

## Call for Papers 2025/2

**Deadline for responses to the call for papers: 1 October 2024**

### Revue de Droit Comparé du Travail et de la Sécurité Sociale 2025-2 Comparative social case law

#### “Evidentiary Rules in Labour Law Jurisprudence”

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### ARGUMENT

The *Revue de Droit Comparé du Travail et de la Sécurité Sociale* (RDCTSS)<sup>1</sup>, whose aim is to contribute to the development of analyses and exchanges on comparative labour and social security law throughout the world, devotes a special issue each year (No. 2) to a "Comparative Social Jurisprudence" column.

RDCTSS No. 2025/2 aims to compile studies on the following topic: "Evidentiary Rules in Labour Law Jurisprudence."

Because of its protective nature and its impact on employment relationships, labour law imposes specific evidentiary requirements. Litigation in labour and social security law often requires a delicate balance between protecting the rights of employees and upholding the imperatives of truth and justice. Evidence plays a key role in this context, whether to prove cases of harassment or discrimination or to justify dismissals.

French case law illustrates this complexity. Historically, the Social Chamber of the Court of Cassation has taken a very strict stance on evidence obtained by unfair means. Any evidence obtained in this way was systematically excluded. In recent decades, however, the jurisprudence has begun to show signs of evolution. In particular, the judgments of 22 December 2023 marked a turning point by recognising the admissibility of unfairly obtained evidence under certain conditions.

This shift in jurisprudence provides an opportunity to examine the practice of foreign courts concerning the rules of evidence.

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<sup>1</sup> <https://comptrasec.fr/revue-de-droit-compare-du-travail-et-de-la-securite-sociale/>

## BACKGROUND INFORMATION

We invite you to submit articles exploring the modes of evidence in social justice in your country or through a comparative approach. The following questions and reflections are intended to guide your contributions:

1. What are the main rules of evidence in social disputes in your jurisdiction?
2. How do the courts in your country deal with evidence obtained by illegal or unfair means?
3. What are the guiding principles on the burden of proof in cases of harassment, discrimination or wrongful dismissal?
4. What are the recent developments in case law regarding the use of new technologies as evidence?
5. How does the law in your country balance the rights of employers to monitor their employees with respect for employees' privacy?
6. Are there significant differences in the way first-instance and appellate courts evaluate evidence?
7. What impact have international conventions and decisions of the European Court of Human Rights had on the practice of evidence in your country?

## RECOMMENDATIONS TO AUTHORS

### Format of expected contributions

Contributions must be written in French, English or Spanish and must not exceed **25,000 characters** including footnotes and spaces.

Manuscripts must be accompanied by the following information:

- The title of the article.
- Abstract of around 500 characters with keywords (around 5) to identify the content of the article.
- The name of the author's institution or organisation.
- The author's search fields.
- Two bibliographical references by the author (your choice).
- The author's postal and e-mail addresses.

### Calendar

**Deadline for submitting paper proposals (500 word abstract + title + proposed outline):**

**1 October 2024**

To: [geraldine-allison.fiorentino@univ-rouen.fr](mailto:geraldine-allison.fiorentino@univ-rouen.fr) and [gilles.auzero@u-bordeaux.fr](mailto:gilles.auzero@u-bordeaux.fr)

Copy to: [revue.comptrasec@u-bordeaux.fr](mailto:revue.comptrasec@u-bordeaux.fr)

- **Response to authors: 15 October 2024**
- **Deadline for submissions of articles: 1 February 2025**

## ASSESSMENT PROCEDURE

Texts submitted to the Journal are subject to a double-blind evaluation by independent experts. First, proposed articles are evaluated by the Editorial Board, which assesses the admissibility of the manuscript. If accepted, the manuscript is submitted to two external reviewers for assessment. When the assessment is returned, recommendations for minor or major changes may be made to the author. **All requests for major modifications require a second round of peer review.** On the basis of the assessments, the Journal's Editorial Board decides whether or not to publish the manuscripts submitted.