**National conceptualisation of diversity: interplay of ‘soft’ and ‘hard’ law? The case of French Diversity Charter and Diversity Label**

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**Abstract**

The Diversity Management paradigm has gained popularity in Europe since the 2000s and has triggered both enthusiasm and controversy. Recent research on diversity debates in different national settings revealed variations in definitions, discourse and practice shaped by history, regulatory environment and legacies of inequality and discrimination. Voluntarism versus regulation and their interplay have been central to the debate, in a context of manifest support at European level for soft law alternatives in employment policies. Despite growing interest in soft law, there has been little study of how diversity discourse transpires in specific measures such as certifications. To bridge this gap, this paper focuses on the French Diversity Charter and Diversity Label. We use Schmidt’s discursive institutionalism and Edelman et al’s (2001) managerialization of law to explore the content of and communication related to these certifications, as well as their potential to trigger ideational and regulation change through continuous interactive processes in a complex, multiple-actor institutional context. We argue that these certifications are a step further towards the managerialization of law in France, with possibility for both positive and negative outcomes for the workforce. We also suggest that the potential for transferability of the concept of labels and charters and the related ‘good practice’ across companies, sectors and countries is uncertain, and that outcomes would vary greatly because of the non-prescriptive and open nature of the approaches.

**Keywords**: soft law, diversity charter, diversity label, discursive institutionalism, managerialisation of law

**Introduction**

The national specificity of diversity paradigms provides one element of the variety of institutional spaces across the European Union. Even within a harmonised economic space like the EU, with element of a common institutional pressure as a force for convergence, each country has a different diversity setting (e.g. Greene et al., 2005; Holvino and Kamp, 2009; Kirton and Greene 2010), reflecting historical trajectories, institutional frameworks (e.g. Ferner et al., 2005), exposure to demographic or economic pressures, system of values, norms and their legal frameworks, all of which contribute to form the national conceptualisation of workforce diversity and equality.

Governments and legislative frameworks provide one of the key dimensions of these institutional settings. The promotion of alternatives to legal intervention represents another way in which institutions influence labour market outcomes. So-called soft law alternatives have been favoured mechanism of the European Employment strategy as a means to benchmark policy and to promote diffusion (Zeitlin, 2009). Soft law approaches have origins at the European level and also within national settings, and labels and charters represent one such example with respect to diversity and equality policy.

Charters and labels are entangled within the laws and state structures, which provides an additional insight of the conceptualization of diversity at the national level. The degree to which the state is involved in soft law alternatives may vary and evolve over time to conform to external and internal pressures, or to reflect national developments in public opinion and societal norms and values. Furthermore, while laws and policies are unidirectional, from the State to the organisations and citizens, labels, charters and other certifications may present potential for a bidirectional interaction between the state and the organisation: the government sets a legal framework within which the certification agencies implement the norms and create demands on firms to conform. At the same time, feedback from the actors involved in the elaboration, promotion, implementation and evaluation of these soft approaches may influence the limits of the legal framework, thus creating the possibility of an exchange between the state and organizations. Additionally, labels, charters and certifications are a voluntaristic tool, whereas laws have to be obeyed, so they also act as a gauge of the involvement and attitude of organizations towards diversity in different national contexts.

This paper explores how France conceptualizes diversity and equality through a combination of legal measures and soft law approaches. France presents an interesting case as within only a few years the country has moved from hard law to a state-supported market for soft law alternatives: Diversity Charter (2004), Equality Label (2006), and Diversity Label (2008), all characterised by the involvement of multiple actors. We focus on the Diversity Charter and Label and examine the relationship between these and the law, as well as the involvement of the state and multiple actors, and analyse the evolution of the diversity rhetoric in public support for and promotion of diversity management ‘à la française’, in a context of persistent republican ideals.

This is a developmental paper. We intend to explore further how firms and other actors discuss certifications on company and various organisations’ websites and in press, in order to gain insight of the way discourse is used to ‘sell’ the Charter and the Labels to clients, suppliers, other companies, and the general public. We will also explore good practice examples to account for variations in managerial choices and in possible outcomes for the employees.

**Theoretical approaches**

We first present the theoretical framework relevant to understanding the importance of rhetoric and discourse in shaping policies and institutional developments, and relate the arrival of the Diversity Management paradigm in France and how it has been contextually adjusted to fit within the historical republicanism. We aim to unpack the complexities and ambiguities of regulation of workforce diversity in France, which is conditioned by political will, cultural norms, and involvement of multiple actors who pursue their own objectives. We analyse the content and language used to promote diversity management, in particular in the public discourse in support of the Charter and the Labels, and look into the requirements for the certifications and the case highlighted by certification bodies towards firms as to why they should invest in diversity. We argue that managerialization of the law is evident in the way certification requirements are internalized in French companies, and suggest that because of the specific manner in which certification requirements are worded, these developments are likely to produce mixed, firm-specific results with limited transferability of best practice.

***Discursive Institutionalism***

We use the ‘discursive institutionalism’ approach developed by Schmidt (2010) to investigate how ideas, preferences, normative orientations and various strategies of diversity actors shape the dynamics of institutional change through interactive processes of discourse.

By ‘discursive institutionalism’ Schmidt (2010) refers to a neo-institutionalist paradigm which finds its origins and proponents in the other three ‘traditional’ neo-institutionalist approaches, rational choice, historical, and sociological institutionalisms, but differs from their core concepts in seeking to ‘endogenize’ change by turning to ideas and discourse. Discursive institutionalism, unlike the other neo-institutionalis approaches, does not consider institutions as given, static, and constraining, and change as a result from external shocks; instead, it considers institutions as dynamic structures and constructs of meaning which are internal to actors (Schmidt, 2010). Ideas are thus put not only into their cultural context but also into their meaning context and treated as empirical subjects in their own right (e.g. Hay, 2006).

Discourse is considered as an interactive process whereby ideas are important, but also the ‘carriers’ who generate these ideas and contribute to their legitimation in the institutional context (Schmidt, 2008). Articulation and discussion of ideas may contribute to collective (re)thinking of institutions. Therefore, we suggest that in the case of multiple actors, there would be a complex game of influences which would determine the extent and the way of adoption or redefining of ideas, and result in institutional change or continuity. Discursive institutionalism can thus help explain the politics of change in policy, regulations, history and cultural norms within a given context.

***Managerialization of law***

We also use the theory of managerialization of law through diversity rhetoric as developed by Edelman et al (2001). The managerialization of law is the process by which legal conceptions are progressively permeated with managerial values and ways of thinking as they cross the boundaries between legal and managerial fields. Managerialization of law happens when management actors reframe legal ideas through rhetoric to bring new ideas which are promoted as more progressive (e.g. Abrahamson 1996; Abrahamson and Fairchild 1999). Edelman et al (2001) argue that the managerialization of law has the potential to weaken legal ideals as managers shift the focus of attention from law to management. However, managerialization of law can legalize organizations by reconceptualising law to make it more compatible with traditional managerial priorities.

In reviewing secondary data, and communication and promotion of the soft law approaches in France, we acknowledge the significance of the political, regulatory, historical and cultural context and the role of multiple actors in shaping diversity discourse in a national setting. The Discursive institutionalism and Managerialization of law theoretical approaches allow for these influences but emphasises the power of ideas and discourse to impact on diversity dynamics.

We suggest that in the case of France, historical and ideational legacies which maintain a strong social dimension in the management diversity paradigm will continue to shape the legitimacy of certification measures and diversity outcomes.

**Diversity management ‘à la française’**

Diversity management finds its origins in the USA where it enters organization and management discourse in the late 1980s (Tatli et al, 2012; Holvino and Kamp, 2009). Europe followed in the 1990s but the concept only gained popularity on the continent in the 2000s (Tatli et al, 2012). Similarly to the USA, the introduction of the paradigm reflects the rise of neo-liberal ideas which promote market regulation as a substitute to legislation (Holvino and Kamp, 2009). The European Commission has been proactive in supporting diversity management approaches and in the promotion of ‘the business case for diversity’ (European Commission 2007) which stresses the benefits of diverse workforce for the business performance (Stringfellow, 2008). Diversity is presented as a profitable resource in the business-case rationale and the theme has become popular in some national settings such as the UK (Özbilgin and Tatli, 2011) which traditionally adopts liberal market initiatives (Hall and Soskice, 2001).

Diversity has traditionally been associated with voluntarism as opposed to legal coercion, but, as Klarsfeld et al (2012) have shown, the divide between regulation and voluntary approaches is not clear-cut: regulation of diversity builds around the interplay between free will and constraint. Research has shown that definitions of diversity and related initiatives, and the prevalence of the business-case rationale vary across countries and are contextual and path-dependent (Tatli et al, 2012).

In France, the diversity management paradigm has been adjusted to suit the particular cultural context. There is a strong attachment to republican ideals which insist on freedom, equality and brotherhood for all, and the French Constitution stipulates that all citizens are equal before the law, regardless of gender and ethnicity (Tatli et al, 2012). Therefore, legal rights transcend differences to guarantee, in theory, equality and non-discrimination. Stringfellow observes that the perception of threat diversity may represent to the core values of French republicanism in the form of ‘communautarisme’ (‘segregation or ghettoisation which undermines the cohesion of the nation’, 2008: 11) is a recurrent theme in the literature. Diversity is controversial as it is associated with positive discrimination, ethnic statistics and multiculturalism which France persistently rejects. Valuing differences as one of the precepts of diversity management appears to be problematic in France. Instead, France has adopted an assimilationist approach which is difference-blind, suppresses cultural identity in the public sphere, and requires integration in the host society in order to avoid risk of discrimination as well as resentment from minorities (Stringfellow, 2008). To date, ethnic monitoring remains forbidden (Klarsfeld et al, 2012), discussions of issues related to ethnicity are marginalized (Tatli et al, 2012), and the state continues its policy of integration of minorities into a homogeneous republican model (Koopmans, 2010).

Diversity in France is mainly understood as related the so-called ‘visible minorities’ (Sabeg and Méhaignerie, 2004) and gender. Similarly to the way diversity management approach was adopted and promoted at European level, the initiative of raising the question of diversity management came from the private sector following governmental measures to fight discriminations in employment (Van de Walle and Mordret, 2008). Bruna (2011) notes that diversity debate was legitimized and institutionalized through alliances of economic and political actors, as well as through the domino effect of legal developments at European and national level through equality and anti-discrimination directives and their translation into national law. Until 2004 however, diversity was only marginal in the public debate (Doytcheva, 2010).

The impulsion for bringing diversity into the public debate came from the private sphere and was given by a business-oriented think tank, the Institut Montaigne, which published in 2004 a report on the exclusion of minorities (Les oubliés de l’égalité des chances - those that equal opportunities forgot, Sabeg and Méhaignerie, 2004), and thus triggered the launch of a Diversity Charter. The Charter has been signed by more than 3,000 companies. The ethnic minorities’ riots in French suburbs in 2005 have pushed the debate on equality and discrimination to the forefront (Klasfeld, 2009), and brought to surface historical patterns of exclusion as well as the inability to the republican model of integration and assimilation to address them. From 2004, diversity has entered public debate and resulted in several initiatives supported by the state, the social partners, and a host of private actors such as company networks, consultancies, not-for-profit associations, etc. The Accord National Interprofessionnel (National Inter-professional Agreement) related to diversity was signed in 2006, Equality Label in 2006, and Diversity Label in 2008.

Junter and Sénac-Slawinski (2010) argue that the transposition of European Directives on equality of treatment regardless of race and ethnic origin (2000/43/CE, June 2000) and on equality of treatment in employment regardless of gender, race and ethnic origin, religion and beliefs, disability, age and sexual orientation (2000/78/CE, November 2000), has created an increasingly constraining legal context for organizations. This trend has been reinforced with a law adopted in 2011 which obliges large companies to ensure a minimum of 40 percent of women on their boards within a six year period, and this despite traditional opposition to quotas in France (Tatli et al, 2012). Thus, engaging in soft law becomes a way of preventing court action for direct and indirect discrimination which would damage the company’s image (Junter and Sénac-Slawinski, 2010).

Debates in France have traditionally been concerned with fighting discrimination and inequality (Doytcheva, 2010). This is evident in the law which refers to ‘equality’ and the ‘fight against discrimination’ but does not specifically mention ‘diversity’ (Klarsfeld et al, 2012). The influence of the American diversity management discourse played an important role in reframing the national discourse from an exclusively negative view, to fight discrimination and prevent financial risks and impact on reputation and image of the firm, to a positive view of diversification of the workforce as potentially beneficial for the economic performance of the company (Bruna, 2011). However, unlike the American diversity discourses, the rationale for diversity in France combines both economic and strong social responsibility arguments (Chanlat, 2002). Thus, although the business case for diversity is inevitably part of the diversity discourse, other arguments are put forward, such as the need for the firm to fulfil its ethical and societal moral obligations in order to contribute to social dialogue, justice and cohesion (ORSE, 2011). The French conceptualisation of diversity is characterised by a social group focus (Stringfellow, 2008) and the main motifs for initiating diversity policies in French organizations are arguments in favour of social justice (Bellard and Rüling, 2001; Stringfellow, 2008).

However, diversity discourses remain ambiguous (Van de Walle and Mordret, 2008) and potentially contentious (Tatli et al, 2012). This can be seen clearly in the different communications and documents related diversity management, both in the requirements for obtaining the Diversity Label, and the communications which praise the virtues of diversity management.

**Diversity Charter and Diversity Label: rhetoric and actors**

The literature on CSR points to the links between politics, economics and law, whereby actors create the rules which suit their needs (Junter and Sénac-Slawinski, 2010). As observed by Cochoy (2007), if companies ‘play’ with the law, political actors will attempt to use this game to their advantage thus hoping to use rules created in the private sphere as a basis for future public regulation. The state has different options to achieve its objectives which range from coercion to persuasion, negotiation, etc. The problem with coercion is that the state should put in place control mechanisms and financial resources to support them, which can be problematic or unwanted. At the other end of the range of options are encouragements and negotiation with firms in order to reach agreements of a more or less constraining nature, and the success of such measures is by large dependant on the way companies welcome them (Van de Walle and Mordret, 2008)

In the field of diversity initiatives, it is difficult to draw a clear divide between the contributions of public and private actors, which is evident in the creation of the Charter and the Labels in France. Although the Charter was impulse by a business-oriented think-tank, Institut Montaigne, the state has embraced and continually supported its promotion and diffusion, and actively encouraged companies to sign it. Regarding the Label, the state participated directly in the discussions on definition and regulation of diversity management by including elements from the National Inter-professional Agreement on diversity in the regulations and supervising the launch of the Label. There is thus a construction of a managerial norm which is negotiated between the private sector, the social partners and the state (Van de Walle et Mordret, 2008).

Several actors are involved in the elaboration of soft law in France. For example, the Secretariat of the Charter has a large network of public and private partners at local and national level : organizations which have signed the Charter, employers’ organizations, professional organizations, associations active in the field of CSR, state agencies and administrations (Van de Walle and Mordret, 2008), and other local and national actors with vocation to promote diversity, inclusion, equality and equal opportunity not only in employment but in education and in the society as a whole.

Diversity management appears in institutional discourse as a private matter linked to management tools proper to the firms; the state plays the role of facilitator by encouraging and assisting the private firms through communication and contribution to the elaboration of diversity management policies with the private actors and the social partners (Van de Walle and Mordret, 2008). Information and communication are the major aspects of the state’s involvement, and include promotion of best practice of exemplary firms, of the Charter and the Labels, in order to encourage firms to engage in ethical behaviour and publicise it widely to give example to other firms (Van de Walle and Mordret, 2008).

Both the Charter and the Label emphasize voluntarism and notably, there are no requirements for quantifiable results. Requirements focus on putting in place diversity procedures (Van de Walle and Mordret, 2008). The language of the texts serves the objective of motivating and encouraging employers to adopt policies and procedures which will help achieving the diversity objectives set by the organization itself. However, the Label goes further than the simple declaration of intentions as there is an evaluation of the company’s practices by an external certification body (AFNOR), is given for a limited duration (4 years), there is an intermediate evaluation after 2 years, and at the end of the 4 years the firm needs to submit a new application and prove that it meets the requirements for label certification (AFNOR, 2012) The Commission which evaluates the applications comprises representatives of the State, trade unions, employers’ organisations, the National Association of HR Managers (ANDRH), and other actors.

The state legitimises definitions and promotional discourses on diversity a posteriori. These are elaborated by private actors: the Charter by the think-tank Institut Montaigne and the DL by AFNOR certification, both after consultation with top managers and directors of private firms (Van de Walle and Mordret, 2008).

There are currently 18 legal criteria for discrimination in France: origin, gender, marital status, pregnancy, physical appearance, surname, health, disability, genetic characteristics, lifestyle, sexual preference, age, political opinion, trade union activity, actual or assumed belonging or not belonging to an ethnic group, nationality, race or specific religion (Djabi, 2011). Thus, criteria which concern historically disadvantaged groups such as women and ethnic minorities, and which are covered by hard law, are enumerated alongside intangible, open to subjective interpretations, and difficult to frame characteristics such as physical appearance and lifestyle. Some authors point to the risk of dilution of inequalities in the global and vague notion of diversity. If all types of differences are equally valued, there may be superficial amalgamation of differences which may undermine legacies of injustice towards some groups (Bender, 2007).

**Discussion**

As Doytcheva (2010) points out, in the requirements for the Label, the state encourages companies to identify the main discrimination areas in the company, and to create and promote their own approaches to tackle them. The choice of which diversity characteristic(s) to tackle is left entirely to the appreciation of the management. The stretched, blurred and malleable notion of diversity allows for various interpretations of the definition of diversity and of the ways companies can apply it to their context. As a result, firms tend to hierarchize their priorities in the area of diversity and to deal with them preferentially according to their needs (Doytcheva, 2010). Therefore, there is a risk the law will weaken as a regulatory mechanism, replaced by managerial rhetoric (Edelman et al, 2001; Doytcheva, 2010). This ‘global’ and encompassing vision of diversity gives rise to a host of different policies and practices in organizations which are contextual, company-specific and selective (Doytcheva, 2010). Even if best practice examples are promoted to encourage organizations to adopt them, their potential for positive outcomes in different organizational and cultural settings is uncertain.

According to Edelman et al. (2001), there is a risk managerialization of law may weaken the law’s role in redressing historical injustice towards some groups by recognizing the value of all differences. Furthermore, Junter and Sénac-Slawinski (2010) point out that there is a risk of weakening of the law by creating alternative engagements which may go beyond the law and thus result in blur issues and conflicts related to discriminations. Discrimination is present in law and well defined, whereas diversity does not have a definition as a legal category and its normative value is uncertain. Furthermore, individuals, trade unions and other actors cannot challenge, either individually or collectively, the firm which, in their view, has not honoured its diversity engagements. Their only option would be to file a complaint for discrimination as defined by law. Thus, the managerialisation of the law will have its limitations, unless the rules invented by firms to serve their own objectives translate into hard law (Cochoy, 2007)

In France, the danger of weakening of the law can be seen in the first lines on the certification and national agreements’ documents: the organization commits to respecting the law. Thus, even compliance with law becomes subject of negotiations and becomes conditional (Fraser, 2009; Fraser and Honneth, 2000). The requirements for the Label state further that organizations which have obtained the label cannot claim that they have complied with law, but they should comply with law in order to be awarded the label (Diversity Label, 2013). These statements may add ambiguity and confusion to the way diversity management is viewed and implemented in organizations.

However, Edelman et al. argue that “the managerialized form of law may have a greater capacity than the legal form to institutionalize legal values *within* organizations” (2001: 1632, italics by author). Even in a weakened form, its potential to impact on employees’ daily lives may be greater than the impact of law: if regulations are aligned with managerial prerogatives and don’t constrain management interests, managerial resistance may be overcome more easily and legal ideas could be institutionalized into the organizational routines and practices.

**References**

Abrahamson, E. (1996) Management Fashion. *Academy of Management Review*, 21(1): 254-85.

Abrahamson, E. and Fairchild, G. (1999) Management Fashion: Lifecycles, Triggers, and Collective Learning Processes. *Administrative Science Quarterly* 44(4): 708–40.

Bellard, E. and Rüling, Charles-Clemens (2001) Importing Diversity Management: Corporate Discourses in France and Germany. Report [online], Archive ouverte Unige. Available at: <http://archive-ouverte.unige.ch/unige:5834>, accessed 30/01/2013.

Bender, A.-F. (2007) Les Politiques d’Egalité et de diversité dans les pays anglo-saxons et en France, *Actes du colloque ‘Ethique dans les Organisations’*, ESCEM, 25-26 October, Tours.

Bruna, M.G. (2011) Diversité dans l’entreprise : d’impératif éthique à levier de créativité. *Management & Avenir*, 3, n° 43

Burstein, P., Monaghan, K. (1986) Equal opportunity and the mobilization of the law, *Law & Society Review*, 20(3): 355-388.

Chanlat JF (2002) Le défi social du management: L'apport des sciences sociales. In: Kalika M (ed.) *Les défis du management*. Rueil-Malmaison: Editions Liaisons, pp. 59–82.

Cochoy F. (2007) La responsabilité sociale de l’entreprise comme ‘représentation’ de l’économie et du droit, *Droit et société*, 65 : 91-101.

Djabi, A. (2011) *Le Label Diversité : un levier pour la prévention et la lutte contre les discriminations*. Fondation Agir Contre l’Exclusion. Available online at http://www.fondationface.org/faceframe/pdf/GUIDE-LABEL-DIVERSITE-FR-web.pdf, accessed 14/02/2013.

Doytcheva, M. (2010) Usages français de la notion de diversité : permanence et actualité d’un débat. *Sociologie*, 4(1): 423 - 438.

Edelman L. B., Fuller S. R. and Mara-Drita, I. (2001) Diversity Rhetoric and the Managerialization of Law, *The American Journal of Sociology*, 106(6): 1589-1641.

Ferner, A., Almond, P. and Colling T. (2005) Institutional theory and the cross-national transfer of employment policy: the case of ‘workforce diversity’ in US multinationals, *Journal of International Business Studies*, 36(3): 304-321.

Fraser N. (2009) Gender inequality, sense of justice and identity in a globalization age, *Conférence à la session Violence et genre du Troisième congrès de l’Association française de sociologie*, Paris, 17 April.

Fraser, N. and Honneth, A. (2000) *Redistribution and recognition*, London and New York, Verso.

Greene, A-M., Kirton, G. and Wrench, J. (2005) Trade Union Perspectives on Diversity Management: A Comparison of the UK and Denmark, *European Journal of Industrial Relations*, 11(2): 179–196.

Hall, P.A. and Soskice, D. (Eds.) (2001) *Varieties of Capitalism: The Institutional Foundations of Comparative Advantage*, Oxford: Oxford University Press.

Hay, C. (2006) ‘Constructivist institutionalism’, in R.A.W. Rhodes, S. Binder and B. Rockman (eds), *Oxford Handbook of Political Institutions*, Oxford: Oxford University Press, pp. 56–74.

Holvino, E. and Kamp, A. (2009) Diversity management: are we moving in the right direction? Reflection from both sides of the north Atlantic, *Scandinavian Journal of Management*, 25(4): 395-403.

Johnson, L. and Jonstone, S. (2010), “Equality, diversity and the law”, in *The dynamics of managing diversity, a critical approach* (third edition), Butterworth-Heinemann.

Junter, A. and Sénac-Slawinski, R. (2010) La diversité: sans droit ni obligation, *Presses de Sciences Po/Revue de l'OFCE*, 3(114) : 167 – 195.

Kirton, G. and Greene, A-M. (2010) “Equality and diversity policies in European context”, in *The dynamics of managing diversity, a critical approach* (third edition), Butterworth-Heinemann, 312 p.

Klarsfeld, A., NG, E. and Tatli, A. (2012) Social regulation and diversity management: A comparative study of France, Canada and the UK, *European Journal of Industrial Relations*, 18(4): 309-327.

Klarsfeld A (2009) The diffusion of diversity management: The case of France. *Scandinavian Journal of Management* 25: 363–373.

Koopmans, R. (2010) Trade-offs between equality and difference: Immigrant integration, multiculturalism and the welfare state in cross-national perspective. *Journal of Ethnic and Migration Studies*, 36: 1–26.

Özbilgin M and Tatli A (2011) Mapping out the field of equality and diversity: Rise of individualism and voluntarism. *Human Relations* 64: 1229–1258.

ORSE (2011) Prévention des discriminations et promotion de la diversité dans les entreprises [online], available at http://www.orse.org/maj/upload/document/document\_555.pdf, accessed 14/02/2013.

Raymond, L., Henle, C., and Bemus, C. (1998), Internet recruiting and employment discrimination: a legal perspective, *Human Resource Management Review*, 8(2): 149-164.

Rutherglen, G. (1995) From Race to Age, the expanding scope of discrimination laws, *Journal of legal studies*, 24(2): 491-521.

Sabeg, Y. and Méhaignerie, L. (2004) *Les Oubliés de l’égalité des chances*, Paris, Institut Montaigne.

Schmidt, V. (2010) Taking ideas and discourse seriously: explaining change through discursive institutionalism as the fourth ‘new institutionalism’, *European Political Science Review*, 2(1): 1–25.

Stringfellow, E. (2008) Egalité, liberté, fraternité… et diversité? The views of French trade unions, *Industrial Relations in Europe Conference 2008*, University of Greenwich, 23-25 June.

Tatli, A., Vassilopoulou, J., Al Ariss, Akram and Özbilgin, M. (2012) The role of regulatory and temporal context in the construction of diversity discourses: the case of the UK, France and Germany, *European Journal of Industrial Relations*, 18: 293

Van de Walle I. and Mordret, X. (2008) De la Charte de la diversité à la labellisation – L’État et les entreprises dans la négociation d’une politique de diversité, *Cahier de recherche, n° 255*, CREDOC.

Zeitlin, J. (2009) ‘The Open Method of Coordination and Reform of National Social and Employment Policies: Influences, Mechanisms, Effects’, in M. Heidenreich and J. Zeitlin (eds.), *Changing European Welfare State Regimes: The Influence of the Open Method of Coordination on National Reforms*, London: Routledge.

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