

Exclusion of non-European nationals from vote is "illicit", says French anti-discrimination watchdog

Excluding employees who are not European nationals from voting in the election of staff representatives to the AFP board is "illicit", France's High Authority for Fighting Discrimination and Promoting Equality (HALDE) has stated. Ruling on a complaint filed by a Uruguayan journalist and the "SUD Culture Solidaires" trade union, the HALDE stated that the exclusion in question was "contrary to the principle of equality and non-discrimination enshrined in [French] constitutional and [European] Community standards."

(For the full ruling in French, numbered 2008-69 and dated April 7 2008, see <http://www.blog4ever.com/blogfichiers/146783/fics/146783080416122739.pdf>)

The HALDE (Haute autorité de lutte contre les discriminations et pour l'égalité) recommended that the prime minister and the culture minister should have article 7 of the 1957 law which lays down AFP's statutes changed in order to allow non-French AFP staff, including non-Europeans, to "enjoy voting and eligibility rights" in the election of staff representatives to the AFP board.

"Pending this reform", the HALDE "recommends that AFP's CEO should... interpret the litigious clauses in the light of the recommendations made by the College of the Haute autorité" – in other words he should grant non-European staff the right to vote in the election of staff reps to the board.

The ruling concerns around a thousand full-status and freelance AFP employees, who were deprived of the vote during the recent election of staff board representatives.

Who benefits from the HALDE ruling?

(Figures estimated by SUD)

	New voters
Permanent HQ status journalists	40
Permanent local-status journalists (outside France)	355
Freelancers outside France earning over €3,500 per year	400
Total journalists	795
Administrative white-collar category staff (cadres)	10
Technical white-collar (cadres)	5
Local status secretarial and related categories	130
Blue-collar workers	30
Total non journalists	175
Overall AFP total	970

According to SUD's figures, a total of 1,915 journalists should have been registered to vote, i.e. 70% more than the 1,120 who in fact were! And 775 non-journalists should have been on the rolls, 30% more than the actual figure of 580.

In other words, the result of the recent election was seriously skewed, as management MAINTAINED the exclusion of non-Europeans even though the HALDE was in the process of carrying out its investigation.

The CEO deprives a thousand people of a basic right!

The sequence of events concerning the complaint shows that AFP's CEO, Pierre Louette, bears a heavy responsibility. Here's how it happened:

- Summer of 2007: with an eye to the election due in 2008, Zelmar Michelini, who has worked as a journalist at AFP's Paris headquarters since 1982, files a complaint with the HALDE, stating *"I am deprived of the right to vote in the election for the staff representatives on AFP's board because of my Uruguayan nationality."* Management is informed of the complaint, filed jointly with the SUD trade union, in September of the same year.
- December 2007: In an interview with the French radio station BFM, and then in front of the AFP works committee, Pierre Louette says he is envisaging a privatisation of the agency. His statements give the impression that he wants to use the issue of voting rights for non-Europeans to the board to justify statutory changes which go well beyond a simple "sprucing-up" (*toiletage*).
- January 16, 2008: feigning ignorance of the complaint to the HALDE, the CEO signs a "decision" to convene the election of the staff representatives to the board on the same basis as that used in 2005, i.e. excluding non-European nationals. The HALDE's ruling makes an implicit reference to this when it states that: *"Although information collected during our investigation pointed to favourable developments, AFP omitted in its letter to mention that new elections were being held."*

The election took place between March 10 and April 7, 2008. The HALDE's ruling was issued a week later.

Pierre Louette seems to have got what he wanted: an election of staff board representatives using the OLD voting method, leaving him with three years in which to push through his plans to change the 1957 statutes.

The HALDE's ruling helps back up the position defended by SUD, with the aim of winning new rights for non-European employees, most of whom work under local-status contracts. It leaves the door open to a new election which would allow non-Europeans to take part on the same basis as Europeans and WITHOUT ANY PRIOR CHANGES to AFP's statutes.

SUD-AFP (part of the SUD Culture Solidaires union grouping) has decided to make a court application to have the recent election annulled and to allow a new democratic and non-discriminatory vote to take place involving all staff in the course of 2008!

Paris, April 18, 2008

Board election voting rights before and after the HALDE ruling

(Based on SUD estimates)

	BEFORE	AFTER	NEW	% CHANGE
Total journalists	1,120	1,915	795	+70%
Total non journalists	580	755	175	+30%
Overall AFP total	1,700	2,670	970	+57%

See also : AFP: 4,000 people – what rights?

<http://www.blog4ever.com/blogfichiers/146783/fics/146783080325045409.pdf>

