

France Télécom: 'They really threw a spanner in the works'

'At the end of the day, this suicides affair, it's awful – they really threw a spanner in the works.'¹ Didier Lombard never understood why he was in the dock. From 2005 to 2010, he was France Télécom's CEO. For him, it's still a success story. The staff and trade unions remember things differently: as a tragedy of dozens of suicides of people who had been crushed by management.

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On 30 September 2022, the Paris Court of Appeal delivered a long-awaited judgment, bringing to an end proceedings which had been brought against several managers of the former state-owned enterprise France Télécom. In the 2000s, these managers had embarked upon a restructuring plan aiming to shed 22 000 jobs – around one fifth of the total workforce. To avoid resorting to mass redundancies, management pursued a policy of pressurising and undermining staff, so as to bring about a large number of 'voluntary' resignations. Management's methods turned increasingly brutal: forced internal mobility, sidelining, new assignments unrelated to skills. For middle management, bonuses and promotions were linked to the numbers of staff members leaving.

From the moment the 'NExT' restructuring plan, aiming to transform France Télécom in the space of three years, was launched in 2006 alarm bells started ringing: psychosocial problems, stress, burn-out, etc. The first suicides were reported. Meanwhile, 13.7 billion worth of dividends were distributed between 2005 and 2009.

For management, the obsession with profitability drowned out the many grievances. A trade union centre to monitor stress and forced mobility was set up in June 2007. In 2008, it started logging the suicides that were continuing to happen among the company's staff.

As suicide numbers increased, the media took up the subject. On 14 July 2009, employee Michel Deparis killed himself in Marseilles, leaving behind a letter explicitly blaming France Télécom. This time, the feelings of distress gave way to staff mobilisation countrywide. There was concern at the Ministry of Labour. Sylvie Catala, who had been a labour inspector at France Télécom's headquarters since 2004, was instructed to investigate. She alerted management and the unions to the extent of the damage. Years later, the detailed report, which she completed in February 2010, influenced several court rulings. In December 2009, the SUD (Union syndicale Solidaires) trade union at the company filed a criminal complaint. The SUD PTT (Post, Telegraph and Telecommunications) trade union federation joined the proceedings as a civil party in March 2010,

gaining the opportunity to follow the course of the legal action 'from the inside'. The investigation, which took four years, consolidated all the cases relating to the France Télécom management.

The responsibility of strategic management

The most serious offences, such as manslaughter or causing danger to life, were disregarded, considerably reducing the range of penalties. In the end, it was concluded that there had been 'institutional psychological harassment' (*harcèlement moral*) and identified 39 cases: 19 suicides (see box), 12 attempted suicides, and eight individuals with symptoms of depression.

1. Didier Lombard uttered this sentence during the hearing of 6 May 2019 in the trial at first instance: '*Finalemment, cette histoire de suicides, c'est terrible, ils ont gâché la fête.*'



↑ **Yonnel Dervin, once a technician at France Télécom, attempted to end his life by stabbing himself during a meeting in 2009.**
Photo: © Diego Ravier

2. Scandella F. (2020) How France Télécom broke the law, *HesaMag* No. 21, pp. 47-50. <https://www.etui.org/publications/how-france-telecom-broke-law>.

To understand what went on at the trial and what was at stake: Beynel E. (coord.) (2020) *La raison des plus forts. Chroniques du procès France Télécom*, Ed. de l'Atelier.

Didier Lombard, the company's CEO from 2005 to 2010, was charged with psychological harassment on 4 July 2012, to be followed by his former right-hand man, Louis-Pierre Wenès, and the HR manager, Olivier Barberot. In 2014, four other executives of the company were charged with 'complicity in psychological harassment'. In addition to these seven individuals, France Télécom, which after privatisation became Orange, was charged as a legal entity.

The trial at first instance took place in a rather plain room in a brand new, functionally designed courthouse. The rigorous arrangement of chairs alone suggested that it was a criminal court and not a meeting room. There was a dais for the judges. To the left were the lawyers for the civil parties and a few folding chairs for their witnesses. The defendants and their lawyers had been allocated space to the right. They formed a

kind of bubble, in which they were united by the feeling that they were alien to the whole trial, which seemed to them to be turning the world order upside down. The public, seated facing the dais, looked on at this strange drama, in which the defendants chattered openly, communicated with the team of lawyers sitting behind them with vigorous gestures and, more often than not, displayed supreme boredom.

All the unions and various associations campaigning on occupational health had joined the proceedings as civil parties. In addition to the victims and dependants identified during the investigation phase, the SUD PTT union convinced 119 additional victims to join as civil parties at the time of the first hearing.

Starting on 6 May 2019, the trial went on for 41 days of hearings.² The judgment was delivered on 20 December 2019. Didier

Lombard, Louis-Pierre Wenès and Olivier Barberot were found guilty of psychological harassment. They were sentenced to one year in prison – the maximum penalty for this crime – with a suspended sentence of eight months and a fine of 15 000 euros. This sentence relates to their conduct during the period 2007-2008; they were discharged in respect of the period 2009-2010. The four people charged with complicity were sentenced to lesser penalties. France Télécom, now Orange, was ordered to pay the maximum penalty for a legal entity: a fine of 75 000 euros. The civil parties were awarded damages for emotional distress. The amounts varied between 10 000 and 45 000 euros. The unions and associations, for their part, received compensation of between 15 000 and 40 000 euros.

The symbolic reach of the judgment is vast, in so far as it establishes a prohibition. The essence of its more than 300 pages could be summarised in this passage: ‘The means chosen to achieve the set objective of 22 000 redundancies were prohibited.’ The reasoning at legal level is strict and takes account of input from human sciences. It brings the systemic aspect of the psychological harassment suffered by the employees of France Télécom to the fore. Didier Lombard and the other defendants repeated time and again that they had never heard of the victims before their suicides.

‘The victims feel guilty. The guilty parties think they’re innocent.’

They were seeking to shift the blame onto local managers, who had allegedly misinterpreted the central directives. The judgment, by contrast, found that there was causal continuity between the decisions of the management, its numerous communications to middle managers urging them to ‘slim down’ the organisation, and the implementation of institutional psychological harassment. The systematic refusal to take account of alarm signals is part of this.

The lost honour of a class

The individuals sentenced brought an appeal against the judgment. France Télécom, on the other hand, in a gesture of good will, acknowledged its culpability and set up a compensation fund over and above the damages awarded by the judgment.

The appeal took place from 11 May to 1 July 2022 in a completely different environment. The Court of Appeal sits in the venerable Palais de Justice on the Île de la Cité in Paris. The chambers are decorated with a wealth of wood panelling, paintings, golden cherubs and busts of illustrious judges. The court sits in a room crammed with artistic symbols celebrating the age-old domination of the elites. It is church, opera and *salon bourgeois* condensed into one. By pure coincidence, the trial on the Paris terrorist attacks of 13 November 2015 was going on before the Assize Court at the same time, in a specially adapted room. The Palais de Justice was completely cut off from the rest of the city by large police roadblocks.

Among the victims and trade unionists who had been carrying on this struggle for over 10 years, the appeal proceedings appeared superfluous. Everything had been painstakingly dissected during the

proceedings at first instance. Was it necessary to reopen the wounds? Were they going to have to endure the defendants’ complacency all over again?

Olivier Barberot, the former HR manager, withdrew his appeal at the first hearing. Only one person, Nathalie Boulanger, the former Director of Territorial Actions, expressed regrets with some emotion. During the first trial, she often seemed to be absent. She was one of the few defendants to look around the chamber, whereas the rest of the management remained entirely closed in on themselves.

The defence of the six was unequivocal in its assessment that the trial was political in nature, seeking to provide unions with tools to combat harassment. It was the lost honour of a class that the defence sought to uphold. Jean Veil, Didier Lombard’s lawyer, did not hesitate: ‘If Didier Lombard is found guilty, no one will ever want to lead a big company again.’

The civil parties’ unease was palpable from the outset. One of them, called to the witness stand, decided not to speak. She didn’t understand the point of this repetition. Hadn’t everything been said at first instance? In a report on the first hearing,³ Emmanuel Dockès says: ‘Curiously, the victims seem to be more tense, more wounded than the defendants. [...] The lack of contrition on the part of the culprits, their denial of responsibility and the contempt that this signifies probably explains some of the tension the victims feel. [...] The victims feel guilty. The guilty parties think they’re innocent.’ This situation was exacerbated by the court’s decision not to hear the testimony of the occupational health specialists who had been called upon at first instance. Their contributions had placed the events in a more general context of growing managerial violence.

3. The SUD PTT Federation asked a number of people from the world of research, the arts and literature to compile reports on the hearings both at first instance and at appeal. All these reports may be consulted at: <http://la-petite-boite-a-outils.org/category/proces-france-telecom>.

The catalogue of martyrs

Pascale Robert-Diard, a journalist for the daily newspaper *Le Monde*, outlined the list of suicides identified by the order for reference:

'Opening the 673 pages of the order for reference signed by the examining magistrate, Brigitte Jolivet, is, first of all, to be met with a litany of forenames and surnames like you see engraved on village war memorials.

'André Amelot, aged 54, hanged himself. Camille Bodivit, 48, threw himself off a bridge. Anne-Sophie Cassou, 42, consumed a cocktail of drugs and alcohol. Corinne Cleuziou, 45, hanged

herself. Michel Deparis, 50, left behind a letter: "I'm killing myself because of my work at France Télécom." Stéphane Dessoly, 32, hanged himself: "I'm taking my life because of my work at France Télécom and no other reason." Nicolas Grenoville, 28, hanged himself: "I cannot bear this job, and France Télécom couldn't care less." Brice Hodde, 54, hanged himself. Jean-Michel Laurent, 53, threw himself under a train. A few seconds earlier, he had been on the phone with a union representative. His last words were: "The train's coming." Rémy Louvrado, 56, set himself on fire outside one of the company's locations. Didier Martin, 48, hanged himself: "The trigger for all this comes from my work." Dominique Mennechez, 53, hanged himself. Stéphanie Moison, 32, threw herself out of a window at her workplace.

Annie Noret, 53, hanged herself. Robert Perrin, 51, turned his own gun on himself. Bernard Pillou, 51, threw himself off a viaduct. Jean-Marc Regnier, 48, shot himself. Patrick Rolland, 43, hanged himself. Jean-Paul Rouanet, 51, threw himself off a motorway bridge.'

* Robert-Diard P. (2019) Procès France Télécom: radiographie d'un système de harcèlement moral, *Le Monde*, 5 May 2019.

↳ **Gometz Le Chatel, Île-de-France. Bernard Pillou, technical manager, killed himself the day before his birthday by jumping from the Fauvettes Viaduct on 4 September 2008. Photos: © Diego Ravier**



↑ **Troyes railway. Jean-Michel Laurent, teleconsultant at the customer centre in Troyes, committed suicide by throwing himself under a train, 2 July 2008.**

↳ **Former offices of France Telecom in Paris. Stéphanie Moison, 32 years old, key accounts manager, died after jumping out of her office window on 11 September 2009.**



The trial continued until 1 July. The judgment was delivered on 30 September. The initial reaction by unions and victims was disappointment at the lighter sentences imposed on most of the defendants and the discharge of two of them. But was this the most important thing? That is open to doubt. In any case, the penalties were symbolic. It was clear that none of the defendants would end up in prison, not even for a single night. For Didier Lombard, there was not a huge difference between a sentence of one year in prison with eight months suspended and one year in prison with the whole term suspended.

On the other hand, if you read the 341-page judgment in full, there is no doubt as to the victory achieved through union action in terms of case law. Written in language that differs somewhat from that of the decision at first instance, the judgment confirms that the crime of psychological harassment can result from strategic decisions by central management. It states: 'Repeated actions can result from administrative or management methods, indeed from managerial organisation in the true sense, which did not necessarily have the initial aim of impairing working conditions, but which had the ultimate aim or effect in their implementation of impairing the individual and collective working conditions of employees.' Sylvie Topaloff, the lawyer for the SUD PTT Federation, highlights the innovative nature of the judgment. She considers that it 'demonstrates that resorting to criminal law can act as a deterrent. With this case law in place, it could have an effect at an earlier stage.'⁴

The fact remains that there is yet another phase to go through. The individuals sentenced at appeal have announced their intention to lodge an appeal to the Court of Cassation (the highest court in the French judiciary). The precise scope of the case law thus still remains to be seen.

Another indisputable benefit from the legal process as a whole is that it has broken a political taboo. The question of suicides caused by work has been opened up for public discussion in society. It would be impossible to summarise in a few lines all the publications in both social sciences and literature that addressed this issue as the trade union legal action progressed. Plays, films, TV and radio broadcasts have made the suicides a topic for discussion. One could say that the recognition that the organisation of work can lead to suicides caused a full-blown culture shock. The persistent work of a few dozen trade unionists has borne fruit. ●

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Breaking the taboo

In the arts and social sciences alike, the critical issue of suicides at work are no longer invisible. The trade union campaign on the France Télécom affair has broken the taboo. Here are three of many examples.

The documentary *Souffrance au travail: On lâche rien!* (Suffering at work: We don't give up!) was made by Daniel Kupferstein, commissioned by the Association Suicide et Dépression Professionnels (Work-Related Suicide and Depression Association, ASD-Pro). The ASD-Pro, a civil party in the France Télécom trial, used the compensation money to make this film. The main theme is a 540-kilometre run organised by Angers firefighters in memory of their colleague, Lauriane Amaglio, who killed herself in April 2016 after she was told she was losing her job. It also deals with the story behind the suicide of an engineer at the European Space Agency (ESA) and the attempted suicide of a Foreign Ministry official posted to Benin, who was bullied for challenging corrupt practices. It is a first-rate film analysing the process of harassment. It also shows firefighters' collective mobilisation.

La raison des plus forts: Chroniques du procès France Télécom (The reason of the strongest: A chronicle of the France Télécom trial)* (Éditions de l'Atelier) is a collective work coordinated by Éric Beynel. It offers a systematic insight into the legal proceedings up to the judgment at first instance. It is an excellent layperson's guide, which also includes narratives written on the spot after each hearing by several dozen different people. This is a meeting of many different disciplines: from noir fiction to psychoanalysis via law and sociology.

Sandra Lucbert's essay, meanwhile, *Personne ne sort les fusils* (Nobody's getting out their guns) (Éditions du Seuil), sheds light on the same trial by dissecting managerial language. This is how she describes her project: 'In the France Télécom trial, the world being judged is our world. The world doing the judging is also ours. [...] The whole of our social machinery should be on trial, and it's impossible because we are inside it, it dictates our preconceptions.' Following in Proust's footsteps, she decides to dissect the world through prose and bring to light what people cannot see because it is omnipresent.

* There is a review of this book in *HesaMag* No. 22, p. 60: <https://www.etui.org/publications/occupational-health-courts>

4. De Gastines C. (2022) Le recours au pénal, une arme dissuasive, interview with Sylvie Topaloff, *Santé et Travail*. <https://www.sante-et-travail.fr/recours-penal-arme-dissuasive>