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France, suicides at work - France Télécom bosses' trial: the witness for those who died

Tuesday 30 July 2019, by [DUTRA Israel](#), [SAADA Rachel](#) (Date first published: 13 July 2019).

In an *[then]* ongoing trial in Paris, the former boss of France Télécom, the now renamed Orange telecommunications giant, along with six of his former top executives, stand accused of moral harassment of staff in a brutal four-year cost-cutting plan to axe 22,000 jobs, during which more than 30 employees took their own lives, including by immolation, hanging and defenestration. At least 13 others attempted suicide, and many more were diagnosed with depression. One of the latter is Yves Minguy, a highly skilled computing engineer who, after 35 years with the company, was humiliatingly posted to answer the telephone at a customer call centre. He took to the witness stand last week and afterwards told Mediapart of the duty he felt to speak “for those who are no longer here”.

[The prosecution services have asked for the maximum possible sentences: a one-year jail term and a fine of 15,000 euros for the three principal executives, and eight months in prison and a fine of 10,000 euros for their deputies. See the second article.]

It was ten years ago, on June 17th 2009, when Yves Minguy began to slip, almost overnight, into a severe depression. That day, Minguy, a France Télécom computer systems developer, recognised and respected in the company for his competence, was told by his manager that he would be transferred within 12 days to answer the phone at a customer call centre.

For Minguy, then aged 58, it was to be the humiliating end to his 35 years in the company, which began when it was still the national “post office, telegraph and telephones” administration, the PTT, and during which his skills in developing the company’s computer technology led to him being awarded a French government innovation prize.

Three years earlier, France Télécom, now renamed Orange, had begun its restructuring programme, called “NExT”, which would see 22,000 jobs axed between 2006 and 2008 and around 10,000 other staff redeployed. The ruthless cost-cutting cull was introduced in 2006, two years after France Télécom began to be gradually privatised. Many of the employees were public-sector staff, and the NExT campaign involved pushing them to leave the company by intimidation, posting them to jobs geographically and professionally distant from their homes and professional competence.

The minutes of a meeting on October 20th 2006, record then CEO Didier Lombard telling a meeting of senior executives: “I’ll get them out one way or another, through the window or the door.”

In the current trial in Paris of Lombard and six other of the companies executives on charges of moral harassment, which began on May 6th and which is expected to last into next month, the prosecution has detailed 18 suicides and 13 attempted suicides by France Télécom employees between April 2008 and June 2010, including the case of one woman who took her life by jumping out of a fifth-floor office window.

In one attempted suicide, a man stabbed himself during a staff meeting. Trades unions have claimed more than 30 employees took their lives due to the pressures caused by the restructuring plan. They included the manager who moved Yves Minguy to his last post at the call centre.

A 2010 report by work inspectors denounced practices designed to intimidate and force out staff that included placing them in new posts with objectives they could not possibly meet. In the case of Yves Minguy, he began to see the effects of the NExT campaign just as soon as it began in 2006. At the time, he was in charge of a department of computer technicians based in the town of Lens, north-east France.

The numbers of staff in the department had begun diminishing, from several hundred to just a few dozen, in parallel to technological changes at the time. Minguy could see the writing on the wall, and contacted the company's internal redeployment administration while following re-training programmes offered on the company intranet. He briefly found a new assignment, developing, from his base in northern France, high-speed internet services for a region in central France, a project held dear by Lombard. Meanwhile, Minguy had considered the idea of becoming self-employed as a computer technology consultant.

In 2008, he was suddenly redeployed as a surveillance manager in a call centre, where his brief was to check that staff were behaving properly, a job he described as that of "a jailkeeper". Three months after that inglorious experience, he returned to his old activities within the company, working at distance with technical development teams in Paris. That was until June 17th 2009, when he was told he was being sent to join the call centre, this time as a telephone operator, dealing with customer queries. His optimism crashed and his world finally caved in.

He went to see his family doctor, who immediately diagnosed severe depression and put him on sick leave. Since then, he has never returned to the company. In an interview with Mediapart in 2011 (see here, in French), he described the nightmare he found himself in, suffering panic attacks and a loss of concentration. "I would draw blood scratching myself, I still have the scars," he said then. "I can no longer wear short-sleeved shirts." His mental condition led to several driving accidents, which he had never before experienced.

The sick leave certificate signed by his doctor described his condition as "major anxio-depressive syndrome". An April 2010 report by a psychiatrist mandated by France Télécom to report on Minguy's mental state concluded that "one can believe that there is a direct link between the pathology and working conditions". Minguy said that without the support of his wife Monique, who stood by him throughout, "I don't know where I'd be today".

Last week, Minguy testified at the trial of Lombard - who has denied wrongdoing - and the six other former France Télécom executives, to which he is a civil party. Three of them - Lombard, his second-in-command Louis-Pierre Wenès, head of France Télécom's national operations, and the company's Human Resources director, Olivier Barberot - are charged with moral harassment, while the remaining three accused are charged with complicity in the offence.

Former France Télécom (later Orange) CEO Didier Lombard arriving at the start of the trial at the Paris lawcourts, May 6th 2019. © Reuters

Former France Télécom (later Orange) CEO Didier Lombard arriving at the start of the trial at the Paris lawcourts, May 6th 2019. © Reuters

Lombard, who stood down as CEO in 2010 amid the crisis of the staff suicides, and his co-defendants face up to two years in prison and a fine of 30,000 euros. But beyond their personal fate, the trial is also that of the corporate culture of some large corporations, for which the verdict may set a legal precedent.

The accused have mostly argued that they were unaware of the human drama behind their task of making France Télécom a profitable future telecommunications corporation, which would be renamed Orange in 2013. By 2009, the restructuring plan had begun to show its financial returns: its ratio of debt and profits had come into line, the job cull was largely completed and shareholder dividends were assured. But that same year, the media began reporting the macabre toll of suicides.

Yves Minguy spoke to Mediapart after his testimony on Thursday, the 23rd day of hearings which are due to last until July 12th. "Before I spoke before the court, I'd put on my armour," he said. "I've been unreachable for almost a week. For me, a fan of Formula 1, I did like drivers do before the race. They put themselves up against a wall and lock themselves in a bubble." He was determined to go through with the daunting experience. "The duty is to speak," he said. "For those who are no longer here."

In 2011 he set up an association called Les Blessés de Next - "the injured by Next" - which was the first of its kind to represent the victims of the France Télécom restructuring plan. "Today my association is dead," he said, "like the others. Ten years on, people have forgotten, they don't want to talk about it anymore. Most of them weren't far off retirement at the time. For them, that period has finished a long way ago [...] But there should be ten times more of us to testify and be civil parties to the case."

He said that, overall, he was pleased with his experience in court, even though emotion sometimes overwhelmed him. "I had made myself a mountain over this appearance in court, but it wasn't so bad. The presiding magistrate [editor's note; Judge Cécile Louis-Loyant] knows the details of the case inside out, she takes the problem into account and she is moreover compassionate."

In a text he had prepared beforehand, Minguy tackled Didier Lombard who had previously told the court that those who fell victim to the NExT programme, who include the dead and the ill, were those who had not understood how to move forward. "The common thread of my career was nothing other than constant evolution," began Minguy's testimony.

"I began with that and afterwards it got going, I talked and talked, apparently for an hour but you don't realise once you're in it," he told Mediapart. The "constant evolution" Minguy described can hardly be denied; after joining the PTT, as it was then, in 1973, he first began his career in operations to expand the national telephone network, which was then under-developed, switching to the burgeoning IT research in the late 1970s, becoming, in the 1980s, the company's technical leader for northern France for the development of the videotext system called Minitel, precursor of the World Wide Web. From there he went on to computer programming, heading up an information services department and developing web applications.

Last Thursday, he spent a total of around 90 minutes altogether in the witness box, including the arguments of his own lawyers and the comments from the defendants. After his very detailed account of the harrowing conditions he and some of his colleagues lived through at France Télécom, none of the lawyers for the defence chose to question him.

But defendant Louis-Pierre Wenès, who as head of French operations for France Télécom was effectively the company's second most powerful executive, said he "profoundly" regretted the "unjust" treatment meted out to Minguy, given, he added, "what he had given to the company". For his part, Didier Lombard commented that Minguy's case involved "a little lack of managerial common sense".

"At times, one gets the impression that they've had a slap in the face, all the same," Minguy said. "But I'm staying on my guard. When you see Didier Lombard sitting, immobile, on his chair listening

to the people who pass all saying the same thing, and that he remains unperturbed, it's difficult to understand."

"In the witness box, I spoke about myself because I was there to do that, but the global vision mustn't be lost," he continued. "Those who had the report tables were the leaders, but behind each number there was a man or woman who had suffered [...] If there had been no instructions, there would not have been this behaviour by departmental heads, nor the messages repeated each week, and properly targeted, to tell us that there were posts available elsewhere in the public administration. And also, at every managerial meeting, ten minutes was spent on the issue of mobility."

In face of the unfolding statements given to the court by former France Télécom employees, the former executives on trial have been increasingly challenged in their claims that they were unaware of the extent of staff suicides and burnout. "They didn't know? But the statistics were arriving from everywhere," protested Minguy. "Following my own case, there were several cases of serious depression, and suicides in the same department. Even the manager who announced my transfer killed himself. Mid-2009, there was something happening every week. But they didn't react. It's impossible."

Yves Minguy, now aged 68, has today emerged from what he estimates to be around "150 to 160 sessions with a psychiatrist". He helps out with the communications company of his wife Monique, and is active in a business club. "It's a colossal therapy," he said. "It makes you keep straight, have a certain standing, to speak in public, to sell yourself. These are things I knew how to develop in my career, but which I lost. When you have nothing left anymore, you are ashamed, you isolate yourself and it's all lost. This group of entrepreneurs has given me a lot of good."

He likens what he suffered to a deep scar. "I always say it's a scar. Once it's healed over it doesn't hurt anymore. But if you scratch, it reawakens. So you have to armour yourself."

Dan Israel

• MEDIAPART. JUNE 17, 2019:

<https://www.mediapart.fr/en/journal/france/170619/france-telecom-bosses-trial-witness-those-who-died>

This article is based on a Mediapart report in French, and includes extracts from an earlier article that can be found **[on ESSF website too]**.

English version, with additional reporting, by Graham Tearse.

France Télécom staff suicides trial: a landmark for corporate culture?

The trial in Paris on charges of moral harassment of the former CEO of France Télécom and six other senior executives of the company, who are accused of causing a wave of staff suicides amid a brutal corporate restructuring plan, ended on Thursday. While the verdicts will only finally be announced in December, the prosecution has demanded that the defendants be handed maximum sentences, which include jail terms of between eight

months and one year. Mediapart turned to Rachel Saada, a French lawyer specialised in labour law cases and who notably represented the families of Renault staff who took their lives in a wave of suicides at the carmaking group between 2006-2007, for her analysis of the trial, and its implications for corporate culture in France.

The trial of former France Télécom CEO Didier Lombard and six of the company's top executives on charges of moral harassment – when their brutal programme of cost cutting and job cuts was accompanied by a wave of suicides and attempted suicides among staff – drew to a close on Thursday after two-and-a-half months of hearings in a Paris court.

The verdicts will be announced in December.

The trial is regarded as a landmark case for corporate culture in France, and the proper recognition of moral harassment, and its legal consequences, by businesses that have until now been largely immune to prosecution.

The executives of France Télécom – now renamed Orange – were responsible for introducing a restructuring plan at the company in 2006 during its privatisation process, and which involved a four-year plan to axe 22,000 jobs out of a total of around 130,000. Many of the workforce had the status of public employee, which theoretically gave them job security, and many of those earmarked by management to lose their posts who did not take voluntary redundancy were suddenly given inappropriate new tasks, often with impossible goals to meet, and moved to regions far from their homes.

The minutes of a meeting on October 20th 2006, record then CEO Didier Lombard telling a meeting of senior executives: “I’ll get them out one way or another, through the window or the door.”

During the cost-cutting and job-culling programme, divided into two plans called NExT and ACT, more than 30 staff committed suicide, many at the workplace, including by immolation, hanging and defenestration. At least 13 others attempted suicide, while more were diagnosed with depression. In one of the cases cited in court, a woman who took her life by jumping out of a fifth-floor office window, while another was a man who nearly fatally stabbed himself during a staff meeting.

During the trial, which opened on May 6th, former CEO Didier Lombard told the court: “That the transformations imposed on the company were not agreeable, that’s how it is, I can’t help that,” adding: “If I hadn’t been there, it would have been the same, perhaps worse even.”



Rachel Saada.

Mediapart turned to a lawyer specialised in pursuing cases of infringement of labour law, Rachel Saada, who notably represented the families of employees of carmaker Renault who committed suicide in a wave of incidents in 2006-2007, for her analysis of the trial which ended on Thursday,

beginning with its likely consequences in France for employees subjected to moral harassment at the workplace.

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Mediapart: The France Télécom trial ended on Thursday. If the former executives who stood trial are found guilty of the charges brought against them, will that have a consequence on other similar cases?

Rachel Saada: That is a certainty. Just as the defence and the civil parties have repeated throughout the trial, there is still no clear legal decision in criminal cases concerning the existence of strategic and managerial harassment by a company. It exists in civil cases, [where] it is very swiftly tried, but it doesn't yet exist in criminal law procedures. It is important – very important.

Mediapart: How are those cases brought by you and your colleagues dealt with at present?

R.S.: Concerning moral harassment, there is absolutely no policy concerning criminal cases, it unfortunately depends upon the goodwill of some public prosecutors who will take up the cases. If [only] as much energy employed in punishing offences committed in [rundown] suburban neighbourhoods was applied to offences committed by corporations. Concerning undeclared employment, the justice system goes all out, because it involves foreigners and prevents the Urssaf [the agency that collects employer and employee social welfare payments] from receiving contributions. Those things are prosecuted. But when it involves punishing discrimination, violation of the right to strike, moral harassment or impeding the functioning of personnel representation bodies, there's nobody around.

Mediapart: You followed some of the hearings during the two months of the France Télécom case. What is your opinion about the tone of the trial?

R.S.: In her summing up on July 5th, the [chief] public prosecutor [editor's note: Brigitte Pesquié] spoke of the exceptional character of these hearings, and notably the behaviour of the defendants, and their numerous responses to what was said by the civil parties and the witnesses – taking back the stand, the ripostes to replies and so on. There was no limit. The prosecutor told presiding magistrate Cécile Louis-Loyant that, in her shoes, she would have interrupted these interventions [by the defendants], have done more to direct the debates. Then she recognised that it was clearly the presiding magistrate's manner of doing things which was the best.

But that's very rare, I had never seen that.

Mediapart: How do you explain that?

R.S.: It is certainly because of the exceptional character of the trial, but also due to the competence of the magistrates who led the debating. A hearing is really about what the magistrates do. There can be absolutely extraordinary trials, court hearings with captivating cases, but if the presiding magistrate doesn't properly lead the debates it all ends in a let-down. In this trial, the presiding magistrate led the debates very well.

The prosecution services were exceptional also. They were quite quiet during the hearings, but extremely attentive., and we saw that they had a perfect grasp of the case. When someone had a hesitation about a date, the deputy prosecutor gave the right date and the right reference to the document in the case file.

The [chief] public prosecutor ended her summing up by saying that this trial was an exemplary one,

and on two counts: the court will have to render a decision [the verdicts will be pronounced on December 20th] which will serve as an example, but she also pointed out to the defendants that they were lucky to have had the trial they did.

Mediapart: Is this a privilege reserved for an economic elite?

R.S.: Was this exemplary character [of the trial] linked to the fact that the defendants were bosses, who come from the dominating class? It's true that the justice system doesn't address itself to everyone in the same way. But I am certain that this presiding magistrate would, faced with defendants from socially deprived neighbourhoods, would be just as respectful. Her respect was not linked to fear or deference, but to her rectitude.

Mediapart: Did the defendants make wise use of the quality of the exchanges during the trial?

R.S.: Not at all, in my opinion. I am a little flabbergasted, I must say. Their defence appeared to me to be counter-productive. Firstly, because all the defendants had the same, and that they therefore appeared like a congruent group. They support each other, they complete one another, one comes to the aide of the other, and so on. Which proves that they did indeed lead company policy all together, and that, before the court, they remained together. It's fine to remain together, but with that they should have collectively assumed their actions. And they didn't.

The public prosecutor said so, that it is incredible [that] a boss does never recognise moral harassment. There are all kinds of offences that people will recognise, but never moral harassment.

The comparison was made with "reckless road traffic offenders". That is very evocative, but they are not just reckless drivers, they are dominant reckless drivers. The perception they have of themselves must be taken into account. The prosecutor raised this in describing their position - "I am somebody good, I saved the company and you know nothing about the economy".

They have this profound conviction, and I am not at all certain that these two and a half months has led them to a personal revolution. Moreover, I think that if some of them were to undergo that revolution and admit what they have done, they would collapse.

Mediapart: The prosecution services have asked for the maximum possible sentences: a one-year jail term and a fine of 15,000 euros for the three principal executives, and eight months in prison and a fine of 10,000 euros for their deputies.

R.S.: I am not at all surprised by these demands, I could feel the call for maximum sentences coming. Because since the events were committed, the text of the law has changed and the sentences have been hardened [in 2012, but only for offences thereafter], but also with regard to the behaviour of the defendants, who admit to absolutely nothing.

What is striking is that the prosecutor called for the maximum jail sentencing without mentioning the possibility of a suspended sentence. Often the prosecutor calls for a jail sentence and then says they leave it to the court to decide whether this should be [in part or whole] suspended. Not this time.

Mediapart: And so a non-suspended prison sentence could be pronounced?

R.S.: Personally, I have never seen a prison sentence pronounced in a case of moral harassment at the workplace, even when a suicide is involved. In any case, in France bosses are not sent to jail, above all not for offences against the labour rights law.

But the prosecutor also wants to make the verdict very public, with the demand that the sentence be published in the press. I systematically put in such a request for publication when I represent civil parties. I never obtain it.

Dan Israel

- MEDIAPART. JULY 13, 2019:

<https://www.mediapart.fr/en/journal/france/130719/france-telecom-staff-suicides-trial-landmark-corporate-culture>

This interview was originally conducted in French, *[available on ESSF (article 49774), [Suicides au travail et justice : « En France, on ne met pas les patrons en prison » - Quelle sera la portée du procès de France Télécom ?](#)]*.

English version by Graham Tearse
