On the basis of the law of January 27, 2011 known as the “Coppé-Zimmerman Law” relating to the balanced representation of women and men on boards of directors and supervisory boards, and to professional equality, in listed companies, quotas for women in the governance structures of large French companies have been established. Ten years later, Law No. 2021-1774 of December 24, 2021, known as the “Rixain Law” aimed at accelerating economic and professional equality, established in stages a new system of balanced representation of women and men within teams. leaders of large companies.

Today, it is a question of measuring the effectiveness of these laws, and verifying how gender equality, a subject of international concern, has spread into French, but also European and international, company law.

The sanctions, in the 2011 law, in the event of non-compliance with “quotas” were original and undoubtedly effective. Do those of the 2021 law have the same scope? The objective in 2021 is to ensure that the scope of application of gender equality is broadened to different sizes of companies (and no longer only companies authorized to transfer their social rights on a financial market). Gender equality must also trickle down into all layers of governance of a company: general management of companies, in the various management committees (strategic, operational, remuneration committees, etc.) of companies, in executive positions of business as well. The mere fact of condemning the legal entity to pay fines, in the event of non-compliance, will not, as we know, be sufficient...

The place of women in organizations is part of the SDGs (the 5th: gender equality) adopted by the United Nations and is part of CSR. Soft law initially, this can become more imperative if society, an economic structure, decides to make it a tool. In its social purpose or its reason for being (Pacte Law of May 22, 2019) a company can choose to take up the subject and carry it out effectively. But we must question the reality of these entrepreneurial choices (which can easily be understood as simple “genderwashing”) and their effectiveness on the place of women in corporate structures in positions of management, governance and strategy.

Various remuneration and benefits (including tax deductibility), permitted by company law, will also be questioned.

Transparency and accountability, pillars of CSR objectives, will be just as many tools, the mechanisms and legal effectiveness of which will need to be addressed. The duty of vigilance and the responsibility of company directors could see, from this perspective, their increased importance.

Work required of the doctoral student, methodology adopted during the thesis and prerequisites:

The subject will inevitably lead the doctoral student to compare with Anglo-Saxon and Canadian and European practices (particularly, the IRDP's link with Laval University in Quebec). Likewise, OHADA member countries will offer a rich source of data and legal perspectives allowing commercial companies to progress in gender equality.

Therefore, a stay abroad will be scheduled in the thesis progress agenda.

An analysis of the realities given by companies will be expected, as well as the taking into account of data from economics, or even sociology.

But an excellent command of French corporate law is an essential prerequisite, as well as CSR concepts.