhaps universities are at a disadvantage in that they take more time to react.

The Round Table discussions raise questions that are not necessarily addressed in the French public arena. The President of France has instituted a Committee chaired by Simone Veil, in charge of considering possible change to the Preamble of our Constitution. The Americans present know that discussion about fundamental rights is hardly an effortless process and that Constitutions cannot be changed with a snap of the fingers.

One of the terrifyingly difficult questions raised, whether for the mind or the legal system, is the concept of diversity itself. French legal and political tradition does not provide for recognition or any easy structuring for diversity. Our society, State and very conception of matters state that those bound by a social compact are citizens and individuals. Yet part of the population does not look very kindly on the concept of communitarianism. We do not like to take count in France. A very recent Constitutional Council Decision proved it, which has prohibited what other countries call “ethnic statistics”. From a practical standpoint, and with all due respect for intellectual debate, this will not do much to improve the fight against discrimination, for how else would it be possible to measure the effectiveness of anti-discrimination efforts?

To summarise, today’s event has anything but artificial or ordinary. Moreover, it marks the emergence of a very strong alliance with a major corporation, Renault. I would also like to thank France 24, which has done a great deal for us. I wish you compelling discussion.

Elizabeth TCHOUNGUI

Robert Post is Professor of Law at Yale University and a prominent figure at the Institute and American Academy of Arts and Science. He has published several works, some of which focus on the topic at hand today (one deals with the law and protection from discrimination in the United States). Indeed, there can be no talk of diversity without discussion of bias, first, and his will be an excellent foreword to our work on diversity.

DIVERSITY AND BIAS



Robert POST

Robert POST, Professor, Yale Law School

It is an honour and a great pleasure to be here with you and I thank the organisers for having invited me. Diversity is not an easy topic to discuss.

ANTI-DISCRIMINATION LAW IN THE UNITED STATES

The fight against discrimination began in the United States, along with its legislative component, because of our history - a tragic history of racial discrimination, slavery, prejudice and sexism, left to us as a legacy. What is referred to as “secondary structure” began in the 1960s, and was aimed at protecting individual access to the labour market. My discussion today will focus on that market.

Job applicants were addressed according to certain characteristics or traits (gender, race, etc.) that had little to do with their work skills. A number of legislative avenues have been considered to put an end to these injustices.

The first was to legislate in such a way that the employer was required to act as though the trait or characteristic that had given rise to discrimination no longer existed. This meant prohibiting decision-making on the grounds of gender, race or any other characteristic that might indeed spark prejudice or rejection. In Michigan, for instance (let us bear in mind that each of the 50 states has its own laws and regulations prohibiting discrimination), the employer must remain “blind” to religion, skin colour, age, gender, weight, height, family status and nationality. Some have gone further, making it mandatory to refrain from decision-making on the grounds of certain conditions to which a person is subject, whether by birth, accident, illness or any other event beyond his control, including physical characteristics.

More recently, anti-discrimination efforts have extended to what is known as “lookism”, in the United States, meaning discrimination on the grounds of a person’s physical appearance. For, in the workplace, attractive people sometimes do benefit where ugly people do not. Likewise, a police officer in the street may respond differently, depending on the appearance of the person before him. Some women have actually stated that they would rather marry a bankrupt person than one who was obese. Where physical appearance is involved, as with gender, sexual orientation, religion or age, the issue is bias against visible criteria, which takes precedence over skill, because of the deciding party’s prejudice.

How can such discrimination, against an individual’s body or appearance, be prohibited? A job applicant can hardly be expected not to have a body. Classical orchestras, in an attempt to prevent discrimination, have applicants audition behind a screen, so that appearance, gender and race remain unknown. Yet, at the same time, this makes the applicant into an instrument of sorts, and the worker will ultimately be nothing but what the employer needs, stripped of humanity. For that which is human are the person’s body, appearance and face. Yet, in the name of anti-discrimination, that is killed off and the person becomes an instrument – a bundle of abilities and skills, which are to be put to work for society. There is real reason to be concerned when we see American anti-discrimination laws de-humanising individuals, just as they step forward to express themselves.

DIFFICULTIES RAISED BY THE NORTH AMERICAN APPROACH

Ideological Opposition

As shown above, in extreme cases, anti-discrimination law, while unveiling and targeting a specific and real problem, can ultimately bring worker instrumentalisation back to the fore. Is it desirable

to institute employer-employee relations based solely on instrumentalisation? This would not be healthy, hence the criticism to which this approach has been subjected.

Another, more subtle, criticism has been made, asserting that the dominant thinking in anti-discrimination today creates an artificial image of the employee, for there are no employees in the form sought by anti-discrimination law: employees separate from their own bodies, personal characteristics, gender, sexual orientation, or other criterion. The law would have them separated from their own attributes. At the same time, such employees would only exist in the workplace, recovering their characteristics at the end of the day. In other words, the United States' anti-discrimination law today cannot treat people as they are in reality, as they see and identify themselves.

The third very important point is another barrier: the dominant view of anti-discrimination law is that the legislation is a form of rationalism, instrumental rationality, or functional rationality. Yet it is not, for the notion of rationality implies that the law is a myth. Indeed, the legislation, when viewed this way, cannot broach the functions and functionalities by which serious consideration could be given to the social meaning of gender, age or any other characteristic out of those I mentioned.

Examples from Jurisprudence

If a fund transport company were to refuse to hire women, on the claim that its customers would no longer entrust the company with their money, as women might be less capable of protecting the funds, this is a justification, but not a rational one. Likewise, law firms often refrain from making women partners, because they are reputed as not strong or aggressive enough to go before the courts. This is prejudice in action. If customers indeed had such prejudice, the functional conclusion would be to stop hiring women, but this does not mean that it is acceptable under the anti-discrimination law. Hence, while anti-discrimination is presented as being functional, it is not. This is something completely different. Customers must learn that women can protect funds in an armoured vehicle, that they can perform well in the workplace and be as helpful as a man. This implies changing mindsets and shifting the social narrative so that the meaning of gender is no longer what is currently encompasses. This is not a functional aim, but a non-functional one.

Anti-discrimination law is not functional; it is an image of the law as a paradigm for change. This is an entirely different prospect. We imagine that the law is transformational, but at that point, it begins to enter the realm of the social, where domination and prejudice exist. It would like to remain purely functional and instrumental, but must return to the social and change it. In that sense, it always remains in the field of history – for the law can never transcend history, nor escape it, and it cannot remain in a purely functional rationality. This is a mistake and, in any case, impossible to achieve.

The implications behind this are very deep. The law, which aims to transform, cannot put an end to gender, race or other characteristics. It would like to change the social meaning of specific characteristics and personal appearance, but struggles to do so. It can appear very abstract. For instance, our anti-discrimination law prohibits employers from treating an employee in a different manner because of gender. Let us assume now that a bank has told its employees that they must be dressed in an appropriate manner. The bank feels that women may wear a dress to see and talk to clients, while men may not. That is a difference – the woman may wear a dress, but not the man. The justification is that clients would be offended if the man they came to meet were wearing a dress. This is a sexist and stereotypical reaction.

The same goes for the clients of a lawyer who said that they did not want to be defended by a female lawyer, as a woman would not know how to handle the situation. Once again, the problem lies in customer bias, and I will bet that not one court in the United States will strike down the rule as unfair. Quite to the contrary, it will be consolidated, and when cases arise, the lawyers will come

out with their jargon. They will claim that the grounds for the discrimination are not sexual. The courts cannot say anything about such cases, for the same happens as with the armoured vehicles or when law firms do not want to hire women. Consequently, there may be rational functionality where gender-based discrimination is concerned, yet in the dominant model, the law has nothing to say and can only ignore everything.

In the aforementioned case, most people would describe it as a normal and appropriate difference that men should not wear dresses. The lawmakers, law enforcement agencies and judges will certainly say the same. There necessarily exist socially-rooted norms and this is a norm in connection with gender. Now, however, there is a plan for change. We live in a society where women and men are supposed to be equally-good lawyers, but they cannot dress the same way. Thus, the norms can be approached from either direction.

CONCLUDING QUESTIONS

What can one do, from the social standpoint? The dominant anti-discrimination model, which calls for blindness to possible factors for discrimination, states that we cannot respond because gender does not exist. The transformation model which I suggest, in contrast, asks the question differently: what kind of gender do we want and what kind of gender norm do we want to use, implement, maintain or change? That is where the issue lies and the topic of debate I suggest to you.

Moreover, is the law an appropriate instrument for changing what we want to change? Today's discussion will most certainly bring out different objectives in anti-discrimination: equality (assuming that there is a single definition of equality); fair distribution (assuming that it can be measured); diversity; multiculturalism, etc. These are the extremely important questions that we must raise and from which we must position ourselves. However, we cannot do this successfully until we recognise that the dominant anti-discrimination model in the United States is one of blindness. We can create a blind law if we wish to, but I am not so sure that is the right avenue.

ROUND TABLE I - RACIAL DIVERSITY FROM ONE CULTURE TO ANOTHER



Elizabeth TCHOUNGUI

It is an excellent idea to establish a connection between race and culture, universality and diversity. Each of the speakers will be allowed ten minutes to make their presentations. These will be followed by comments from representatives of the corporate world and, to conclude, a debate.

RACE, CULTURE AND AFFIRMATIVE ACTION: THE CONFUSION BETWEEN RACE AND CULTURE IN THE UNITED STATES

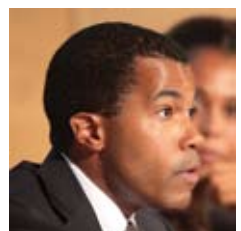
Richard FORD, Professor, Stanford Law School

Thank you all for attending. My thanks also to the Institut d'Etudes politiques de Paris for having invited me. I will discuss the emergence of the concept of diversity in the United States, including some critical thoughts. I am by no means critical of affirmative action or integration, but indeed critical of how we operate in the United States, as pointed out by Mr Post, and I wanted to warn you against certain trends which I see as moving in the wrong direction in the United States.

WHAT IS DIVERSITY?

The idea of diversity as a reason to engage affirmative action in universities emerged when legal systems began to challenge the policy. In other words, universities were eager to be able to use affirmative action, and took diversity as a handy excuse, especially as the Supreme Court's rulings on cases in this area do not reflect a clear definition for diversity.

I would define diversity as racial integration serving educational purposes. Diversity can thus be



Richard FORD

cited by a university as a concrete aim, only if there are real benefits, and if the education provided will benefit from that racial integration. Naturally, when affirmative action is implemented, it results also from a legal decision.

In the United States, the idea of diversity as an educational value has been put on a pedestal that it does not deserve, due to the Supreme Court decision, and possibly the single judge who wrote it, that took place in 1978. A student had gone to court against the University of California, for he believed he had the required qualifications, when other people had been admitted even when they were not qualified, due to positive discrimination. It was thus decided that the university was allowed to institute an affirmative action plan, if the aim were to promote diversity. It can be believed that there are different norms, values and perspectives depending on race, in that case, or simply different cultures. With this ruling, the concept that race equals culture came crashing down.

SHAPING A DIVERSE SOCIETY

Racial diversity is desirable because there exist different backgrounds and cultures and because this will enrich life in universities. This alone would be a good and logical reason for affirmative action, but it is not the only one: in 1969, for instance, the Stanford School of Medicine stated that its aim, through affirmative action was to do away with racial discrimination in society at large. The Admissions Board therefore took it upon itself to measure the motivation of minorities having suffered from racially-based obstacles and to give them priority.

In 1976, the Dean of the School of Medicine added that affirmative action would help the minorities, particularly in light of the worsening problems in the ghettos. Others asserted that action must be taken to ensure that there are doctors from races other than the dominant one. Today, not only would such action be impossible under Constitutional law, but it is considered unfair. One door remains open: Justice O'Connor stated that universities may have no other objective but to broaden their student base and educational value, yet allowed that diversity can be an aim as well. She stated that applicants should be able to emphasise their contribution to society as a member of a minority community.

This appears to mean that minorities should assert and magnify their cultural differences - an overly literal application of the theory. Yet, indeed, students applying to universities commonly seek out coaching and learn to tell of their "unique" or "special" doings in connection with their "racial" features, ranging from appreciation for Grandmother's cooking to knowledge of sign language, or a special study on the slang of Paraguayan communities in Washington. Ultimately, however, this means only one thing: that there is increasing focus on diversity and, thus, increasing uniformity, around that topic, all because the Supreme Court stated that universities could not take affirmative action except to promote diversity.

The time has come to engage real debate on the meaning of diversity (racial, gender-based, etc.), why it should be championed and how it can be promoted. The Supreme Court's ruling was, in my view, more of a curse than a blessing. We need racial integration and, thus, affirmative action, for far more reasons, and not only those put forth by Justice O'Connor and the Supreme Court. I ask all of my colleagues to take these considerations into account.

AFFIRMATIVE ACTION IN FAVOUR OF BLACK MINORITIES AND INDIGENOUS POPULATIONS IN BRAZIL

Dr René Marc DA COSTA SILVA, Professor of Law, UniCeub (Brazil)



René Marc DA COSTA SILVA

DISCRIMINATION IN SHEEP'S CLOTHING

Discrimination in the workplace, the topic of Professor Post's presentation, is commonplace in Brazil. When companies require a "good physical appearance", they mean anything that is not black. Indeed, though Brazil appears to be a multi-cultural country where differences are experienced positively, the reality is not quite that way.

I would like to discuss a type of discrimination that is far more understated: tutelage. Today, tutelage has become something that empties a country, of its decision-making power, its individual's capacity for autonomy and its own will. In Brazil, the existence of a consumer protection association would be meaningless, for the consumers in question have been deprived of their will. Individuals have no more civil responsibility or initiative-taking capacity. Tutelage takes individuals' qualities from them and makes them an empty animal.

Today, the phenomenon pervades Brazilian society, with specific social groups subject to the domination that tutelage entails. Women, for instance, are dominated in that it is customary not to interfere in others' marital issues, with the implication that the man will settle the problem, the woman not having the independence needed to settle the conflict in an egalitarian manner. The so-called communal populations in Brazil, which lived in shared-property systems, also suffer from this phenomenon.

CONSTITUTIONAL EVOLUTION AND PUBLIC POLICY: GOING AROUND IN CIRCLES

Since World War II, international law - following in the footsteps of human rights, which have gained political power and legitimacy as a means of defending the rights of individuals and the oppressed - is becoming a significant tool for changing the norms in existence in nation-states. Brazil is no stranger to this phenomenon, many of the agreements signed by the Brazilian government having submitted to the very clear influence of international law. This has led to a redefinition of the country's constitutional objectives and the resulting need to re-direct relations between the Brazilian State and those who are ethnically-distinct in its society. This appears clearly in the 1988 Constitution crystallising the said relations.

In Brazil's legal and constitutional history, the 1988 Constitution was, indeed, a turning point with respect to the previous system. It recognised the Brazilian State as a multi-ethnic state and not only one structured around a supposed homogeneity. From this concept, starting in 1988, the idea emerged in Brazil that the law produced by the State could not be considered unique. Not only has legal multi-partisanism reached a certain level of importance and legitimacy in this process, but other concepts in law have also gained importance: concepts resulting from the social realm, concrete practices implemented by agencies and associations, or the everyday lives of the people and their demands. All of this has made it possible for criticism to emerge against what was seen as the intrinsic limits to legal positivism, considering that, in the country's constitutional history, the latter has always melted the various minority groups in society together, into the globalising society of a population apparently considered homogeneous, without taking into consideration possible specificities.

As criticism of a national history erring on the side of national homogenisation, the assimilation prospects of indigenous peoples grew weaker, as did their opportunities to integrate into a society that acted as one. New ideas then emerged, guided by human rights and difference, recognising cultural and ethnic diversity, and inevitably sending relations between the State and peoples down a slippery slope. This opened up significant gaps in hegemonic power structures, thereby enabling the development of actual legal and social protection mechanisms for the ways in which differences are expressed, experienced and seen – differences which the political arena defined as “other” sources of power.

These instruments have become significant tools for ethnically-distinct social groups, yet at the same time, these new directions open up the arena for a discourse shaped by the need for initiatives and measures that promote equality and dignity in the said social groups. However, it has not been possible to make what would appear as a defined ethnic policy viable in political power. In contrast, at a time when a major advance was being made in the State’s framework toward an ethnically-focused policy, or even instituted government action, it did not happen. Instead, the political action aimed at the indigenous populations has consistently been disconnected, fragmented, interrupted and ill-organised. The disorganisation has reached the point that it is impossible to hide, in specific State systems and in the bodies in charge of dealing with this issue.

How can we consider this apparent paradox, without making mistakes that, often, become traps in the discussion process? We are a society born of an original colonial status, which has led us to combine diverse components of different cultural backgrounds, producing and forming a highly-specific tradition. In this sense, we feel that the State and society operate in syntony and in harmony. The State not only institutionalises old and new mechanisms, along with old and new power systems (themselves derived from a social structure organised, from the outset, in an exceedingly hierarchical and unequal manner) – but those who run it have always worked to produce and reproduce that structure, including the mechanisms of Western European origin.

In its colonial experience in the Americas, Portugal encouraged a specific type of local development and regionalisation process, aimed at disciplining, homogenising and controlling others through power. Institutionalised law played a decisive part in this governmental standardisation process. The uniqueness of this historical process sheds light, first and foremost, on how Brazilian society in general and the State, in particular, saw – from as early as colonial times and up to very recently – ethnically-distinct differences and how they positioned themselves with respect to them. This was a specific and nonetheless nuclear way of exercising colonial or post-colonial power and this clearly shows through in the tutelage mechanism and how it plays out.

Tutelage, within this matrix of strategies, is one of the main control mechanisms, considering that it is based on transferring one individual’s autonomy, initiative, rights, capacities and prerogatives to another individual. Tutelage, in our view, cannot be described as just another instance when State and society quibble over power. We see tutelage as the fruit and concrete outcome of the way in which the former Portuguese colonial system structured in Brazil, the way it organised itself from the start and how its ideology and culture became organised within Brazilian society. We are indeed living in a post-colonial society seen as a whole. It is from this culture and mindset of pervasive tutelage present throughout society that we endeavour to translate modernising components and international legal innovations. Most often, we set them forth to reproduce the traditional hierarchies and political, social and economic inequalities that remain stubbornly present in our Brazilian society.

AVENUES FOR REFLECTION

Within the limits of this framework, it is up to us to reflect on the complex process by which the demands of a globalised world can interconnect with the needs and priorities of local communities. In it, the unique perspective of Brazilian tradition occasionally sets about strategically broadening the national and international legal parameters – each of which is a reference point for relations between the different political or bureaucratic agencies with traditional communities. This process furthermore forces the State to strategically redefine power systems to settle specific situations, whether in relations between government agencies and the communities, or in managing State relations between agencies and national or transnational enterprises.

These agencies prove very clever when it comes to translating and channelling parts of the Constitution into their end-purpose, which is to produce, preserve and reproduce the hierarchical colonial structure of power, values and horizons. Its agencies are not obsolete, as is commonly believed; they work very well. The key lies in incorporating the ineffectiveness of outdated procedures into post-colonial strategies, in a State that gives concrete content to general social awareness of tutelage. This will result in the conversion of a multiplicity of principles into a hierarchical and unequal language.



Edmond PRÉTECEILLE

SOCIO-TERRITORIAL DIVERSITY: SOCIAL ISSUES

Edmond PRÉTECEILLE, Researcher and Professor, OSC-Sciences Po

Unlike other speakers, I will discuss not so much law or the general vision from which public policies may arise, but rather the current state of affairs – the effects of discrimination and ethnic and racial diversity in France. This issue is just beginning to be addressed in public policy.

There is a degree of distortion and relatively significant misunderstandings as regards the wisdom of nations, so to speak, as portrayed to us by the media and public policy debate. I will discuss the example of urban segregation in major French cities and, in particular, in the Paris metropolitan area.

The issue of segregation has always been portrayed on social foundations – economic and social – but, starting in the 1980s, the ethnic and racial dimensions were more and more frequently recognised. A new type of immigration was coming to our cities and the issue became of fundamental importance. Little by little, this dimension of segregation began to be taken into account and was even considered the essential dimension in the social problem, even though it was not always recognised in practice. In this sense, public policy is often hypocritical. City policy encompasses the suburbs where a large number of deeply-rooted social problems exist, along with the issue of social grouping and the concentration of immigration. Yet the official criteria for defining those zones, and even the percentage of immigrants, is not listed in the policy; instead, other problems are discussed, hence the criteria used are different, and may include unemployment.

IMMIGRATION AND IMMIGRANTS: DISTINGUISHING REALITY FROM MYTH

Two misconceptions tend to prevail where segregation is concerned: that immigrant segregation has experienced a very strong surge; and that the said segregation has led immigrants, with those from the Maghreb countries and Sub-Saharan Africa forming the majority, to cluster into ghettos today formed of project housing. Both these ideas spring from a negative interpretation of the immigrant situation today, which can be summed up as communitarianism. Indeed, many politicians today believe that immigrants are currently concentrated in these ghettos because they want to be, and live together for religious or other specific purposes.

In reality, the immigrant population is more diverse than is commonly-believed. Immigrants from the Maghreb and Sub-Saharan Africa account for only 42% of all immigrants in the Paris-area projects, when popular belief would peg them at 100% of both immigration and immigration-related problems. They typify post-colonial immigration, but in fact, the Portuguese are the nationality most represented amongst immigrants. They are also waves of post-colonial immigration from China, India and Pakistan and, hence, other nationalities taking on a growing place.

Let us turn now to the degree of segregation, measured by comparing a group of immigrants with the population born in mainland France: the rate is 2.4% for Portuguese immigrants, 0.32% for Algerians, 0.35% for Moroccans and Sub-Saharan Africans; and on the same level for Pakistan, China etc. Turkey, with a smaller group, posts higher segregation rates, at 0.45%. Meanwhile, those who are subject to discrimination for ethno-racial reasons, despite being French citizens, simply because they were born in overseas France (e.g., Martinique or Guadeloupe), post a rate of 0.28%, below Algerians.

As regards trans-segregation, the situation remained stable in the 1980s and grew slightly and noticeably in all groups in the 1990s.

Finally, the belief in a tendency for immigrant populations to form into ghettos is simply false. There may be instances of concentration effects, where small municipalities of 2 000 inhabitants end up with an immigrant population of 50%. Such figures are indeed very high for France, but occur very rarely. Even taking into account the second-generation immigrants, meaning children still living with their immigrant parents, the figure rises to a maximum of 20%. Fewer than 20% of them can be reported as living in places where the concentration of immigrants is greater than 50%. In other words, for most immigrants, the urban experience is a blended environment in which they are in the minority.

IMPROVING OUR KNOWLEDGE

Clearly, our knowledge and science have led us to error. Immigrant concentrations exist, along with the poverty and unemployment they entail, and this indeed leads to problems for the citizens, particularly in the Paris region. Public policies have been trying to find a solution to this since the 1980s. However, the real but limited concentration of immigrants in certain neighbourhoods hides other realities.

There is a slight increase in immigrant segregation even in multi-ethnic areas, even though this trend remains half as high as in American cities such as New York or Chicago. Moreover, whereas in the United States, most blacks live in primarily black neighbourhoods, most immigrants in France live in mixed neighbourhoods, where they are in the minority group. Nonetheless, the ghetto problem remains serious and goes beyond the socio-economic issues which public policies are looking to curb. It is more serious than that of manual workers, who undergo the most severe segregation of all in socio-economic terms. There is more ethno-racial segregation than there is economic segregation in the working classes, hence it can be said that the socio-economic issue is not decisive.

Looking specifically at the underprivileged suburbs in the Paris region, there is not so much separation between communities as there is a difference in areas of opportunity for immigrants. The situation is complex, involving multiple discriminatory processes, which encompass the labour market, employment, the workplace, housing and housing authorities. The socio-economic category that tends to broaden the gap between manual workers, on the one side, and immigrants on the other, is that of private enterprise professionals: managers, engineers, sales associates, etc. They are residentially removed from the working and immigrant classes, but also in terms of social relations.

The final distinction that needs to be made is that between generations, specifically the question is: how to handle the second-generation immigrants born in France but still living with their parents. This will become an issue from the next census, to be released in the months to come or next year, and unless it is dealt with effectively, there will be no way to determine whether the situation has become more serious or not.



Erik LELEU

Erik LELEU, Director of Human Resources, Vinci

I was very receptive to Robert Post's presentation and the concept of customer bias. Building from that, I would like to emphasise that there also exists a form of internal customer bias. When diversity is brought into an enterprise without prior effort to prepare the professionals involved, whether internal customers, external customers or suppliers, there is a 50% chance that things will go wrong. The most appropriate medium for taking this further is the company framework agreement.

STARTING POINTS

My own background cannot be said to have been conducive to my reaching a position such as the one I am in today: whereas I work among engineers, I am a former teacher of history and geography; I weigh over 110 kilograms and I am not from Paris. This is proof that Vinci was already somewhat prepared for diversity.

Vinci Group employs around 160 000 people and is said to be the world's leading civil engineering contractor. While these statistics would appear to make diversity a matter of fact, in reality, 85% of the workforce is in Europe and 70% of that population is in France. At the same time, the Group is hiring at amazing speed. Last year, 24 000 people were hired across the world, 12 000 of them in France, and the same is expected to happen this year. Moreover, 50% of the workforce today was not present five years ago, either for organic or external reasons. The Group is developing very quickly, whether in terms of economics or its success. It employs men and women and, considering that much of its work is manual, the notion of team spirit is essential. From the top of the Group down to the construction sites, the Group is people-focused and all of its employees are intuitively aware of this.

Two postulates spurred us, with the impetus of our Chief Executive, into the fight against discrimination in all forms and the effort to promote diversity:

- we are deeply convinced that economic success cannot come without success at the level of the individuals, and "the greatest successes are those that are shared";
- secondly, society's problems do not stop at the Company's doors, and the Company is responsible for addressing them, heartily.

METHODOLOGY

For over two years, we have been involved in this battle. The Group being highly-decentralised, the philosophy and direction are set out centrally and it is later up to each subsidiary and enterprise to make them their own. The five-point plan is informally referred to as Xavier Huillard's Manifest and focuses on: vocational training, hiring (only open-term contracts are allowed), employee shareholding, citizen commitment and diversity.

In the field of diversity, four fields are discussed:

- disability,
- gender equality,
- senior citizens,
- and immigrant populations in general.

With my academic background, I listen to the engineering managers around me and hear a great deal of truth: in particular, progress cannot come without measurement. And, though French law prohibits any measurement with regard to personal data, I believe that we cannot stand by and

wait, as the French so often do, for the law to tell us what we should and should not do, particularly French law is nothing but a series of hastily-adopted rules and remedial texts to correct the former.

At Vinci, we chose to call upon Vigeo, a corporate social responsibility measurement firm, to help us improve our performance. Sophie Debost, one of its representatives, whom I greatly appreciate, is here today. We requested that our subsidiaries be audited in four areas of ethnic diversity, including immigrant populations, through a range of questionnaires addressed to management, staff, employee representatives, etc. Three points in particular were checked: is the policy widely-known and taken on-board?; is it being deployed on the ground?; are there results? All of the subsidiaries were rated on each of the three questions, in all four fields, with red being “very poor” and blue being “exemplary”.

The process began from the end of 2006. 40 subsidiaries have been audited and 40 more are undergoing audits this year. We are in the process of setting up training for our own internal auditors, who will be responsible for carrying out some of the follow-up reviews, a vital part of the process to ensure that good performance is sustained over time. The same auditors will perform the initial audits on diversity, as well. The results from the first 40 subsidiaries were announced at a press conference by our Chief Executive, with a Vigeo manager.

NEW PERSPECTIVE

For the time being, it appears that much remains to be accomplished. In the publication of the findings, “Equal Opportunities, A Review”, the chapter on immigrant populations shows that with regard to both familiarity with the policy and posting of policies, we were rated 3, or “green”, meaning at the second-highest level out of four. However, in terms of deployment and results, we are far from the mark. While we do have a large number of people of immigrant-origin working on our construction sites, we cannot be content with that. Similarly, while there is an explanation to the high number of French workers in our motorway or parking lot operation companies – namely, that recruitment is done in France and, primarily in rural areas, where the population is predominantly white, and furthermore, on the basis of co-opting – we recognise that we can make progress.

The Vigeo study opened our eyes to the fact that co-opting, in this area, is more of a hindrance than anything else. Similarly, we were made aware that our construction sites may have large number of North African workers, they are rarely supervisors or foremen. The question of agency heads was not even raised. It was obvious that action had to be taken, and we did so by:

- instituting continuing training programmes, for hundreds of our managers as well as people in human resources, on criminal liability with respect to discrimination;
- awareness-raising through communications campaigns as well as diagnostic questionnaires to encourage people to think about the issues;
- training sessions on diversity, offered all the way down to the employee representative level, to create a deeper vision of diversity and open people up.

To summarise, though we clearly have to progress, we have shown our goodwill and determination to achieve, such that quality is no longer an exterior aim, but an integral part of our way of operating. Now, it is time for diversity to become incorporated into our DNA.



Dudu HADEBE

Dudu HADEBE, General Manager Diversity, L'Oréal, South Africa

From what I have heard from the other speakers, it is indeed very encouraging to see that communication about diversity is opening up. In South African history, difference rather than commonality, that exists amongst communities was promoted. Legislation allowed for a perpetuation of an unsustainable domination of a minority group over another. In 1994, the Rainbow Nation was born – a magical event – where the ideal spirit of diversity (acceptance of difference, beauty of difference), equity, reconciliation was born and remains a guide for the South Africa and her people forward, in the knowledge that we are interdependent. Diversity must be harnessed. Diversity is our advantage. Diversity is our future. Diversity will help us move forward.

As a company, diversity is a founding value of L'Oréal. It is at the very heart of our business and activities and thus gives us advantage. It is an important pillar to our success in the 21st century: in business, as a model company and as citizen of the world. In a dynamic, complex evolving continent of Africa, we trade as part of business community where the scope of diversity environment is regulated by government in an effort to expedite change – in South Africa the laws include - 1998 Employment Equity and Skills Development Act; 2000 Preferential Procurement Act; 2007 Broad-Based Black Economic Empowerment Act. BBBEE – Codes of Good Practice, has 7 key measures namely:

1. Ownership (shareholder profile),
2. Management Control (board, top management),
3. Employment Equity (mobility, gender, race, disability etc),
4. Skills Development (training, learnership),
5. Preferential Procurement (supplier diversity),
6. Enterprise Development (entrepreneurs, SMME's),
7. Socio-Economic Development.

Whilst the codes of good practice have now been formalised via legislation, already in place, in L'Oréal South Africa, are programmes that recognise our world, our consumer, our community. An example of an external and internal diversity L'Oréal programme already in place include:

1. External – AIDS Community programme – HAIRDRESSERS' AGAINST AIDS

As part of the educational and social development programme, the Soft Sheen Carson team of hair technicians, stylists and educators volunteer 1-day to go out to community to raise the awareness, sensitivity and support for people 'living' with AIDS/HIV (includes orphans having lost parents to AIDS).

2. Internal – UBUNTU – Staff Wellness programme

Closely linked to employee productivity is wellbeing and good health. L'Oréal offers to all its employees in South Africa, access to professionals where wellness is simply a call-away. The call-in service of expert advice (such as medics, physicians, counsellor etc) supports both staff and family. In addition, a 1-day per year, is set aside at the head office - for basic medical tests to be done by all employees who wish to check their individual health status, optional.

Diversity is a multi-faceted topic that is broad. I have tried to provide, both an overview of country and company. Even though there has been anti-discrimination legislation in South Africa, race remains a burning issue. We at L'Oréal, understand that diversity goes beyond race, ethnicity, culture. We recognise the value of difference. L'Oréal accepts all individuals, regardless of race, and strives for opportunity and equity by supporting the development of every person, whether white, black, male or female.

L'Oréal celebrates beauty in diversity. L'Oréal brands are a true reflection of our diversity.

Khalid HAMDANI, Member of the HALDE (National Commission against discrimination and for equal opportunity), Advisory Committee and High Council on Integration & Manager of Aequalis, a Human Resources Company

I would like to express my thanks to Sciences Po and Renault for having invited me to speak today, as well as to all the participants.

In ten minutes' time, I can offer only a testimonial, about my experience and how that matches up with our country's discovery of its own issues. First of all, the title of this round table, "Racial Diversity from one culture to another" embodies a revolution of sorts in France, in that the very use of terms such as "race" or "ethnic group" here will immediately peg an individual as communitarian or warrant excommunication, on the grounds that the person is applying the Anglo-American model to France. Quite seriously, I feel that the revolution is also in letting words come out, in a cool, calm manner, today.

THE DAWN OF A REVOLUTION

France is on the verge of discovering that a specific social reality exists and has been in existence, and it is going to learn this in a very particular way. That it has not done yet perhaps explains why statistics on ethnic groups have become such a point of contention and a barrier. This tension is both longstanding and recent: recent in that, in the early 1990s, researchers began to unearth the paradox of equality, made in France. It is fully shored-up and provided for, bolstering the framework for democracy – yet at the same time, massive discrimination occurs in the everyday workings of all of society.

Like the situation described by Professor Post, France is home to the explosive mix of discrimination and diversity. Furthermore, discrimination was recognised late – only on 21 October 1998 did the Council of Ministers officially recognise the existence of discrimination on national soil, thereby making it possible to design public policy on anti-discrimination issues. Diversity, meanwhile, with regard to French law, is but a project still outstanding: Simone Weil has been asked to see if a definition can be derived from the Constitution. For the time being, it remains a term for which there is no legal definition, an anchoring point for building public policies or corporate strategies. This, too, is weighing down on the issue of statistics.

Professor Edmond Préteceille showed, and I totally agree with him, that the issue of discrimination and racial and ethnic diversity in France has been beaten, if not to say dissolved, in the social issue: unemployment, school failure, ghettoisation, urban zoning, etc. I think that cultural integration has enabled amazing things in France, and the separation of Church and State is wonderful; in that area, we have very interesting things to offer other countries as an example.

We are not less accomplished than other countries as regards integration, cohabitation or exogamy; rather, we are faring relatively well. But by blending the racial and ethnic together and dissolving it in the social, we have created confusion of all kinds, such that the very issue cannot be recognised. There will be as many definitions of discrimination as there are French people surveyed about it, all built around values, emotion or ideology, and with the implication that it is morally unjust, but in the nature of human beings. Insofar as it is in the collective imagination and in our mindsets, it is very difficult to derive the easiest answer: discrimination is an illegal act punishable both by criminal and civil law. The paradox of a passion for equality and an almost-mental and collective failure to recognise discrimination is one of the problems being brought to light these past ten years. Olivier Noël has written some extraordinarily informative texts about this. When something is not recognised, one cannot begin to solve it.



Khalid HAMDANI

ADDRESSING THE CHALLENGE

The Political Stage

When the European Union, in Article 13 of the Treaty of Amsterdam, called upon the Europe of 15 and, today, the Europe of 27, to incorporate adequately dissuasive texts about immigration into our laws, the issue of discrimination was at least brought out of the confidential circle of a handful of intellectuals, researchers and advocates. This was taken further by France's High Commission on Anti-Discrimination, followed by that of Romania, which I recently had the pleasure of studying, and others – all of them have increased the visibility and debate about discrimination and opened up discussion to where it should be.

Today, debate has come, in an extraordinarily political manner, to the topic of affirmative action. Largely carried forth by the media, it will stir a great deal of debate as to whether the Republic or equality in the republic is under threat due to affirmative action. In my view, the real issues are:

- to inform massively about discrimination as a fact of society, at all levels and in every sector;
- to ensure equal treatment, meaning the application of market rules and competition, so that all individuals receive that to which they are entitled.

Intellectual Barriers

Both these challenges are easy to put forth, but extraordinarily difficult to achieve. The first level of resistance comes in the form of intellectual opposition, for instance, the claim that a female foreman is a statistical rarity and that there is no discrimination in not hiring or having one. Yet, rather than discourse, we need the tools to inform and take action. This means offering automatically standardised services or information to all individuals. France has chosen to make diversity its main focus, in lieu of discrimination, but it will first require an actual definition. Until that exists under the law, we will only be able to go about our work stealthily, addressing parents, grandparents and great-grandparents. I agree with the speaker who said that our current measurement methods will soon be incapable of reflecting reality.

All those who have worked on and considered the topic agree that it is not a reduction of race or ethnic identity that is important, but to institute a reliable, serious statistical system, subject to controls and based on the principle of integrity, so that enterprises can perform the diagnostic studies they wish to and strive toward both qualitative and quantitative results in the years to come. Time will be needed before the elite and the middle classes become diverse. The struggle today is to allow people from all categories of society – women, union workers, people who are physically-different, people of different sexual orientation, etc. – to emerge from their status.

Logistical Barriers

Without tools to measure progress in this area, nothing will be possible. As intellectually effective as a programme may be, it will require humble, basic methodology for progress to be achieved. Furthermore, the issue cannot be overcome by a head of enterprise or a consultant. It is a political issue by the very debate to which it has given rise: can statistics on ethnic groups, as a means of monitoring trends in ethnic groups and promoting certain categories of the population, endanger the country?

For the premise of this approach, equal opportunity, has never been portrayed in France as something allowed and fully-authorised by the European Union, with affirmative action fully set out as a way to ensure equality in practice. The principle of equal treatment does not prevent another Member State from maintaining or adopting specific measures intended to prevent or make up for a disadvantage. And, without knowing it, we are already engaged in affirmative action in France,

as we institute policies to smooth out social inequalities between men and women or between rural and urban populations, for instance.

Lastly, affirmative action is a form of exemption and a temporary distortion of competition rules. Yet, even as we strive to do away with discrimination entirely and recognise the need to severely punish any dysfunction, it is important that we not do so at the expense of equal treatment – ensuring that merit has due consequences. Rather than going down a dysfunctional path, we must aim to improve the visibility of all minorities in important positions. The monitoring that is carried out in connection with affirmative action is a means of offsetting inequalities and the distortions of competition; it also entails positive and, in Kant's sense, moral accomplishments.

I began to be involved in the fight against discriminations in France in 1960 in both public and private sectors. Progresses are much more visible in companies than in the public sector.

Elizabeth TCHOUNGUI

Mr Ford, what do you think about the situation in France, having heard Mr Leleu, Mr Hamdani and Mr Préteceille?

Richard FORD

I heard some rather marked differences between the French and North American situations, yet there are some similarities. There is a meaning to affirmative action policies, in that they can reverse the course of what is now recognised in France as a discriminatory history. Those policies need to exist for different reasons. I would also warn you against reducing affirmative action to a single purpose, namely cultural diversity, as we wrongly did in the United States. It was a major error in US jurisprudence to decide that affirmative action is a form of discrimination itself, and we are going to have great trouble turning this around.

Elizabeth TCHOUNGUI

Mr Post, what is your view?

Robert POST

If we assume that the law is a tool for social intervention, aimed at changing society, the first vital condition for any action to be successful is knowledge. Knowledge can be gained through statistics, for instance. Yet, as long as one does not know the degree of residential integration or segregation in, one has no idea of the situation. Law must be seen as something more middling, which is to be used to achieve specific impacts. None of this is impossible if one remains blind to reality.

Elizabeth TCHOUNGUI

Statistics are important, but they must be compatible with the value system chosen. Once the figures are available, one can decide how this will impact certain social groups and aim for a positive social environment. I get the feeling that we have reached a point where the common factor in all of this is hypocrisy. Is this hypocrisy not the main point?

Khalid HAMDANI

Of course, there is hypocrisy sporadically. But to inflate it into a system is to engage in conspiracy theory. Having been part of the process since 1996, I can tell you that there is no hypocrisy as a system. I have seen, over my lengthy experience and lifetime, conditions change in France, to the point where it is now, at last, possible to see discrimination where it exists. As Michel Foucault might have said, the objective condition has been met for a specific phenomenon to be unveiled. Until now, we did not have the capability to see. However, once discrimination becomes clear, then the reign of hypocrisy can begin.

Historically, in France, the question of discrimination could not have been taken up in 1970, 1975, 1982 or 1985, for we were engaged in the fight against racism and the impacts of colonisation. Intellectuals were involved, so that all individuals could enjoy the same rights under the law. The debate was ideological and rooted in values.

Now, however, a generation born in France of parents from other origins is emerging. They are fully French, but are not seen as such. And there, in the midst of globalisation, dialogue between cultures and the modern world, questions will be raised. Nonetheless, this cannot be tagged as hypocrisy. The debate will be very difficult to take up with young people from the projects, for instance, but we need to remain careful and exacting, so as to not essentialise the issue of race and ethnic identity and commit the mistakes that others may have done on this specific point, as Professor Ford reminded us.

Elizabeth TCHOUNGUI

Thank you for having participated in this panel. After the break will begin the second Round Table will begin.

ROUND TABLE II - DIVERSITY AND ECONOMIC EFFICIENCY



Elizabeth TCHOUNGUI

Welcome to this second Round Table, which will focus on diversity and economic performance. Two of the angles we will consider are how diversity creates advantages that are not necessarily rational in economics, and how economic performance standards can develop.

ANTI-DISCRIMINATION LAW AT THE INTERSECTION OF ECONOMICS AND PSYCHOLOGY

Christine JOLLS, Professor, Yale Law School

Thank you very much for this invitation to speak at the Sciences Po and Renault Conference on Diversity. I was asked to address the relationship between diversity and economic performance, bringing to bear insights not only from economic analysis but also from psychology.

Of course, for most of us economic performance may not be the first thing that springs to mind when discussing diversity – by which I shall mean the absence of racial or other group-based bias. In thinking about the topics of diversity and bias, we tend to think instead of equality and justice. But as a matter of fact, economic performance often – though not always – improves when diversity is achieved and bias is reduced. As the field of labor economics taught us long ago, when firms fail to employ or promote people with certain racial or other group-based characteristics because of those characteristics, this often means that they are not judging people based on skill, and as a result the firms will suffer economically.



Christine JOLLS

My emphasis today will be on connecting this strand of economic analysis to the subtle and sometimes elusive forms of bias that, as emphasized in the first round table, affect our lives today. I will not have time to deal with the important case in which failing to employ or promote people based on race or other group-based characteristics does *not* cause economic performance to suffer; for today it will be enough to highlight the ways in which subtle forms of discrimination by firms often harm their economic performance.

DISCRIMINATION, THEN AND NOW

Going back in time, direct and egregious forms of discrimination were an obvious problem in many countries. Fortunately, we have progressed over the years, and in many countries, while issues of direct discrimination continue to arise today, there is clear progress that deserves to be recognised. Indeed, it has become relatively unusual today in the United States to hear of any explicit racial bias in the workplace.

What is unfortunately far more common today, however, is implicit, or unconscious, bias - differential treatment of individuals because of their race or another personal trait, wholly without any conscious awareness of this differential treatment on the part of the decision maker. A great deal of work has been carried out in the social sciences of economics and psychology on such implicit bias, with the goal of more specifically detailing this form of discrimination. What we have learned is that when people in any country are asked about racial attitudes, they will often assert they have none, but, if tested in greater depth as to their beliefs, the vast majority of us, in most countries, still show implicit bias and think in racially-linked ways.

The Implicit Association Test is a prominent example of such a technique for probing implicit bias. In this test, images are shown on a computer screen: either a person – with dark skin or with light skin – or a word, like happy, love, hate, anger, etc. In one version of the test, the test taker must press a key on one side of the computer keyboard whenever a light-skinned face or a positive word is shown and a key on the other side of the computer keyboard when a dark-skinned face or negative word is shown. When the opposite is required, however, meaning that positive words must be connected with dark-skinned faces, most people, even including those personally involved in fighting discrimination in their countries, have trouble. It is much easier for most people to associate a positive word with a light-skinned face. Some feel that this is a subtle, implicit form of bias that continues to pervade many aspects of life in today's society. The same is true when older and younger faces are used, or when images of women and men are to be associated with words like family versus career. The associations seem to go very clearly in one direction.

THE ROLE AND EFFECTS OF ANTI-DISCRIMINATION LAW

In joint work with Professor Cass R. Sunstein, I have tried to theorize both the nature of this type of implicit bias and, based on the nature of this bias, the appropriate response of anti-discrimination law. Professor Sunstein and I suggest that in many cases implicit bias is a form of cognitive error, quite distinct from an “attitude” or “preference” about individuals who belong to particular racial or other groups. If decision makers exhibit cognitive errors in assessment, and evaluate some individuals more negatively than they mean to do or even realize they are doing, then economic performance is likely to suffer. Some people will have been selected not on the basis of skill but because of implicit bias against other candidates.

My writing has detailed many avenues for improvement in response to implicit bias – including through diversity. Consider a striking fact from studies of the Implicit Association Test: people's ability to associate dark-skinned faces with positive words progressed greatly when the individual

explaining the test was himself or herself dark-skinned, or even when a picture of Tiger Woods was shown before the test. Concretely, this implies that anti-discrimination law, by facilitating more diverse environments, will help to reduce implicit bias.

OPEN QUESTIONS IN THE ECONOMICS AND PSYCHOLOGY OF DISCRIMINATION

Of course many questions remain about implicit bias, both for law and for the social sciences of economics and psychology. I shall conclude by describing one of the central open questions in this area. That question is: does showing substantial bias on the Implicit Association Test necessarily translate into taking concrete decisions in an implicitly biased way? Some sceptics of the Implicit Association Test have charged that slower mental processing when people are asked to link dark-skinned faces to positive words does not imply that people will actually treat some individuals worse than others in jobs or other real-world settings. To take another example, in a recent field study, Professors Ian Ayres, Mahzarin Banaji and I arranged for the auction of baseball cards on eBay, with some cards held by a light-skinned hand and some held by a dark-skinned hand. Unfortunately, we found a pronounced race effect: cards held by the dark-skinned hand sold for 27% less than those held by the light-skinned hand. But an immensely valuable next step would be to determine whether individuals who paid less for cards held by the dark-skinned hand are also individuals who have great difficulty associating dark-skinned faces with positive words on the Implicit Association Test. This would allow us to determine to what degree implicit bias translates into actual economic behaviour – obviously a question of crucial importance. Much work is underway in this domain, so, with hope, in a short period we will have further deepened our understanding of the nature of racial and other bias in today's world.



Christopher Mc CRUDDEN

BUYING SOCIAL JUSTICE, EQUALITY, GOVERNMENT PROCUREMENT AND LEGAL CHANGE

Christopher Mc CRUDDEN, Professor, Oxford University

Thank you for having invited me. It is a pleasure to be in Paris and, even more so, at Sciences Po.

CAN THE STATED OBJECTIVES WORK ON THEIR OWN?

Robert Post very clearly stated what we are trying to do with our policy and action. In general terms, four change objectives have been set out at the European level:

- **promoting the concept of individualism**
Individual merit should not be undermined by personal traits. This is unfair.
- **social justice**
- **promotion for diversity**
In Europe, this has been tied into demands for equality, whereby companies can win by promoting diversity and can come out stronger precisely because they let competition be the rule.
- **promoting identities within the group**
Certain groups must be able to positively promote their identity. This is precisely the category that raises the most issues in French tradition.

I am rather sceptical as to promotion for diversity. Should this be the objective of the law, for some of the reasons heard this morning? By emphasising the quality of business performance, we are in effect saying that equality is used for utilitarian reasons. This undermines the original intention and creates problems when diversity is done away with for ethical reasons. The ethical dimension needs to be brought back into the debate and social justice needs to reign.

Whatever the objectives of the anti-discrimination law, we need to focus more on how we can make the law more effective. It would be ridiculous to end up in a situation where our legal system is nothing but a hot-air factory. The law's first responsibility is to be effective. In France, the measures instituted to uphold individual rights are built around four central components. I will address the first three together:

- inflicting criminal and civil penalties;
- collective negotiations with unions;
- enquiries made by the State and its qualifying body, the HALDE.

According to most research today, each of the above methods is fundamentally flawed. In a Eurobarometer study on equality, published around two years ago, 63% of respondents in France said that discrimination was significant. As to discrimination based on ethnic origin, 76% of those surveyed in France said it was significant. This put France at the top of the list where religion was concerned and second with regard to ethnic discrimination. In contrast, only 29% of respondents felt they knew what their rights were if they were to fall victim to discrimination. Clearly, the means of action taken today are not adequate and need to be bolstered in order to become effective.

THE NEED FOR IMAGINATION

This appeal for more imagination in how to make the law more effective will be the central challenge. It requires willingness to raise the question as to how intrinsic assumptions can be countered. This morning's discussion already showed how statistics can help create a clear picture of where diversity stands. Not to fall into the trap of criticising France, but its statistics are not in line with its Republican tradition. Beyond that, looking at Europe, I do not see how there can be an effective anti-discrimination law unless there is a more sophisticated understanding of what is going in society as such. Putting that internal quarrel aside, how can we deal with indirect discrimination?

To eradicate discrimination and achieve social justice, the State must use all of its resources and do so in an effective manner. Specifically, the State must use its economic power in such a way that economic operators pursue an anti-discrimination agenda. We must institute a government that knows where it is going and is able to attain its objectives. At the current time, there is no proof or empirical evidence that enterprises see any incentive to promote diversity when they are awarded public procurement contracts. In my view, the State needs to be involved in social justice procurement. This implies greater efforts in the field of State regulation, not only with regard to equality, but as a general rule. There will be no social change if the population does not feel it wishes to accept the standards imposed upon it. A transition period will be needed, but the concept of reflexive regulation must be passed on to the public.

More and more, European Union Member States are trying to rethink and revise their strategies, but they cannot afford to dawdle. One avenue to explore is the definition of targets under the law. These have already proven effective in preventing discrimination. Another means, mentioned this morning, is to see the concept of anti-discrimination not only as a call to refrain from certain behaviour but a positive obligation to act in a proactive manner.

TOWARD A TRANSFORMATIVE APPROACH

Robert Post warned us against following the American model. I feel that a transformative approach is called for, but the legal framework needs to be reconsidered, in this case, with specific goals in mind. European and French law have already begun moving in this direction where the disabled are concerned: in response to the question as to how discrimination can be prevented, they have chosen to require that enterprises adjust to the needs of workers with disabilities. Indeed, positive requirements, when implemented alongside restrictions, offer four advantages:

- they are proactive and anticipate the issues;
- they bring equality into the mainstream;
- they are participatory, requiring that the beneficiaries make their needs known;
- they are based on groups.

Each Member State in the European Union needs to understand that anti-discrimination law is subject to European law in this area. As the latter becomes structured, we will have a clearer idea of the extent to which a Member State will be allowed to take an individual approach. As lengthy and difficult as this process may turn out to be, it will bring out a truly European view, based on the common points and divergences that will have emerged through debate. As a result, it will be more attainable and realistic than anything we could import from the United States.

I will conclude with an economic note. On the European market, no enterprise wants to be reputed as practicing discrimination, for very obvious reasons. Social globalisation has led to the implication that there will be pressure on the government, for instance to withhold from granting State contracts when European standards are broken. Thus, there is an economic case for equality, but it is not necessarily what was thought in the beginning.

Elizabeth TCHOUNGUI

Thank you. Miyuki Takahashi, during this presentation, you sometimes nodded while other times, you appeared more sceptical. What is your opinion?

Miyuki TAKAHASHI, Diversity Office Chief Officer, Nissan

I am very pleased to be with you today. It is very interesting to hear the opinions of these eminent university professors.

Nissan has been a global exporting car manufacturer for a very long time. However, with respect to organisation and corporate culture, until recently, we remained firmly Japanese. The alliance with Renault was a good opportunity to promote diversity, as we worked alongside French teams that were very different from us. The women in very high-level management positions at Renault were a source of encouragement for female Japanese employees, for instance. However, to promote diversity in reality, I have encountered issues and I hoped that the academics here today would be able to give me some good advice.

First issue I am facing now is the clear and quantitative link between diversity promotion and business success. When I try to promote Diversity in Nissan organization in Japan, I often get the question like “Why do we have to promote Diversity?”. I often quote the survey results that the two-thirds of car purchases in Japan are made by or with a very strong influence of women. I also pick up another survey result that the female sales person earns higher Customer Satisfaction Score than male sales person. However, people are not satisfied. They say “Your theory is fine, but how may more units can we sell tomorrow if we promote Diversity?”. I hope the eminent professors here today can give me some advice.

Secondly, what do you think about setting concrete objectives in numbers, such as the number of female managers by division and by fiscal year? I believe that we need quantitative objective in all business, but there are some negative response from some people in Nissan organization. Male employees say that quantitative target for female managers hurts their motivation because it is a reverse discrimination. We cannot ignore male employees’ motivation because they account for roughly 90% of our employees. I hope that the university professors here today can give me some advice on this issue, too.

Elizabeth TCHOUNGUI

On a slightly more personal note, in a society that is widely-known to be dominated by men, how did you manage to be appointed to Head of the Diversity Office? What were the reactions around you?

Miyuki TAKAHASHI

As Nissan is a Japanese company, I have been most of the time the only woman at the meetings. I am used to it, and to be honest, I usually do not pay too much attention to my identity as a woman. I just want to do my job right and hope that people recognized me for what I do, not for what I am, namely, a woman.

On the other hand, now that I am Head of Diversity, I am very excited to be in this position to promote female and other minority’s presence in Nissan. I truly believe that diverse ideas bring new approaches and better solutions to the company’s business. There are still many fields to be improved, and it takes a lot of time to infiltrate Diversity thinking into all employees’ mind. Today, I would like to get information and guidance from the academic community on how to tackle those Diversity issues.



Miyuki TAKAHASHI

Elizabeth TCHOUNGUI

The Diversity Office was instituted only four years ago! Was this not too late and why did awareness emerge at such a late stage?

Miyuki TAKAHASHI

Working with Renault was the great catalyst for us. Though Nissan had done business with Americans and Europeans in the past through exports, we never tried to bring out such synergy as we are pursuing currently with Renault. We were obliged to face Diversity by this Alliance, and that is when the Japanese people in Nissan got really serious in trying to understand cultural and gender differences. It is not easy, but now we are trying hard.

Elizabeth TCHOUNGUI

Miyuki is looking for solutions, dear friends. How can your theories be applied to enterprise?

Christine JOLLS

There must be exchange and conversation about the origins of the underrepresentation of a particular group, in this case women in car sales. There are several different economic arguments in favour of having more female saleswomen at Nissan, and it is important to be clear about each of them.

First, there is the argument that women will have an advantage in selling cars to female customers, which is how I interpreted some of the commentary in this round table.

But, *second*, what I sought to emphasize earlier was that a company with almost no women in its sales force is probably overlooking some objectively highly qualified candidates, as a result of implicit bias. The research I described earlier points strongly to this possibility. As further evidence, in the United States discrimination tester studies have been conducted, in which two people with equal qualifications apply for a job, the only difference being their sex (or their race). Every such study has found worse treatment of women and members of racial minorities. This is, then, another methodology for measuring discrimination, and provides further evidence that still today the most objectively qualified candidate may not be chosen – even if the decision maker is not aware of showing any racial or other group-based bias against anyone.

The reason that the second argument may strike many as much more appealing than the first is that the second doesn't depend on cultural assumptions – which themselves could be regarded as a form of bias – such as “female customers will prefer a female salesperson.”



Jean-Pierre TEYSSIER

Jean-Pierre TEYSSIER, Chairman, Advertising Verification Office

First of all, thank you for having invited me. As an alumnus and, thereafter, lecturer at Sciences Po, it is always a pleasure for to be on the other side, particularly on the dais. Thank you, also, for having asked me this relatively difficult question.

In advertising, does diversity sell? Directly, sometimes and indirectly, it always does. Diversity sells directly because sometimes it is more marketing than advertising. With certain very specific products, for instance in the field of cosmetics, ethnic marketing – defined as addressing the relevant target groups likely to buy the products - is an option.

Elizabeth TCHOUNGUI

This is a relatively recent development in France.

Jean-Pierre TEYSSIER

In France, it is very recent and very difficult, for the market is too narrow. In the United States, in contrast, there is true ethnic marketing, as L'Oréal's managers could tell you. In France, it can only exist in the below the line media or perhaps in certain specific places, but remains very rare. Another option consists of calling upon famous names from diversity: Zinédine Zidane and Thierry Henry, in sport, for instance. However, this can end up stereotyping certain communities as necessarily being connected with a specific activity.

Indirectly, however, recognition for diversity sells in that all brands must take up their social responsibility. Through the values and portrayals they put forth, they must address the problems of French society and perhaps diversity more than others. This may be why advertising ethics took up this issue four years ago. The fight for greater diversity in advertising must be part of a brand's values and, thereby, ultimately foster its marketing and sales.

Elizabeth TCHOUNGUI

You seem to be going against the idea that some people have of advertising, said to often convey clichés.

Jean-Pierre TEYSSIER

It is important to be very careful when criticising advertising, because it is a summary of what can be seen in movies, television programmes, musical videos, trailers, etc. This is why we stated that the first step is to measure and take stock of the situation. We are in this process now. Instituted four years ago, the diversity barometer makes it possible for us to analyse thousands of advertisements across all media, in order to measure the representation of what we named, perhaps inappropriately, four years ago, the “visible minorities”, and track the progress or lack there of in this area, year after year.

The situation has remained stable since that time. On TV, approximately 17% of advertisements show people from different visible communities present in France. This figure is obviously satisfactory at first glance, but needs to be taken with a grain of salt: many of the advertisements come from the music sector, for instance, and may include highly stereotypical depictions, on which it is important to be very careful.

In the other media, the situation is not as satisfactory: it is much easier to show a diverse group in a moving picture, than in a set visual, whether a billboard or press ad, in which there are far fewer characters. This brings up the central issue for advertisers: identifying the typical customer and designing a medium that will be appealing to that customer. In each agency, the strategic planner's

task is very difficult and both the press and billboard media are forced to make sometimes discriminatory choices (including against blonde people, for instance!).

Our observations over the past four years show that what you described practically does not exist. The profession is subject to rules prohibiting negative portrayals of any type individual, whether with respect to origin, religion, gender, sexual orientation or other criterion. The definition is the same as that set out by law, with the HALDE, responsible for monitoring discrimination in France, and applies to all types of activity in France, including advertising, and extends to discrimination risk. A jury will be set up so that any consumer can lodge a complaint against advertising deemed in contrary to professional rules. Fortunately, while society is very careful to detect offences, this is a country where freedom of expression exists and the professionals are also very careful not to offend.

The third step is to engage debate, in order to determine whether it is now possible to do more than avoid problems, and ensure that representation is increasingly visible and quantitatively significant. This must be done alongside the qualitative aspect, specifically that of non-deterioration and non-representation. I would to conclude by offering an example that may well encourage thinking and move the issue forward: a major brand which, last year, used a black Santa Claus in its campaign.

Elizabeth TCHOUNGUI

Listening to you, one gets the impression that it is still difficult to build a real connection between diversity and economic performance. For instance, enterprises opt for diversity for moral reasons more than for reasons of economic strategy. The question raised a good number of reactions in the audience.

From the floor

When a company decides to merge with another, do they hold a debate? Will they be in compliance with competition law? Indeed, they do not. Rather, they try to avoid and circumvent the law. In light of this, should such a law even exist? This strikes me as very odd.

Japanese anti-discrimination law is not effective at all, because it is lenient enough that a major company is able to debate about whether it should even bring itself into compliance with the law. Renault was recently taken to court for holding different ethnic groups to different professional standards and paying Africans less than whites. The ruling was even upheld in the Court of Appeals. It is important that companies be required to comply with the law and that the law be enforced. I am delighted that Renault is sponsoring the conference today, because it is has not fully shouldered its responsibilities in this area.

Gérard LECLERCQ

I am Director of Human Resources at Renault and am thus highly sensitive to these aspects. The events to which you alluded go back a long time. We clearly had not done what was necessary. That being said, many of the allegations brought against us over our history never led to a conviction. The case you mentioned was very recent: with regard to four out of the six managers involved, it was concluded that no discrimination had occurred, while with the other two, there were no factual elements confirming the discrimination. The debate is thus somewhat more subtle than you stated.

Miyuki TAKAHASHI

There are Anti-discrimination laws in Japan. In addition, we also have a company diversity and equality policy at Nissan. But laws alone cannot easily change people's old social and historical practices and values. So, we need to continue the Diversity activities so that employees first accept and then proactively promote different views and values themselves.

From the floor

Mr Teyssier, do you have any economic metrics about integration and diversity in advertising? Benetton comes to mind, but surely there are more recent cases. When diversity is fully-incorporated into an advertising campaign, can the direct economic impact thereof be measured? Do sales improve? If female salespeople were put in a showroom, would this sell more vehicles to women? Can advertising itself also be measured?

Jean-Pierre TEYSSIER

Each year, we perform monitoring. We go through thousands of advertisements, with a viewing checklist, and categorise them with respect to certain criteria. Where diversity is concerned, we ask: are there people from visible minorities present in this advertising message? This remains a relatively succinct indicator, compared to what advertisers might like. However, it still enables us to note the degree of representation at given points in time and note whether the situation is improving. The major brands probably have the tools to take this further than does French law, under which statistical differentiation is prohibited. We bravely took the risk of going further, in a clearly non-discriminatory manner. We have been doing this for four years and no one has ever come to contest our action.

ROUND TABLE III BETWEEN EQUALITY AND DIFFERENCE: THE EXAMPLES OF GENDER AND AGE



WHERE GENDER AND RACE INTERSECT

Geraldine DOWNEY, Vice-Provost for Diversity Initiatives and Professor, Columbia University

As a researcher and professor, I worked at length in studies on the effects of marginalisation and exclusion, and on people's expectations as they become involved in situations and contexts in from which they have been excluded in the past. Much of my research focused on women and ethnic minorities, in particular Latinos and African-Americans.

At Columbia University, the first co-ed graduating class came in 1986. Now, though gender diversity as become commonplace, the incoming students are still operating solely on centuries of white male ideas. It is part of my new position to study this. I have also studied change processes in great detail, asking how one can bring about change in adult behaviours. It is extremely difficult, for people tend to remain with what they have done in the past.

My position was founded within the Dean's office, with the aim of increasing diversity within the faculty via both recruitment and promotion and opening up key positions to females and ethnic minorities, both under-represented there. At the same time, we feel that, aside from what the law requires, aiming for equality and justice for women as such is somewhat hypocritical in that there is no evidence that they are behaving in a more just and equalitarian manner. For instance, like most universities in the United States, our student body is composed of 50% women at the undergraduate level, but the balance shifts very clearly toward men at the doctoral level or even within the faculty. Yet, since we present ourselves as the leading educators and future leaders, we must have people who represent society and the people teaching in our classrooms are venerated by our students.

Our students are also in favour of diversity in our recruitment because they feel that universities should shake up the status quo. If the faculty is diverse and brings in new knowledge, this can promote innovation. Yet universities are usually reluctant, with regard to both diversity and change, hence their continuing reputation as unmoving.



Geraldine DOWNEY

The research I have conducted with my students attempted to understand how discrimination can impact student perception upon arriving in a university, particularly when they are part of an under-represented group. A long-term study on African-Americans calculated the length of discriminatory behaviours at the start of their academic career, through interviews at the three-week point and regularly thereafter. Our findings were as follows:

- students with expectations about discrimination were uncomfortable;
- more importantly, they tended not to seek help or engage in activities that can improve student living;
- they did not make friends within majority student groups.

We also looked at the professors, particularly on the basis of 360° reviews, in order to understand whether students could seek help from them. Instead, we found that:

- they are perceived as intimidating and are, most often, male;
- the information they provide in their reviews is perceived as conventional and their message unfair;
- students, particularly females, thus tend not to go toward their professor to request help.

We are thus looking to show students that these reviews can be seen not as a reflection on their performance, but as a way to find information and feedback on how they can improve.

At Yale University, similar work has been done, in recognition of the discomfort and stress that often come in the early university months, due to the newness and feeling that one might not have one's place. Similarly, at Berkeley, friendship groups between White students and Latinos were founded with a number of activities organised in order to encourage the friendship-making process. The studies on these groups showed that students who had been victim to racial discrimination were subject to stress, unlike their non-minority counterparts.

I encourage you all to pursue change.

GENDER EQUALITY AND EMPLOYMENT

Hélène PÉRIVIER, Researcher, OFCE-Sciences Po

It is always somewhat frustrating to have to discuss such a vast topic in a limited amount of time, but I do thank you for having invited me to take part in this Round Table. My contribution will be structured around three questions:

Is gender inequality a reality on the labour market today?

Is gender inequality fair or effective?

How can we fight those inequalities?

GENDER INEQUALITY ON THE LABOUR MARKET

Gender inequality is obviously a reality today on the labour market, in all countries, though to varying degrees.

In all developed countries, women are less-represented in the active population and are more affected by unemployment when they do come on the market. In France, female unemployment is two to three points higher than that of men. As in other countries, they work most often part-time: 85% of part-time positions are held by women. When they do work full-time, they are less inclined to remain at the office late, as they have other constraints on their schedule, hence lower salary and slower career development. Thus, there is clearly inequality where the quantity and volume of jobs are concerned.

In terms of quality, too, the situation is imbalanced. In France and elsewhere, women tend to be in specific sectors (social work, education) and men in others. Indeed, the labour market appears to reproduce the traditional roles of men and women, with women often employed to perform tasks they already do in their homes. This means that women and men both are not able to enter different areas.

Similarly, in all countries and to a very noticeable extent, the glass ceiling phenomenon is very strong: as one moves up the ladder in terms of responsibility and salary, the percentage of women present declines, often to zero, despite their holding high-level degrees and being present on the labour market. The positions which they do hold are often in the service sector and are unstable. As such, they have less access to vocational training and, thus, fewer opportunities on the labour market than men.

Salary, the indicator of all inequalities on the labour market, tells a story that is no different. There is a difference of approximately 25% between male and female salaries in France, due to a combination of working hours, pure discrimination unexplained by any economic factor (one-fourth of the reason) and the sectors in which women work (one-third of the reason).

INEQUALITIES: FAIR AND EFFECTIVE?

The inequalities I described above are obviously unfair and, like Professor McCrudden, I see that injustice as reason enough, alone, to do everything in our power to fight them.

Some people assert that men and women are biologically programmed to play different roles in society, women in the home and men in the workplace. Yet, even assuming this is true, women



Hélène PÉRIVIER

should receive a salary as mothers, with the social rights and economic freedom that they need. Therein, the current situation can be described as unfair. I believe that there is no biological programming where work is concerned and that each individual should be able to develop, whether in the workplace or at home, as he or she desires. There too, there is injustice, in that women cannot give free rein to a career plan like men do.

FIGHTING INEQUALITIES

In France, no significant advances have been made with regard to gender equality for the last fifteen years. The first causes of this status quo are to be sought in the home: no matter what they have done during the day, women continue to be responsible for the bulk of the housework, taking care of the children, cleaning, doing groceries, etc., without any significant or increasing assistance from their spouse. An INSEE study shows that male participation in housework has increased by only five minutes in the last fifteen years, whereas women are working more and more. There comes a point when the male must become more involved in family life and the overall role-sharing must be adjusted to accommodate two working parents. This obviously requires, from the very early stages of parenthood, public policies that help the working population organise differently.

The laws exist already, as concerns gender equality in the workplace, yet French women fail to mobilise them and, in this respect, are far behind their American counterparts. Only 6% of the complaints lodged with the HALDE involve gender discrimination, and they come primarily from men. Indeed, surprisingly, men who are denied their pensions or family subsidies turn to the HALDE, while a woman who returns from maternity leave to find that her salary has not increased with the overall pay scale does not. This means that it is not enough to devise laws; one must also communicate about them, enforce them and ensure they are used.

Also central to equality in the workplace is the question of function. In France, affirmative action does exist, but is difficult to implement. The suggested quota for women on major corporations' Boards of Directors is only 20%, and is even being re-examined as potentially unconstitutional. Meanwhile, the Norwegians have successfully enforced a quota of 40%. Clearly, there and elsewhere, strong-handed action can and will bring progress in addressing the issue of inequalities between men and women on the labour market.

DIVERSITY, PUT TO THE CHALLENGE OF INTER-GENERATIONAL RELATIONS

Louis CHAUVEL, Professor, OSC-Sciences Po



Louis CHAUVEL

France and, to a certain degree, its Latin sisters Italy and Spain, is uniquely guided by a form of age “normalism”. Described alternately as ageism, age-based discrimination or youthism, many institutions, from the corporate world to politics, are ready to assume that there is a normal age and a normal gender. In a sense, many institutions hope to find the ideal human being, representing the absolute norm, when the reality of culture, civilisation and democracy lies in very marked diversity in all respects, and in particular demographic: age, generation and how socialisation occurs at different stages in life.

AGEISM FROM THE SENIOR STANDPOINT

Ageism with respect to older people exists massively in France and in most Latin countries. The many experiments carried out in France show that the chances of an unemployed person above age 45 finding not a job, but simply a job interview, are half as high as that of the benchmark unemployed 30-year-old. Age discrimination stands out as the main form of discrimination occurring between the job application stage and the interview stage. Statistics are not available thereafter, as interviews are not granted in numbers significant enough to assess the verbal interaction.

I should specify that, as discrimination in the workplace is concerned, all of the averages put forth actually hide huge variations, just as the average five-minute increase in male housework hides a very diverse situation. Virtuous companies are hidden by the existence of a large median group which, unfortunately, is not virtuous by any means. This is true in many business sectors and even in the public authorities. There are career workshops, attended primarily by people in their 50s waiting for retirement, but these are designed without any thought about how to tailor to the job market to those on it, or how to ensure greater contact between young workers in training and seniors. The result is a highly-worrisome situation.

More generally speaking, in the working world, Frenchmen exit the workplace 10 years earlier than the Swedes do. In other words, despite significant efforts in recent years, we waste 10 years of working capacity where other countries make considerable efforts to tailor working capacity to the population’s actual employment conditions. These countries have social structures rooted in broader access to labour and greater consideration for employee capacity, such that the extended period of work is not synonymous with suffering. They are virtuous, where Latin countries give priority to a central core of “normal” individuals and thus bring about segregation across the workplace and at all levels.

Most surprising in France is the lack of recognition of the actual situation – and, as we know, the less there is awareness of a radical practice, the more the phenomenon can objectively be radicalised. Concretely, when people are surveyed about whether they are victims of discrimination, France mysteriously appears as one of the most virtuous countries where older workers are concerned. There is clear abuse, yet much less mobilisation than in neighbouring countries, which ironically have a better objective attitude in this respect. This indicates that, when it comes to emotions and the ability to express one’s difficulties, there can be extremely large barriers.

At the other end of the life cycle, young people in France, Spain and Italy are also subject to increasingly difficult conditions as they attempt to enter the working world. In Spain, they are known as “Mileuristas”: with their Master’s Degree in hand (not only in fields such as Philosophy or Sociology, but also Labour Law, Finance, etc.), young people aged 30 to 35 continue to live on 1 000-euro salaries not at all in line with their qualifications. Indeed, studies show that, over the last thirty

years, young people have been the adjustment variable to the labour market's difficulties, including unemployment or massive employment struggles, and are visibly excluded from the market. This has reached such proportions that Master's Degree-holders today post greater unemployment levels than did those with only a technical qualification in the 1970s.

More broadly, society as a whole has grown accustomed to living without its young people, or using them for basic necessities, provided that they can be content with EUR 300 to 1 000 per month and are kept in intern or young-worker status. In fact, those with 3 years of university education today find themselves holding the same jobs as 50-year-olds who reached the same position without a university diploma. Meanwhile, countries guided by more universalist, responsible values, in the United Kingdom or the Nordic countries, have managed to bring their young people into society, striking a better balance between the age groups present.

The political arena is also responsible for this situation. In 1980, for every MP aged 40, there was one MP above age 60. Now, the latter figure has been multiplied by a factor of nine, and illustrates the fact that France's younger generation – those under age 45 – has lost contact with the way French society thinks, considers itself, makes decisions and implements a future in the long term. This could lead to an inter-generational clash, or possibly brain drain, as Hervé Lebras showed in his last book (50 000 young people are said to leave France each year to find jobs on par with their aspirations and interests).

As regards demographic stability in the working world, it is also very difficult to reason over the long term. If each enterprise tried to work from an age pyramid focused on the 35-45 year old age group, the future will clearly slip out of control and the pyramid will be a diamond.

G rard LECLERCQ, Director of Human Resources, Renault



G rard LECLERCQ

In Human Resources, our role is precisely to prevent inter-generational wars from occurring. I am very pleased that this debate is taking place today, at the joint impetus of Sciences Po and Renault. Approaching our central topic from the viewpoint of discrimination brings about a risk of hypocrisy, as was emphasised this morning. I prefer to view the situation from the standpoint of promoting diversity. Whatever the case, the key is to speak out openly and simply.

Renault has long been faced with the issue of diversity, if only because France is a country where immigration has been underway for many decades, from European countries as well as others. In response, the Group has attempted, in particular with regard to equal opportunity, to engage initiatives, some formal and others less so. We are now making clear progress, in that diversity has become recognised as a driver for employee performance, motivation and commitment, and a positive contribution to the Group's image as one that is in step with society and socially responsible. It is indeed a matter of ethics, but also a key performance factor. The training sessions provided to our managers about discrimination risks and equal opportunity are an essential part of this.

HOW RENAULT ADDRESSES AGE

We have been faced with the issue of age in many ways, particularly in the late 1980s and early 1990s. Due to our age pyramid and the various productivity plans instituted, there were massive departures on retirement and sometimes on early retirement, hence an ageing workforce, particularly on our assembly lines. Indeed, while discussion here at Sciences Po has focused more on graduates, often with high-level degrees, it is important not to overlook those who have no degrees and are looking for work. Our natural response was to turn to the local workforce pool, specifically in project housing communities, which were and unfortunately still involve a majority of young people with little education and even willingness to come looking for a job.

Although, as an enterprise, we are not responsible for this situation, we do want to make a positive contribution to help these young people build themselves a future, without waiting for them to receive training from any number of organisations outside the company. I personally had the pleasure of bringing in and awarding diplomas to the first generation to graduate from our professional mainstreaming programme in 1992, carried out in conjunction with the educational system.

Since that time, 2 900 young people struggling on the labour market have managed to earn officially-recognised degrees (CAP or BEP), through on-site training, rather than through the educational system. This is a significant number at our scale, and we will continue to work to offer young people the opportunity to enter the labour market through paths removed from those in which they failed.

The transition stage was difficult, on both ends: the young people had to actually learn to wake up on time, arrive on time and come in every day, while the elders had to adjust to the presence of young people of whom they had lost sight in their everyday lives. Both sides reproduced many of the behaviours from the outside world within the Group, and had to learn to co-exist in a much more structured environment, with strict operating rules. Our response was simply to train the managers working with the young people about their behaviour, language and work behaviours. The end result was relatively good and, over a six-year period, we managed to turn over 30% of our workforce (or 29 000 hires between 1999 and the present, many involving young people).

As for our older employees, we have instituted systems so that the naturally-lower responsiveness of our 50-year-old workers when compared to our 20-year-olds is offset by the kinds of work entrusted to them. We will gradually do the same for employees above age 60, though we do not have many now. Likewise, our career development initiatives will be tailored so that people can

continue to grow beyond age 40 or 50, possibly reaching managerial status after that time, through specifically-designed training programmes.

FEMALE EMPLOYMENT

The automobile industry is not one that can be described as being clearly female-oriented. Even when jobs are offered to women, there are not many applicants. On our assembly lines, we have tried to be very proactive, hiring up to 25% of our women to positions occupied by men until that point. We noted that change was indeed possible, in mindsets and behaviours both. We initially focused our efforts on positions where manual skill is preponderant, suspecting that women could probably perform better than men in certain areas, such as painting. Not only was this true, but the teams into which women had become integrated tended to be better regulated and have better output than the others.

At the top of the ladder, however, we have not been as proactive or successful: approximately 30% of the applications we receive are from women and the actual percentage of the workforce on that end is thus just under 30%. Assuming that the appropriate response here is to force our way through and raise that figure by all means, I believe that the answer is to promote the automobile business so that people understand it is not only for men.

We have also signed a Diversity Charter and instituted an Observatory of Equality in the Workplace. Sophie Macquet is in charge of promoting diversity under my responsibility, while Miyuki Takahashi is responsible for the same at Nissan. We have set up a steering committee and held our first Diversity Day, yesterday, with 96 participants (equally divided between men and women). They worked together all day and, in the end, made us a number of suggestions as to how to conduct diversity in the workplace. However, despite the real concern for a greater balance between young and older workers or men and women, we have had very few concrete responses. Thank you for your attention.

Elizabeth TCHOUNGUI

Perhaps H el ene P erivier could help you. Our next speaker represents La Courneuve, an outer suburb of Paris that has been listed as underprivileged. What led to the creation of your agency?

Samira DJOUADI, President, Nouvelle Cour



Samira DJOUADI

BACKGROUND: TALENT HIDDEN IN THE UNDERPRIVILEGED SUBURBS

Working with the Jacques Brel Upper Secondary School in La Courneuve, we noted that while 95% of the graduating class in Communications earned the relevant secondary-degree (BTS), only 5% of them managed to enter the field professionally, over a 15-year period, and even then, in positions that are hardly dream jobs. The others continue their studies elsewhere, though at a high cost, or they end up changing directions entirely, working as camp counsellors, pizza makers, or whatever they can find.

Having been an educational assistant at the secondary-school level, I am very familiar with the issues at this age and thus suggested to some teachers that we work together. We decided to do something very concrete to help them, as they were clearly in a situation of school failure, but were receiving no attention or recognition. I am fortunate enough to work for the world-renowned French TV channel, TF1, in the advertising management department.

Our decision was to put together an advertising agency to hire these students, since they were rejected everywhere else, purportedly on the grounds that they did not have enough experience. Yet, if no one gave them an opportunity to gain experience, they could not be expected to have any. Moreover, the Communications BTS in France is almost a tell-tale sign that one comes from the underprivileged suburbs northeast of Paris and is thus a disadvantage. Lastly, in the field of communications, almost every hire occurs by word of mouth.

To help the young people, we needed renowned figures with high market credibility. Already inside one of the leading enterprises in France, listed on the CAC 40 market index, I knocked on the doors of the most important people in the company to champion the cause of diversity and the need for TF1 to develop a workforce profile more similar to that of the society it addressed. As an employee myself, I was able to attest to the fact that this was far from reality. The Group came onboard very quickly: my proposal was in May 2006 and the agency opened in October 2006, bearing in mind that in July and August, France virtually shuts down.

We were thrilled, but also demanding. Knowing that TF1's speciality is not communications, we requested a sponsor in the field and were put in contact with TBWA, to which I pitched the project and which also agreed immediately, having already undertaken an initiative to help young underprivileged but aspiring entrepreneurs a few months earlier. In the months thereafter, we all worked together to find additional sponsors, including the SNCF, BNP and PAPREC, the recycling company. We explained our project, as co-founders, and our need for funding to help these talented but less fortunate youths, hampered by their socio-economic background and names such as Mamadou or Sofiane.

INITIAL SUCCESSES

The agency opened in October 2006 and immediately hired Joanna, the only employee not with us today, followed by many other young people. We then hired a Director to build up the team and oversee day-to-day operations, as we all still had our main jobs to hold. 18 months down the road, we have nine employees, all from Lycée Jacques Brel in La Courneuve. In line with our requirements, they all have degrees, but no experience: the idea is that they be ready to be taken in by a company and become operational quickly.

All of our sponsors play a vital part in that they provide both their experience and clout, as we approach new clients. They understand our approach and know that we are not looking to compete

with them. TF1, BNP, TBWA and PAPREC have even entrusted us with small contracts, which we handle from our office, based in La Courneuve. This location was of prime importance to us, as we wanted to disprove the rumours that there is no talent in the suburbs, and to show that neither the territory, name or address of a company determines its skill – rather, it is the people, the individuals.

Nouvelle Cour is rooted in the concept that young people will not remain on forever, even though I love them, they are hard workers and come in all smiles, every morning, because they are happy to be there. Rather, they are trained for two years so that they can move on and show what they can do on the market, in addition to what their degree certifies. Experience has shown that our thinking was right. Joanna, our first hire, is not here today precisely because she was head-hunted by Skyrock radio, where she is going to be Head of Special Operations. This allowed me to hire someone new and set that person down the road to a similar experience.

We were successful and emerged very quickly because we managed to develop highly-skilled teams around us, with TF1 and TBWA giving us credibility from the start, but also very much involved in our early prospecting in that they did not want to have backed a project that would end up a failure.

We do not ask for charity ; we simply want advertisers to agree to put us in competition with the agencies with which they customarily work. Groupama, for instance, asked us to produce their Activity Report last year, after 15 years of working with Publicis. We won that and other contracts because our ideas are new and refreshing – or so we are told. We are bold and tell our clients truths about which other communications agencies would be more tight-lipped. Talented, driven and brash – that is Nouvelle Cour today.

At the beginning, I was afraid that the initial enthusiasm would fall flat within six months, leaving nothing but fizzed-out media buzz and disenchanted clients. Today, having just seen my new Managing Director, Nonce Paolini, mention Nouvelle Cour in an address to 3 000 TF1 employees, I feel like we have won a war: Nouvelle Cour is part of the Group and is known to the employees. Other co-workers talk to me about Nouvelle Cour regularly, as do salespeople I have never met.

I would like to make a brief aside to Fondation TF1, as its General Delegate, for we are about to launch the same type of initiative, this time in the audiovisual sector. Diversity does not exist yet in journalism. Through the Fondation, we will bring in talented youth from the projects, to become audiovisual engineers, journalists, sound engineers, editors, computer graphics specialists, directors and scriptwriters. Every year, a group of eight young people will be brought in and remain with us for two years, before blending into teams throughout TF1 Group.

During that two-year period, they will be given all the experience they need. They will be chosen regardless of their diplomas and be given a career plan suited to them. A highly-reputed journalism school in France has decided to create a partnership with all of the journalists entering the school from this September. This means that, in addition to the experience they will gain with the Group, they will also be able to earn a degree.

Beyond the meaning that this provides, the Group will need to truly incorporate it into its policy. People frequently ask me to take them to Nouvelle Cour so that they can see how it works and whether they might give it a contract. The Group needs to be involved now, as do those who have worked with Nouvelle Cour, so that I am not its only representative but that, indeed, it have 3 000 new representatives!

Pascale LEVET, Executive Director - Lab'ho, Adecco

I would first like to thank Renault and Sciences Po for involving Adecco and its Lab'ho in its discussions about diversity.

Lab'ho is a small study and research group within the global employment agency, Adecco. Its purpose is to enlighten on the barriers to action in a number of fields of human resources management - as they occur within certain organisations and environments – thanks to theoretical issues as labelled by the scientific world. This is not an easy task in many areas, and in particular in that of diversity.

FROM EQUALITY TO DIVERSITY

Historically, the first projects angled toward diversity in enterprises were actually equality projects, reflecting the main concern in 2000 but at that time, these efforts were marginal and not very “sexy”. The spectrum changed a great deal when the concept of diversity emerged: Management Committees took up the idea and began to blend it in with other initiatives, not always in the clearest of manners. One of the recurring issues was to determine what kinds of promises enterprises could make with regard to diversity; the same for all, even for those who are “diverse”? a special attention to those who are rich of their diversity? Answers to these questions are very difficult to formalize. Because enterprises are not places where equality reigns between individuals, “normal” or “diverse”: they are in fact structured as a hierarchy, from manual workers to desk employees, management and executive management. Enterprises invest money in these groups to cultivate their potential, which is not at all the same. A very small portion of each enterprise captures the bulk of the expenses in employability, team development, measures to prevent burn-out or ageing, etc.

Consequently, because our social regulation systems, management practices, habits and representations are all built on this highly-segmented and ordered structure, it is difficult to bring diversity into the picture.

Diversity is thought to fight practices surrounded to other criteria than the job position in the organization, criteria such as gender, age, origin...who explain often more than the official ones why this employee – female, single, bad looking - can not have the same career expectations than this other – male, white, good looking, ... But diversity criteria do not always hold true at the individual level. For instance, women who are successful do not always help those who are not successful, because they have figured out the system and know what it takes to reach the top. This is all the more striking amongst the disabled, who become increasingly discreet about their disability as they move up in their organisation. Much of the debate that took place this morning indeed centred around how to characterise diversity.

As diversity policies and practices are very much focused on categories of the population that reproduce the inequalities present in discrimination, it is particularly difficult to look into the types of practices that produce discrimination, leaving the individuals out of the picture. This is true for both researchers and enterprises. In addition to the generational phenomenon which Louis Chauvel discussed which indeed exists, it is clear that a person left to his own resources in a dwindling professional environment will be “old” at age 45. Someone who develops, goes through training and is in a skill-building professional environment will not become old, regardless of age. This could become a very interesting focus of research for scientists.



Pascale LEVET

FRANCE: A DISTINCTIVE LABOUR ENVIRONMENT

Employment intermediaries have much to bring to the debate. France is in a unique situation as regards the fight against discrimination and the type of action to be taken on the employment market.

In France, there are 31 million employment intermediation actions per year. 120 000 people change job status every day, while the active population weighs in at 24 million people. Half of the intermediation jobs found are in temporary work. Hence, what is at stake with regard to anti-discrimination and greater diversity is completely different: in one instance, a company such as Renault is recruiting for itself, while in another, it turns to an employment intermediary like Adecco.

France operates to a large extent through informal channels. All of the studies show that we have far fewer private employment intermediaries than other countries, and only half as many as in England. With so many jobs outside the market, how can public action or intermediation companies take action to promote diversity? Jobs change hands through networks that are smaller and smaller. Meanwhile, agencies like Adecco must try to place people with no or low-level degrees.

There is a real challenge in segmenting each of these aspects and gaining perspective on the results from discrimination testing, where résumés are sent out in pairs, anonymously. For Adecco, the paradigm is very different in that all of the requests addressed to us are based on face-to-face interaction with those looking for employees. We know who we are dealing with, beyond the criteria stated for the position. This is why our testing process is thus far more sophisticated. It helps us understand what will go on in the relationship, depending on the gender or ethnic origin of the recruiter. In this area, I feel that we lack much of the theoretical baggage and awareness of the complexity at hand that would help us better address both employers and job applicants. These would be fruitful areas of research and cooperation between the academic world and, intermediaries and enterprises.

Elizabeth TCHOUNGUI

We have some time for questions from the floor.

Earlier, you mentioned drivers for reducing inequalities between men and women. Can you tell us about other examples or particularly compelling initiatives?

Hélène PERIVIER

Gender equality, unlike other potential areas of discrimination, contains the slightly more complicated issue of the connection between family and professional life. You stated that approximately 30% of the applications you receive are from women and, in your recruitment, you reproduce that percentage. This is good, but you could also try to shift this to 50%.

I am well aware that this is difficult to accomplish and that, naturally, the responsibility is not that of the company alone. However, in engineering schools, there are also young female students. A great deal of work remains to be done upstream as to how girls and boys are represented and the role they will have in society. Then, there is the role that enterprises can play at the time of recruitment.

France's current law on gender equality will soon be re-submitted to a vote in order to incorporate financial penalties against companies that do not engage in processes to balance out their pay levels. The law may also require a certain degree of benchmarking over time or within sectors, along with indicators on gender equality in the workplace (as demonstrated through career plans, action to reincorporate employees after maternity leave, treatment of young women and young men, etc.). The actual choice of criteria and degree of specificity required from reporting companies will be of crucial importance. Enterprises must be forced to depict themselves as transparently as possible. The industrial partners need to get involved in the debate so that the law, which will probably be voted on in the fall, can be as effective as possible.

Elizabeth TCHOUNGUI

In the United States, employers seem to trust young people and call upon them without qualms. Would you agree with this ?

Géraldine DOWNEY

It depends on the young person's background and economic status. There are young people struggling currently. Age is indeed a problem in the United States. Mandatory retirement at age 70 has been struck down, changing the situation for professors. How can young people enter academic positions?

Jean-Louis PIERREL, IBM France

Coming back to the comments from my colleague at Nissan, whose employers asked what female salespeople would add in terms of actual sales or turnover, I would like to emphasise the role of the Code of Good Conduct and market laws in ensuring that enterprises promote equality.

A few years ago, one of our major clients decided not to sub-contract its IT functions to us, not because our relations were not good, but because our teams were all male and formally dressed. Enterprises work to create value, first and foremost, but can also be places where morals, ethics and values are discussed and cultivated. Perhaps the law is not as necessary as peer influence.

Gérard LECLERCQ

Renault and Nissan both wish to take determined and strong-handed action with respect to diversity, in which we believe, for both business-related and ethical reasons.

From the floor

Mrs Périvier, in the public sector, it is quite rare to see young women from middle and lower classes promoted. These are wives of MPs, senators and ministers. In the private sector, what is the percentage of women from the middle and lower classes in management positions?

Hélène PERIVIER

I do not have the figures in mind currently.

As to your first comments, the State is clearly not a stellar employer and that is, of course, where the work should begin: the State has set out laws and does not follow them itself. This is an outrage.

On social mobility, I think it refers to a much broader scope than gender alone. I would agree that underqualified women have more trouble finding a job than the same men. Underqualified immigrant women are in an even worse situation.

Elizabeth TCHOUNGUI

Thank you all for participating.

ROUND TABLE IV - DIVERSITY IN TIMES OF GLOBALIZATION



Elizabeth TCHOUNGUI

Our speakers for this Round Table are all French-speaking, but out of courtesy for our American friends and in recognition for the English language's status as the language of globalisation, they will strive to speak in English, as much English as possible.

This morning's session showed that different countries take different approaches to diversity. We will hear now from researchers coming from different places, Europe and India, as well as CEOs from major international enterprises.

DIVERSITY METRICS, PUT TO THE EUROPEAN CHALLENGE

Julie RINGELHEIM, Researcher and Professor, University of Louvain and the National Fund for Scientific Research

Thank you for having invited me. I am delighted to take part in this event. I will deliver my presentation in English because we have the pleasure of welcoming amongst us American, British and Brazilian specialists as well.

DIVERSITY AND THE EUROPEAN ARENA

I will not deny that there is strong resistance to statistics on ethnic and racial discrimination in France, but I do believe that it is based in part on misunderstandings and misperceptions. There is progress and the situation is opening up, even at the institutional level.



Julie RINGELHEIM

The decision made by the Council of Europe last Fall prohibits discriminatory statistics, but is more complex in reality. In most European countries, the issue of diversity has become part of public debate, partly due to the European Union's development policy in the field of promotion and non-discrimination. Until the first Directive on discrimination (on the grounds of race, gender, but also age, disability, religion and beliefs) was adopted, in 2000, only the first two forms of discrimination were discussed between European Union countries. This is because, until 1997 and the new Treaty, the Member States did not want to grant the European Union the powers it needed to regulate other areas of discrimination.

Neither the aforementioned Directive nor the Treaty contain any explicit requirement for Member States to measure discrimination or diversity. The concept of diversity is naturally somewhat ambiguous, as is its connection with non-discrimination. This is contributed to its success, as Richard Ford explained this morning. I will work from the assumption that the term diversity is a euphemism for non-discrimination. The European Commission, which oversees the incorporation of Directives into national law, is also concerned about encouraging Member States to take measures to fight discrimination. In this sense, the Union has recognised the lack of data on groups exposed to discrimination in most Member States and this has been an obstacle to putting together policies against it.

Consequently, the European Union encourages States to adopt mechanisms enabling them to gain access to information and, in particular, has funded five different studies to collect data on discrimination. This is one factor explaining why our debate is even taking place today. The Commission believes it is necessary to gather data on discrimination for several different reasons.

- to develop anti-discrimination policies, Member States need to have an in-depth understanding of the issues and be capable of identifying the groups affected, the areas where discrimination occurs and the dimension thereof, and this requires statistics, in particular on the economic standing of different groups in society;
- to determine whether there is discrimination or under-representation in private enterprises or institutions;
- to enable the courts to make better-informed decisions, considering that currently, the few statistics that exist deal only with age and gender discrimination.

Out of all the European Member States, three collect data on ethnic origin on a regular basis: the United Kingdom, Ireland and The Netherlands. There are Member States that process ethnic data in Central and Eastern Europe, when the census is taken, and efforts are launched to fight that discrimination. Other countries are reluctant to make data on ethnic origin part of their processes, for three main reasons:

- violation of privacy, as defined by the Directive and at the European level in general
- A special system has been instituted to govern the treatment of so-called sensitive data, including data on ethnic origin. It contains nothing prohibiting the use of this data, but does prohibit data processing. However, there is room for exceptions and the data might be processable if the aim were to fight discrimination.
- categorising individuals by ethnic origin is considered denying them their right to self-determination

Once again, provided that the aim is anti-discrimination, it is preferable to have the data than to deny the possibility of collecting it. It would not be a matter of publicly identifying individuals based on their ethnic origin. French tradition states that one must look beyond that and enable individuals to break free from such concepts. Yet, in my opinion, because of this principle in Human Rights, the nation is rejecting the ethnic data that could help it.

- it is feared that the existence of such data could influence social interaction and later create problems

The idea of data on ethnic background has triggered a revolution in civil society, the political arena and in academia. The Constitutional Council's debate last Fall was symptomatic of the confusion in the debate and in France. Even the concepts of "race" and "ethnicity", which have specific meanings in social sciences but are assimilated with tribalism in the rest of society, are points of contention.

In order to develop the tools to counter discrimination, several countries have begun to institute different categories of ethnic groups. In the United States, race is based on broad categories, such as black or white, followed by the ethnic category, Hispanic. In the United Kingdom, skin colour is the distinguishing factor, with white, then Black African, Black Caribbean, etc. Canada uses the term "visible minority". In all three of these countries, the categories are determined on how individuals identify themselves, choosing from a list. The Netherlands, in contrast, have instituted a sophisticated system based on the birthplace of each individual and the two generations preceding. This, too, is a way to fight discrimination, born from a specific political and societal situation. Turning this around, discrimination can also be created in different ways and at different levels. All of these subtle differences need to be kept in mind.

THE CONSTITUTIONAL COUNCIL IN FRANCE

At one point, debate had begun to determine whether an amendment should be inserted into French law regarding the protection of personal data. It was suggested in connection with a law totally unrelated to data, but that was on immigration. Originally, the recommendation had come from the CNIL, which created a working group to reflect on the many anti-discrimination measures possible.

The aim of the amendment was to facilitate research all the while improving the CNIL's oversight powers. It was inserted into the law and immediately stirred great controversy, for it was suddenly asserted that statistics on ethnic groups were to be legalised. This is why the amendment came before the Constitutional Council, which declared that it should be struck down. It also added a sentence that has given rise to a great deal of discussion, specifically that any studies to measure diversity should be based on objective data, but without going against the principle of equality and should not be based on ethnicity or race. In later explanations, it stated that this meant such studies should be based only on name, geographic origin or nationality, and in essence meant that statistical databases were not prohibited in those cases.

However, even with this clarification, many questions remained up in the air: on what grounds did the Council determine what was objective and what was legal? What is its opinion on asking people how they consider themselves? A few months later, the Constitutional Council responded to this on its Web site, in essence stating that a subjective and personal statement of ethnic belonging could indeed be used in such studies.



Christophe JAFFRELOT

INDIA AND THE CHALLENGE OF DIVERSITY

Christophe JAFFRELOT, Director, CERI-Sciences Po

THE DEPTH AND BREADTH OF DIVERSITY IN INDIA

India is home to 150 000 Muslims, and millions of Indians who claim and assert loudly their dependence on Buddha. There are 24 official languages, from the North to the South of India, and the country is all the more difficult to manage because of this. The English language predominates, but as in Brussels, many interpreters are working non-stop to manage the diversity throughout. Most importantly, there is a great deal of social diversity: 3 957 castes exist, governed by extremely stringent rules, from the Brahmins or “pure” to the untouchables. The latter are considered impure and thus left all of the professions connected to filth.

In 1947, when India gained independence, there was not a single representative of any tribe in the Indian National Assembly. Meanwhile, there were 62 people from the higher castes, even though they accounted for only 15% of the population at the time.

THE PLIGHT OF THE UNTOUCHABLES

To fight this, only the most tenacious, involved policies can have any impact, hence the frequent use of affirmative action. The English first begun using affirmative action in the 1890s, far earlier than the Americans. British administrators in India had launched a number of special programmes to educate people from the smallest castes, knowing that public and national education would never do it willingly. In a first-time move, they therefore created schools specially for the untouchables. Lo and behold, some of the untouchables proved to be capable of intelligence and had something that the Brahmins do not. Some went to university in America and others even entered political office abroad. Yet when they returned to India, they could not find work, due again to their status.

The British thus introduced quotas to create jobs for the untouchables: 8% of university capacity and 8% of public service was to be reserved for the untouchables. As India was in the midst of widespread democratisation, these quotas had to be respected. In 1947, with the independence of the country, the British instituted an affirmative action system. To ensure fair treatment, it decided to count the number of untouchables at the next census and provide fair representation for them in the universities, public services, etc., in other words ensuring that, if they accounted for 15% of the population, they would have 15% of the slots in universities. But the results of this ambitious programme were mixed.

The intent was not to smooth out society and ensure full egalitarianism. Rather, it was to ensure that all individuals in a class representing 10% of the population would have access to certain opportunities. This was very positive and showed that there could be a social ladder and social mobility. However, three problems emerged as well:

- those taken in had to be co-opted by their establishment, hence only one person out of every family could enter, leaving the others to fall into oblivion;
- the sons of the successful untouchables ended up doing well in school because their parents were educated – what did this mean for the other untouchables?
- the public sector, poor in comparison to the private sector, suffered from being riddled with educated but unemployable untouchables.

OTHER MAJOR BREAKDOWNS IN EQUALITY

The Poor

While 15% of the population is made up of untouchables, 70% of all Indians are poor, earning under 1 800 euros per year. Something must be done. These poor began demanding the same rights because they saw untouchables getting an education and going abroad, while they were not given any special treatment and could do nothing but beg. Forty years later, in 1990, for the first time, a bit of attention was given to the lower classes, across the board: they had demanded and were granted 27% of the bureaucratic services and university space.

India's is a unique situation in that the groups are not formed on ethnic origin, as Malaysians are, for instance, and hence there are no physical characteristics dividing them. Today, 49% of the bureaucracy and universities are based on a quota system. The good news is that this has lowered social tension. The poorest populations have a certain degree of hope as regards social mobility.

Women

Meanwhile, women were at a significant disadvantage, even though some important figures emerged, such as Indira Gandhi. The government thus set a 33% quota for women on all municipal authorities and village committees. The wives or widows of prominent males could also occupy positions left vacant. There was also a position left available for middle-class women in India. The next step will be to ensure that the 33% quota is applied to the Parliament. There was much discussion about this in India, just prior to the elections.

The Muslims

I would also like to say a word about Islam and the Muslims. Diversity has more or less become accepted where gender is concerned, but not with respect to religion. The Muslims are subject to significant discrimination: résumés bearing Muslim names are rejected, regardless of caste, for instance. The questionnaire issued by the Government to delve into this has indicated that Muslims today have taken on the status left vacant by the untouchables. The only possible response is to set quotas for Muslims. This is a huge problem in a country where 80% of the population is Hindu and very strongly so. Affirmative action for Muslims, meanwhile, is an entirely different matter and is the reason why terrorist attacks take place every six months.



Clara GAYMARD

Clara GAYMARD, Chief Executive Officer, General Electric

First of all, please forgive me, but I will speak French. My work language is English and I would like to jog my memory by speaking French. When I see e-mails written in English by French people, I find it ridiculous.

Like our moderator, I feel that diversity in France is very much governed by myth. We have a number of myths in France – equality, fraternity and liberty, for instance - and these have enabled us to ignore our problems, insofar as everyone was in step with the myth. There can be no problem, it was believed, in a society where there is equality, equal opportunity, equality in schools, free healthcare, etc. Thus, for forty years, we let ghettos, project housing and issues develop under our noses.

Fortunately, this has changed slightly, but France remains nonetheless a place where ideas and principles are discussed and reality forgotten. Were we to see the situation for what it is, we would stop debating this and that, and spring to urgent action. We would do so not only to achieve the social peace mentioned by other speakers, but also to uphold the values in which we believe and which need to remain meaningful in this country. Similarly, we would take action not for moral reasons, but because morals and human dignity have meaning for us. Yet above all, indeed, we would take this action to ensure the success and efficiency of our organisations.

A CORPORATE-LEVEL BATTLE

The Old Paradigm

Diversity is key to General Electric. Over the last forty years, the Group had its entire future well under control, with sustainable growth built on three pillars:

- innovation

Innovation means always doing more because innovation always speeds up. At SNECMA, we built an airplane engine called the CFM56 and have updated it every year for the last forty years. Nonetheless, a new engine will be unveiled in 2012. At the consumer level, the same drivers are in action when an individual finds his phone outdated only six months after the purchase.

- capital

We have few competitors and thus relatively large and satisfying margins.

- staff

Corporate values have become decisive in retaining staff. Employees no longer remain with a company merely for the attractive pay and development opportunities. They need something more.

The New Deal

Three new values have become vital to enterprises and those who do not recognise this can expect significant struggles in the future.

- “glocal” operations

This means remaining in step with the local level, though one’s operations are carried out at the global level, in a globalised world. A cell phone manufacturer like Samsung, which sells to the entire world, must ensure that its people in each location know how to address and convince the local consumers. On the same tack, General Electric’s wind energy business, a global operation, has become a success thanks to the regulations and policies instituted by different States, locally. Players who are not aware of the market, broadly and specifically, will miss many opportunities.

- ethics

This second aspect is even more important than the first. In large corporations like ours, we are constantly faced with ethical issues. We cannot let our reputation be hurt by a distant and forgotten subsidiary that suddenly goes off-track. We are even impacted by what our sub-contractors do, and must therefore teach our sales staff and technicians to take not only commercial and technological requirements into account when addressing them, but also professional ethics. This implies a diverse range of talents and expertise.

- stakeholders

Companies today are responsible not only to their shareholders, customers and employees, but also to their stakeholders. These are the people who decide the fate of the company: the media, the NGOs, community networks, etc. In the pharmaceutical industry, it is no longer possible to release a drug guaranteed to save lives without an NGO springing forth to say that the product needs also to be available in poor countries and not only for the wealthy Americans or Europeans.

Indeed, the world is changing. My 12-year-old son saw a movie the other day and, upon returning home, joined a group on Facebook, with 7 000 other people who vowed never to see it again. This is just another sign of the opinion-making networks that exist and are no longer steered by professionals. In the past, when companies released a product, they would see a communications agency to have it advertised as they wished. All went well, except perhaps for the lone journalist who had voiced some criticism, and the affair remained in professional hands. Today, the networks are out of corporate hands and capable of growing at rapid-fire pace.

It follows that when enterprises hire Blacks, Arabs, women, etc., they are not hiring those specific categories, but people from all cultures, origins and sensibilities. If a company like ours does not hire, in addition to people who match its core profile, philosophers, medieval history aficionados or people with an interest in sociology, we will not be in line with the population. Diversity and the environment are the two keys to corporate survival and sustainable growth today. There needs to be an alliance between the public powers and enterprises, so that the former can understand the latter's need for diversity. And that diversity will only come if we are able to measure our progress, through statistics.



Laurence PEYRAUT BERTIER

Laurence PEYRAUT BERTIER, Director, Marketing and Communication Europe, Barclays

I would like to thank Clara: I, too, work in English every day and would like to speak French also, if you do not mind.

One of the first things one learns upon joining an Anglo-American company and, in that sense, somewhat of a testimonial to diversity, is to start every day with an anecdote. I will apply that rule immediately with a story about my arrival at Barclay's. I was informed that I was the first woman appointed to an Executive Committee and the person who hired me said, "Laurence, when I hired you, actually, I made a political gesture. This is something you need to know."

I will not hide the fact that I was very angry at first. I responded that either my résumé showed my ability to take on the position or I was completely daft. In reality, he was completely right: this was five years ago and, in the next few days, I was to be approached by many a woman, wishing to shake my hand and thank me for showing that "it" was indeed possible.

This shows that diversity is indeed a topic of debate, but also something needs to be done and implemented. Implementing it begins with decision-making. Clara mentioned the importance of metrics, regarding males versus females, people of colour, people from visible minorities, etc.

DIVERSITY AS A BUSINESS PERFORMANCE FACTOR

Our customer portfolio in France and Europe is composed of 50% women. Customer surveys show that the expectations of men and women differ when it comes to finance: the former are focused more on performance and short-term gains, whereas the latter will aim for the long-term, security for their children and family and retirement. Indeed, women are more interested in both engaging in their professional levels and, in equal proportions, taking care of their families. It would follow that both female and male financial advisors should be present in-house to address these clients. It is simply a matter of performance, on the spot, and for the company as it heads into the future.

THE DIVERSITY EXPERIENCE

At my first meeting abroad, in England, I made a major mistake. In France, meetings are considered work sessions and a place for discussion. In England an agenda is sent out a few days in advance, with a start and end time, and a few high-interest topics. When I arrived for the meeting and began talking about some of the points on the agenda, I caught many people glaring at me, to my great surprise. At the break, I went to ask why I was being looked at so aggressively. I was told that I had forgotten Rule Number 1 in England: meetings are used to validate and confirm, and any discussion necessary should take place beforehand. When ill-informed, one can make relatively serious errors.

This morning, a young Indian applicant was interviewing with me. He had done an MBA in France and, before the meeting ended, he wished to ask me two questions dealing with clear differences between France and India: would he be allowed to address all of his co-workers without first going through the hierarchy?; and would he be allowed to bring up both professional and personal topics with them, as he had seen others do? Such questions are lessons in humility, bringing home the fact that differences are deeply rooted in culture and that ours is not universal.

THE DIFFICULTIES FOR WOMEN AT INSTITUTIONS SUCH AS BARCLAY'S

The statistics are stubborn. In the banking and finance industry, there is a relatively even split between men and women. Yet, at the upper management level, 70% are men, the senior executives are made up of 80% men and the executive committees consist of 90% men.

This may be due to the difficulties women have, indeed, in reconciling home and work. The dominant model – that of vertical, uninterrupted progress – is suited to males, and not to females, who must stop if they want to have children and risk falling off the organisation chart entirely. Such breaks in their progression can cost them two years of pay and two years of promotion for every single year of maternity leave taken. Moreover, since women are having children later and later, these breaks come at a time when the most significant promotions are usually made.

The female career development model – by stage, rather than in a straight line – may also be a model for modern times. Indeed, is it still possible today to be thrust ahead at full speed for 40 years? Do individuals even want this? These are the questions in the minds of men and young people arriving on the market today. In light of this, and in order to ensure that there will be men and women in our company on a lasting basis, we need to be able to offer them positions as opportune to both them and us.

Addressing more specifically the young female students in the room, I would like to point out a fundamental difference between the academic and corporate environments. While in school, you need only do well and you will rise to the next level. In business, the next level is necessarily smaller and more difficult to access the previous one. Women who wish to go far must make it known and get involved in mentoring programmes, so as to receive the support they need. Indeed, being part of a visible minority is one issue, but to remain part of an elusive minority is another. Women need to make themselves visible to their organisations by clearly stating what they wish to do.

Our organisations must, inversely, be alert to the women they employ today. We continue to manage our companies in ways very much rooted in past models. Young people today are more open, and have new contracts with companies that force us to go beyond our traditional patterns designed for white men from the Ivy League. Before becoming international organisations, they must integrate the diversity of business concepts.

Elizabeth TCHOUNGUI

Thank you. This brings us to our conclusions.

To close the day, we will hear from a highly-qualified specialist on such matters, Linda Hamilton Krieger, Professor of Law at the University of California at Berkeley, and Carlos Ghosn, President & CEO of Renault. They will make comments on what they heard today.

To help me run the session and gain additional perspective, we will also welcome Franz-Olivier Giesbert, Director of Le Point, one of the media sponsors of this event, along with France 24 and Le Monde.

CONCLUSION



Elizabeth TCHOUNGUI

Mrs Hamilton, Mr Ghosn, Mr Giesbert, thank you for attending this last session. Mrs Hamilton and Mr Ghosn, you will state your opinions about diversity. Mrs Hamilton, you are the Franco-American Foundation's first guest: it is a pleasure to welcome you here.

Linda HAMILTON KRIEGER, Professor, University of California - Berkeley, School of Law and « Equality of Opportunity » visiting professor, Sciences Po – French-American Foundation

I have been assigned the challenge and unfortunate task of summarising all of the presentations heard today and attempt to draw some common conclusions from them. To top it all off, I am to do this in ten minutes' time. Please forgive me, then, if my comments are incomplete. I will do my best.

Professor Post asked why it is so difficult to eliminate discrimination today and achieve the objective of equality. As many people have told us throughout the day, equality is still a running topic, one under construction. As Langston Hughes said, it is "a dream deferred". According to Professor Préteceille, residential segregation is a growing problem in France; this can be said in many other locations. The elite institutions, as Gérard Leclercq said, continue to have student bodies composed of people from Northern Europe. Women receive less pay than do men, as always, and are under-represented on Boards of Directors. As regards housing, I would challenge you to find any place to live if you are in a wheelchair.

Why is it so difficult to reach objectives that are so important, and even more so today? What role can promoting diversity play in eliminating inequalities? This is not only a dream, an objective or a symbol. It is a concrete part of our everyday lives. To achieve what we have not achieved today, we must do something we have not yet managed to do, oddly enough: determine what we mean by "discrimination".



Linda HAMILTON KRIEGER

Only by understanding discrimination in all forms can we decide what we must do, and what we do or do not want to do, in order to be in line with the standards and laws that prohibit discrimination. Today's discussions brought out three distinct types of discrimination.

INSTITUTIONAL DISCRIMINATION

Institutional discrimination is the process by which social practices and meanings change over time such that the values and traits of socially-privileged groups are promoted and their privileged status extended forth, at the expense of society. The concept of race has come about because of these practices, to give certain groups an advantage over others. Being blind to race and to practices that develop over time also sustains the privileges of the White population.

Whether gender, ethnical stereotypes, entrance exams, high-profile diplomas from Yale, Berkeley or Sciences Po, or part-time work, it all goes to perpetuate ethnic stratification. As Geraldine Downey stated, it is very difficult to change institutional practices or support change. Where institutional discrimination is concerned, it is even harder. How can the system be shaken up, then rebuilt? It is, indeed, an insidious form of discrimination.

INDIRECT DISCRIMINATION

In the United States, the effect of discrimination is delayed. This is due in large part to institutional discrimination, of course. Indirect discrimination is the use of practices that have a disproportionately negative impact on socially subordinated groups that have no valid impact on performance in the fields where they are used. In the United States, there is a required entrance exam for all those wishing to enter law school, yet no proof that this exam predicts performance levels beyond the first year, not to mention practice. Yet the test continues to be one of the main selection criteria and puts certain groups in society at a disadvantage. In appearance neutral, these practices are often considered natural and normal. This appears to be common sense, but in fact, they often have no connection with performance, except to exclude the members of socially-subordinated groups. They need to be countered or, perhaps, even overturned entirely.

DIRECT DISCRIMINATION

Europe refers to direct discrimination, while the United States refers to disparities in treatment. Either way, it refers to the process by which people with invisible differences are subject to discrimination as a result of these differences. There exist, for instance, government policies that divide the population up according to certain traits and treat them differently as a result of these. In most democracies, these have been eliminated. The same is true with corporate discrimination policies.

Discrimination, whether on the grounds of gender, ethnic origin, economic status or belief, is not often the result of a conscious desire to discriminate. It is the result of a subconscious phenomenon and implicit stereotypes that are present in the social environment, distorting our perceptions of other people. This type of discrimination cannot be eliminated by doing away with policies. It is reinforced by institutional and indirect discrimination. The question we must ask, then, is what can be done to promote diversity, in concrete terms, so that we can do away with the most hidden forms of discrimination. There is a danger: that diversity will serve as a symbol and not as an instrument for equality, diverting our attention rather than satisfying the expectations that this call for diversity raises.

CONCLUSION

We need to challenge existing social practices. We have already heard a number of extraordinary initiatives carried out by Renault, by new agencies and in communications companies. We need to build on that and continue. Let us work so that diversity is not a symbol but a call for social and structural change, to eliminate discrimination from all of society.

Carlos GHOSN, President & CEO, Renault

I can choose to speak either in French or in English. To create diversity, I will address you in French.

Today's discussions were indeed of great interest. Many points stood out with respect to the progress we still need to make in the field of diversity. The angle of the presentation was "what is right?". I would like to add to these comments by taking a different angle: "what is effective?". It is important that these two approaches go hand in hand. The debate on diversity is not only a debate on values, but also on effectiveness and performance.

We can share the values that underpin diversity, and it is my personal conviction. But I would like to focus on effectiveness. The lack of diversity is a tremendous waste of resources for companies. Diversity is indeed a source of performance and wealth. The major obstacle to progress – assuming that there is good will and that no one feels threatened by the differences of others – is often ignorance. Some people assume that greater diversity will mean greater waste and will never be able to experience it as an asset.

I will give you some examples in our industry. Renault is living proof that whenever a group integrates diversity – men and women, young people and older people, engineers and non-engineers, French, non-French, new groups – the result is greater creativity, imagination and performance. The solutions that come from such a group are better than the solutions coming from a uniform group. The problem is that, at the outset, it takes time and energy to overcome differences. But when you accept to invest energy and recognize these differences as a wealth, solutions are much better in the end. That was the first point.

Second point: today, most major corporations are global. When the planet is your market, your products and services must be tailored to very different cultures and profiles. With a uniform body of engineers, designers or product planners, this would be impossible. For instance, when we started out in India, our team of designers came mostly from Western Europe and their car projects were not appreciated by Indians in customers tests. We gradually brought in Indian designers and the situation improved. Our teams learned that, in India, design aesthetics are based largely around the eyes, because women are entirely cloaked in their saris, and the only zone of attraction is the eyes. For this reason, when designing a car, emphasis must be focused on the front, around the headlights. This does not hold true anywhere but in India. As soon as we put more resources and innovation into the car's look, our feedback from Indian panels automatically became better. It is just impossible to anticipate the reaction of an Indian customer if you do not integrate an Indian in the decision. If you want to adapt your products or services to a market, diversity is a powerful asset.

Third point, diversity is also a fantastic tool of motivation. Renault's 140 000 employees and Nissan's 240 000 include people from China, Russia, India, France, Germany, the United States or Japan. If any of those employees were to get the impression that some were "second-class citizens" due to their identity as women, young people, non-French or any other characteristic, they would lose both their motivation and commitment – both key to performance.

Diversity is extraordinarily powerful, in particular in creating wealth. Yet, it is also difficult. We have to recognize that it is easier to communicate with people similar to us, in age, background, gender, language or referent points. Facing differences is less comfortable, but much more enriching. This is true of individuals as it is of enterprises.

Diversity is important not only because it is "right" but also because it is at the root of value creation. And it will become more and more important as companies become global. More and more, we are required to see our planet as our market, and be capable of producing and developing



Carlos GHOSN

CONCLUSION

anywhere. Once a company has made this its rule, it has a vested interest in considering diversity as a source of wealth and preparing to integrate it as a key factor for performance and competitiveness in the company.

Franz-Olivier GIESBERT, Director, Le Point magazine

Carlos Ghosn, you are the embodiment of diversity and globalisation. You addressed us as a manager focused on efficiency. What is the most efficient way to go about achieving diversity? You do not seem to think that everything should be handled through law and regulations, perhaps even doubting that they can be effective.

Carlos GHOSN

Laws can serve as catalysts to a number of phenomena. When there are abuse and truly unacceptable things, the law should step in at a set minimum level below which one should not descend. It is entirely natural and can be very effective. However, as diversity is more and more considered as a factor of performance, enrichment and integration, then action needs to come at the level of the individual, the associations and the companies. Each company will respond in a very different manner and not all societies are at the same stage in terms of integration. The situation in Japan is completely different from the situation in France or in the United States, hence the action required from us is very different. Let's take the example of women in Japan. In 2001, Nissan's management team had only 1.5% women, and people were very proud because women only count for 0.5% of the management of Nissan's competitors. With 1.5%, the waste of talent was nonetheless obvious and women entering Nissan could be sure they would be treated in a discriminatory manner.

So we fixed quotas and progressive steps. But there must be preparation within the teams so that people can actually reach management positions and succeed in these positions. If the law is used as a catalyst for change in society, it will be very important. If it is only a means of making change, then it is an illusion.

Franz-Olivier GIESBERT

You speak about efficiency. As it seeks to work on diversity, France is impeded by the ban on ethnic data. What is your position on this issue, which is difficult in France and somewhat of a taboo topic? What should we do?

Linda HAMILTON

You need to change the Constitution so that information is allowed, but may only be used in a certain manner.

Carlos GHOSN

Cultural diversity lies not only in ethnic origin, for people of very different origins can have the same culture and approach. Diversity means respecting different identities. The danger would be to assume that people come from the same mould but, because they are of different origins, represent diversity. This is not always the case. We look for truly diverse people, who see the same problems and concepts with entirely different eyes.

Franz-Olivier GIESBERT

That is what we saw earlier, with the amazing example of industrial diversity in India. Do you have



Franz-Olivier GIESBERT

different cars in China and Japan, as well?

Carlos GHOSN

Quite so. Today, people speak of a global car, but there is no global car. Cars may appear to be the same and have the same name, but they are always adapted to the market for which they are intended. Cars in China are made with different materials, colours, tuning, engine design, suspension, etc., because the Chinese consumer is not looking for the same things as the Indian or the European customer.

The Chinese are known to have a preference for very opulent interiors, so we produce them, but those same vehicles would be a flop on the Japanese market (and vice versa). The differences are physical also: for instance, the Chinese prefer vertical vibrations to lateral ones and we need to respect this.

You said that I saw diversity from the angle of efficiency. Actually, I first experienced it as an individual and can tell you that, to be different in every society in which I have lived is a difficult thing – but an enriching one, also. That being said, I do aim for effectiveness and efficiency. I simply do not see diversity as only a means toward that. It is also a very important factor for stability in our societies, as we head deeper into the 21st century.

Franz-Olivier GIESBERT

As someone responsible for 380 000 people, how do you see the global economy, in the years to come, with skyrocketing oil and raw material prices?

Carlos GHOSN

We are fortunate enough to be experiencing a year (and perhaps more) of fundamental change in the global economy. There are signs of this here and there, with oil at 135 dollars per barrel and rising iron ore prices - we do not know if these trends are here to stay or are due to speculation, and with wealth massively going from mature markets to emergent markets.

This is interesting, if only for the automobile market. Today, there are 600 million cars on the world's roads. 80% of them are in the United States, Western Europe and Japan. The scientists from the IFM estimate that, in 2050, there will be 2.9 billion cars on the roads, or five times more.

Franz-Olivier GIESBERT

Will they still run on gas?

Carlos GHOSN

That is another issue. The difference between the 600 million and the 2.9 billion will occur in countries that were not at all in the picture ten years ago: China, India and the countries of the Middle East and South America.

For the time being, all moving vehicles require oil. With 2.9 billion cars on the road, there will surely be a technological breakthrough so that cars can rely on something else, such as electricity or hydrogen. We are experiencing fundamental shifts and changes, in our technology, energy and resources, all at the same time. Those who feel this is harmful will become victim to the changes, while those who see it as an opportunity will be able to position themselves with regard to the future and win the battle.

Elizabeth TCHOUNGUI

Mr Ghosn, what would you recommend to a company engaged in the fight for diversity?

Carlos GHOSN

It is important to promote diversity not only as a personal belief, but also as a source of enrichment and strength for the company. At Renault, as long as people thought I was promoting diversity because of my own origins, they were perhaps interested, but not convinced. In the company, you have to promote diversity as a factor of performance and give concrete examples. I suggested to a Harvard University research team that it should do a study showing the positive effects of diversity in companies. The only advice I can give is to explain and back up calls for diversity with concrete examples, showing it as an objective factor of performance.

Linda HAMILTON

I would like to ask a question in relation to the unique situation you described in India. You already brought Indian designers into your teams to better respond to the market's aesthetic preferences. Yet imagine that you noticed a rise in sales when the salespeople were male. How should an enterprise respond to this?

Carlos GHOSN

I would be better equipped to discuss Japan than India. In Japan, everyone thought that customers would prefer male salespeople. We conducted an in-depth study, which showed that this was not true. We learned that 90 to 95% of the Japanese manufacturers' sales teams were men, when 60% of new-car purchases in Japan are decided by women or with their strong influence and 80% of women would have preferred to be addressed by a saleswoman. 50% of the men also expressed this preference. It shows that there is a lot of preconceived ideas. Why do people prefer to be addressed by saleswoman? Male salespeople tend to sell the technology first - engine or gearbox performance, when many customers could not care or do not understand it. Women, on the other hand, were much better listeners and discussed maintenance and the materials used. They were much better attuned to their customers.

This goes to show how important it is to move beyond preconceived ideas and assumptions and carry out actual studies.

Linda HAMILTON

Hypothetically, if you found out that salesmen were more effective than saleswomen, would you still go against this, in the name of diversity? What would you do if there were divergences between the men and women, due to customer preferences?

Carlos GHOSN

If that were true, I would put mostly men on the sales floor. This does not mean that I would be discriminating by any means, because at the same time, I would look for the areas in which I need more women and fill those positions accordingly. The aim is not to be at the same levels in every area. It is a matter of performance. Overall today, there is a huge waste of talent where women are concerned and, above all, young people. In some cases, young people are expected to wait an intolerably long time, despite their talent, goodwill and desire to contribute. It is important to go against the tide, promoting young people and explaining that we are helping them because there has been segregation in the past.

From the floor

The debate appeared to be a contrast between different viewpoints: either diversity is approached as a something conceptual and prescriptive, or, as has emerged more recently, it is an area that stirs action of any kind so that people can succeed. Based on my experience in the United States, whenever one works from a purely moral standpoint, this limits potential progress. There can be a plethora of conferences and seminars, but if they are attended only by White people discussing the racial differences between Africans, Americans, Latinos and Asians, the diversity is no greater.

Perhaps future conferences should call upon other disciplines, like psychology, or economics.

Carlos GHOSN

In any case, there are two angles to diversity: intellectual, wherein everyone agrees to promote diversity, but only as a subject of discussion between closed groups (white people with white people, women with women, young people with young people). We talk about diversity as a concept, but we do not practice it. And when you have to work with people who are very different from you, you do not like it. I think that it is very important to be more practical in the promotion of diversity. There are many theoretical developments but not enough workshops in companies. I give you an example. In some countries, like Japan, where women count for 5% of the management, reaching 50% seems impossible. But there are countries where 50% of the management are women, in Eastern Europe for instance. What did we do? We sent the Japanese managers, who were reluctant to see more women join their status, to Romania so that they could see how a team works with 50% of female managers. This sort of experience can change a lot of things, much more than a long speech. I think that this angle obviously needs to be improved, so that the appeal of diversity is experienced concretely and not only discussed.

Robert POST

Diversity is lacking on the labour market because it is difficult. The only merger to have succeeded in the automobile industry these last thirty years is that between Renault and Nissan. None of the others created value, for they did not have the patience and determination to create it.

Khalid HAMDANI

Clearly, a degree of multidisciplinary theory is needed in order to broach this extraordinarily complex topic. However, it is even more important to take concrete action from the outset, based on objectives that are clear and, admittedly, difficult to define. Secondly, a great deal of benchmarking is required. This can be humiliating, particularly for the French, which will not measure up initially. It is also difficult simply to quantify progress.

Even once the perfect set of tools is achieved, it remains to be implemented concretely, at the individual level. I have worked for ten years to overcome all of the bias that may have been in me culturally with regard to gender equality, questioning and breaking down the concepts previously incorporated as natural. That is the real work process.

Carlos GHOSN

Diversity without a shared project cannot work. The only way to bring together people from different horizons, cultures and languages is to involve them in a shared endeavour which they experience as significant and interesting. Otherwise, the diversity will become a source of distraction and conflict. Unhappily, we can observe it in many countries, which are symbols of diversity: they explode because they do not have a common project. In the opposite scenario, when the project mobilises teams, it is a uniting force, which gives rise to performance and speeds up progress.

CONCLUSION

Franz-Olivier GIESBERT

To conclude, I would like to tell you a story. I head a news magazine and am deeply committed to anti-discrimination. One day, a woman conducting a study on discrimination for the government came to ask me questions. I enjoyed it very much, as I work on the minorities issue a lot, so our editorial staff is composed of 50% women, two Blacks, two of the editors-in-chief are black women, etc. Yet I realized that we have a very severe discrimination problem, against older workers. I have since taken care of this. Nonetheless, until that point, someone above age 50 had no chance of receiving a raise or promotion.

Perhaps that is the key: whenever a given form of discrimination is overcome, we should always be checking to ensure that another one is not outstanding.

Elizabeth TCHOUNGUI

There is also the issue of multiple discrimination.

Franz-Olivier GIESBERT

Indeed, even more so.

Elizabeth TCHOUNGUI

I thank everyone for having taken part in this forum. Many thanks to Sciences Po and Renault, which made all of this possible.

THE RACE CARD¹

by Richard FORD, Professor, Stanford Law School

Today, most people believe that racism is wrong. But many people also worry that the charge of racism is regularly abused. We can all think of examples: Michael Jackson - a musician who enjoyed the most lucrative career in the history of recorded music - teams up with race-card shark Al Sharpton to accuse his recording label, Sony Music, of a “racist conspiracy” to undermine his popularity after sales of his disappointing latest album are, well, disappointing. The multi-millionaire who, through untold plastic surgeries, has achieved the Aryan phenotype of Snow White declared fearlessly “when you fight for me, you’re fighting for all black people, dead and alive.” (That rumbling you hear is the sound of thousands of former slaves, sharecroppers and victims of Jim Crow turning in their graves.) Clarence Thomas, when charges of sex harassment surface during his confirmation to the Supreme Court of the United States, compares his critics to a lynch mob. And of course there’s O.J. Simpson. We all know what happened with O.J. Simpson (Don’t we?)

The Race Card examines the prevalence of dubious and questionable accusations of racism and other types of bias. The social and legal meaning of “racism” is in a state of crisis: the term now has no single clear and agreed upon meaning. As a result, it is available to describe an increasingly wide range of disparate policies, activities, decisions and social phenomenon. This leads to disagreement and confusion. Self-serving individuals, rabble-rousers and political hacks find it easy to use accusations of racism, sexism, homophobia and other types of “bias” tactically, in order to advance their own ends. And people of good will may make sincere claims that strike others as obviously wrongheaded. Today, the rhetoric of racism is a national patois, spoken fluently by ghetto hustlers and Wall Street stock-brokers, civil rights agitators and Republican party hacks, criminal defense attorneys and Supreme Court nominees. Lawyers and judges and parishioners and priests have mastered the slight of hand required to play the race card.

But the race card is not a simple matter of opportunism and deception - it’s a by-product of deep ideological conflict in our society over how to describe and deal with questions of social justice.

When bigotry was openly tolerated people often announced or did nothing to conceal it. So many of the earliest struggles for civil rights aimed at some conspicuous targets: Jim Crow laws, blatantly discriminatory practices, out and out race-based exclusion. But today most people try to hide their prejudices. As a result, a lot of time and energy must be spent just trying to determine whether bigotry is in play or not. Everyone involved - accuser and accused alike - has an incentive to lie, dissemble, downplay or exaggerate.

What accounts for such disagreements? Why are they so commonplace today? Why do some reasonable people see evidence of racism where others see only the smirking one-eyed Jack of the race card? In *The Race Card*, I examine four reasons more and more people seem to play the race card.

1. When people complain of racism, it’s typical to assume there must be a blameworthy racist who should be made to pay. But many of today’s racial injustices are not the direct result of ongoing racial discrimination; instead they’re the unwelcome legacy of our racially discriminatory past. As a result, many people have legitimate grievances, but no racist to blame for them. The victims of the injustices will correctly blame racism, but too often incorrectly try to find someone to label a racist. Skeptical observers who see no racists will conclude that the complaint is unreasonable and perhaps dishonest. I call this the problem of *racism without racists*.

2. The success of the civil rights movement inspired a host of other groups to frame their struggles in similar terms. Feminists, gays and lesbians, the disabled and the elderly are just a few of the groups who have successfully made explicit analogies to the cause of racial justice. Conservatives attacked affirmative action as “reverse racism.” Multiculturalism redefined racism as aversion or prejudice based, not on skin color or heredity, but on “culture.” And host of interest groups, such as dog owners, the obese, and cigarette smokers have implausibly - but insistently - compared their causes to the struggle against racism. At best, these claims seek to extend the principles underlying civil rights to new situations. But at worst, these claims seem to define “bigotry” so broadly that the losing side of almost any social or political conflict can claim to be the victims of racism-like bias. Today almost anyone can play the race card because of the explosion of what I’ll call claims of *racism by analogy*.

1 - “The Race Card: How Bluffing About Bias Makes Race Relations Worse”, Richard Ford, published by Farrar, Straus & Giroux (2008)

3. Although there is widespread agreement that racism and analogous prejudices are wrong, there is no agreement as to what counts as racism. The success of the civil rights movement encouraged more ambitious claims and the phenomenon of racism without racists led activists to apply the civil rights model to subtler forms of racial injustice. Today, there's greater disagreement as to what counts as racism. There are several reasonable definitions available, each of which will yield different results given the same set of facts. The difficulty in figuring out who is and is not a racist begins with the problem of *defining discrimination*.

4. The practical goals of civil rights are contested. During the Jim Crow era, anti-racists agreed that the goal was to dismantle explicitly discriminatory practices and formally enforced segregation. But it wasn't clear whether the ultimate goal was to achieve formal legal equality, economic equality or whether there was a more substantive commitment to social integration. With blatant discrimination on the wane, it's become obvious that anti-racists don't agree on the ultimate goal: mainstream liberals favor social integration but black nationalists and some multiculturalists reject integration in favor of racial solidarity and cultural autonomy. When the ultimate goal is contested, it can be hard to tell what furthers racial justice and what hinders it. For instance, affirmative action is inconsistent with formal equality but it furthers economic equality and integration; separate ethnic and racial organizations and clubs promote solidarity and cultural autonomy but violate norms of equality and cut against social integration. This can produce a Catch 22 where any course of action will be "racist" according to someone. I call this problem the *clash of ends*.

DIVERSITY: SCIENCES PO'S YOUNG RESEARCHERS' REACTION

Sabine MENU, Annabelle ALLOUCH, Elodie NOWINSKI, Elyamine SETTOUL, young researchers, Sciences Po.

Diversity is still in France a subject of controversies, although it has been considered by the public authorities, educational system and business affairs as a central problem, constantly drawing their attention for the past twenty years.

In a country like France, with a great tradition of national unity, the question of diversity is not raised in the same way it is in a country where diversity is at the very heart of the national identity, like in the United States.

However, as the French tend to nurture their own experiments with many examples and counter-examples, the American implementation of diversity has been largely discussed there, as proven by the conference. It thus sheds a stimulating light on the French case but also brought alternative answers to the problem.

THE NOTION OF DIVERSITY AND ITS LIMITS

Diversity: Behind this fashionable expression lies a multitude of meanings and uses. However, it commonly describes a singularity of a defined group (at school, in a company, in the Army, etc.) rather than a difference considered as such.

Paradoxically, diversity takes its full meaning in the context of an increasingly global economy.

In the logic of cultural or economical competition, diversity can become a tool of self-promotion for individual or collective skills and talents. In her recent book *Made in Monde*¹ Professor Suzanne Berger from the MIT concluded that the key to success for a company in a context of globalization was not lying in the only strategy of relocation but rather in a good use of diverse resources rooted in both their own history and local, social and economical environment.

Therefore, the history of local communities provides elements to define the term "Diversity": The images, stereotypes and memories that founded these groups also enable them to define themselves and to consider their future.

A long time ago, symbols, values and rituals promoting "soft factors" of economical development (To quote both Eric Hobsbawm and Terence Ranger) were created and recreated in European regions, in order to welcome new investors or develop new markets. Regional cultures have thus been mobilized to underline the historical root, the treasures of cultural heritage or the social cohesion of territories, though each of them would be recognized as diverse.

Indeed, a specific product like the famous lace of "Caudry" (A small town located in the North of France) that needs a special skill only held by women of the village and nourished by local traditions, managed to find a new expansion thanks to the renewed prestige of its uniqueness and an intelligent introduction on the market of luxury materials². Once a small local production going downhill, the lace of Caudry is now exported worldwide via the Haute-Couture industry.

The exploitation of diversity seems to be the new growth area to make financial profits. But it is not endlessly exploitable: Searching for an infinite diversity finally contributes to dilute its content.

In this logic, the right to exist proclaimed by some urban cultures in the name of diversity can lead to a cacophony of hybrid cultures more or less defined, with loose boundaries not helping in any way the production of tangible cultural goods, despite massive financial investments.

Besides, asserting one's diversity is risking to awaken unconscious prejudices, as Professor Christine Jolls from Yale Law School proved it: According to her research, there is a deficit of 27% in the sales of baseball cards on Ebay, whether they are held by a white or a black hand.

And it is not enough to proclaim one's diversity to make it real: Resorting to this notion as a way to promote a local community identity... can finally lead to the emergence of an exoticism that is to say to a fake and artificial difference. This newly created exoticism is self-produced only in order to stage the community, and does not evince any sense of reality or even likelihood. Sometimes, it works, like it does in Bavaria where the local Government promotes the specificity of the Bavarian identity through the happy turn of phrase: "Laptop und Lederhose", laptop and leather shorts.

1 - This text does not have a scientific ambition. As a consequence, scientific references have not been inserted here.

2 - Elodie Nowinsky, "The cultural transfers in the Fashion and Music industry: A comparison between France and the USA", PhD in History at Sciences Po.

The leather shorts -a regional symbol created in the middle of the 19th century by the Bavarian monarchs in order to create a popular adherence to their kingdom- is associated here with a global High Technology industry. The value of Bavarian culture is increased by the link it creates between a local community and an economic environment and not by what it excludes. It then roots Bavaria into globalisation³.

Diversity does not only need proclaiming but also information (notably to avoid strong prejudices). It also needs the support of the whole group recognized as specific. The assertion of diversity can only get a full meaning by inserting the individual or group concerned in a much larger context.

SOME TOOLS TO DEVELOP DIVERSITY AND THEIR LIMITS

The question of diversity has been promoted in the public eye by strong initiatives in the public and private sector. This involves that social inequalities but also differences proclaimed by every individual are taken into account. These new initiatives initially aimed at enabling people with deprived social and ethnic backgrounds to equally reach every position in society. They also aimed at taking into account the relational dimension of discrimination between a discriminated and a discriminating person.

But when it comes to diversity in France, there is no easy answer: If the republican model has been considered as too rigid because of its principle of equality, the American experiment of Affirmative action and "quota policies" was also proved to create pernicious effects and was abrogated in 1996.

Identifying the causes and stakes of diversity means to implement several temporalities of action: On the one hand, the populations concerned by these discriminations and their multiple causes need to be clearly defined. On the other hand, specific educational programs need to be implemented in order to recruit these populations. However, beyond the very moment of recruitment in the Labour Market or Higher Education, the accuracy of these diversity policies needs a day-to-day management, especially if it is the individuals that now are taken into account more than a homogeneous group.

Identifying discriminations is a necessary prerequisite to the implementation of efficient diversity policies, above all considerations of communication.

One could regret the decision taken by the French Constitutional Court in 2007, which limited the resort to "ethnic statistics" in the census operations, making difficult any attempt to have an objective and complete inventory of existing inequalities. In order to make this identification legal, The "Veil" Commission (whose Chairman is former Ministry of Social Affairs Simone Veil), nominated after the Court decision, is in charge of finding projects of Constitutional reforms that could help modernize the French principle of equality and reinforce the current initiatives in terms of anti-discrimination.

Besides, a few social scientists suggested to consider alternative criteria –such as the name or the nationality- that could help determine the ethnical background of individuals without raising the question of race. However, the scientific accuracy of these suggestions has been harshly called into question.

Taking a more classical pattern, different types of discrimination have been underlined by researchers, notably concerning gender or age discrimination in the access to Labour market and career development. Tackling usual researches on age, French sociologist Louis Chauvel thus proved the huge inequality between generations at the moment of entering the professional world, to the disfavour of the youngest of the workers.

But the question of diversity in the Labour Market implies to rethink the access of socially deprived populations to Higher Education.

To this extent, the implementation of experiments by the Grandes Ecoles like Sciences Po or ESSEC⁴ (French elite institutions in Higher Education) could be considered as a turning point, asserting a willingness to help these populations reach the highest positions in the public and private sectors instead of classic executive tasks. Moreover, their flexible institutional structure could precisely complete the traditional legal tools of the French Department of Education, by developing new partnerships with companies, within the framework of professional tutorials for instance⁵.

3 - Sabine Menu, "The local identity in the formation of economic mobilization in three European regions (Bavaria, Brittany, North-East of Britain), 1980-2006", PhD in Political science at Sciences Po, obtained with honours on Feb. 21st, 2008. Publishing to come in English.

4 - Besides the now classic "Conventions for Education prioritaire" (CEP), the Graduate school of Sciences Po has launched regular conferences organised in the deprived High schools belonging to its network. (To know more about these conferences, see the website of the graduate school: www.sciences-po.fr)

5 - Annabelle Allouch, "The implementation of Access policies in French and British elite Higher Education", PhD in Sociology at Sciences Po.

After the example of Sciences Po, military school education Army officers recently launched their own Access schemes to deprived background students. The first promotion of students to diversify a traditionally homogeneous body has integrated the scheme in 2008.

Rather than a policy of ethnic quotas, these schemes aim at detecting “new talents”, sometimes even considered as more adapted to companies’ needs than the traditional populations occupying the highest positions.

Nevertheless, beyond the question of recruitment, diversity in terms of social and ethnic criteria must be accompanied by a daily management that would take into account the now recognized singularity of individuals and the complexity it implies.

This day-to-day management of diversity lies in the development of a normative toolbox at both a European and national level. It is structured by incentives and regulative measures but also coercive laws. This toolbox is completed by various initiatives from the private sector whose goal is to improve individual practises in terms of discrimination as well as a good company ethics.

Indeed, because of the difficulty to identify populations concerned by diversity policies, French public authorities have decided to resort to “soft law” norms and measures, thanks to new institutions regulating practises, as well as an increasing resort to contracts with private companies.

This has led to the development of “Diversity” labels as well as the implementation in 2005 of the “HALDE” (French High Authority fighting against discriminations) that was commissioned by the Government to identify and regulate the direct and indirect discriminatory practises. This High Authority also contributes to the identification and notification of existing good practises within companies in its annual report.

In the case of a proved discrimination, it can also seize the penal judge, thus reinforcing its offensive nature.

But the development of labels and contracts is not sufficient if it is not nurtured by more implicit approaches. The works of Linda Krieger-Hamilton and Christine Jolls enabled to highlight the psycho-cognitive processes in the construction of discrimination and prejudices. Thanks to individual and group tests associating positive or negative terms to skin colour, they brought forth the unconscious dimension of discriminations.

In the same perspective of harmonisation between the different staffs of a same global company (It was the case when Renault and Nissan merged), private actors knew how to multiply initiatives concerning under-represented groups at a high-level of responsibility. Examples came from companies such as Barclay’s which launched seminars aiming at improving women’s careers after maternity. Likewise, Vinci has carried out audits, not only inside its own group but also among its suppliers.

Beside the fact that these types of measures encourage economic performance, there are also very attractive towards young managers, as Clara Gaymard points out: They are just as attracted by the ethics of their future company as they are by salaries or career developments. The increasing number of Master degrees specialized in Social Economy and Social Responsibility in French Business schools tend to formalise this demand from the students.

This daily management finds a particularly interesting echo in the military sphere⁶. The necessary cohesion in the Army forced its hierarchy to implement in 2005 a mosque as to respond to the needs of the soldiers belonging to this confession. This greater flexibility has a positive impact on the soldiers’ psychology.

The schemes and measures implemented in the last few years have contributed to build the foundations of a coherent policy of diversity. The spreading of information and promotion of research on the field of diversity are fruitful means to transform discriminatory representations and practises.

6 - Elyamine Settoul, “The patterns of involvement in the Army of immigrant militaries”, PhD in Political sociology at Sciences Po.

Diversity
Diversity

(www.renault.com)