

Protection of the Non-Pecuniary (Personality) Rights of Women in Private Sector Employment Contracts (A Comparative Study of Iranian and French Law)

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The present study was conducted with the aim of comparatively examining the legal protection of women's labor rights in the legal systems of Iran and France. This study seeks to analyze and compare the extent and quality of legal protections afforded to employed women in these two legal systems, with particular emphasis on the periods of employment, pregnancy, maternity, and social security. The research method adopted in this study is descriptive-analytical, and the data were collected through library-based research and examination of the national laws of Iran and France, United Nations documents, conventions of the International Labour Organization, as well as scholarly books and articles. The findings of the study indicate that, in both legal systems, a set of mandatory protective rules has been established for employed women, particularly during pregnancy and motherhood. In Iranian law, the Labor Law and supplementary regulations guarantee protections such as maternity leave, prohibition of dismissal during the use of statutory benefits, and the employer's obligation to transfer pregnant women from hazardous work without reduction of wages. In contrast, the French legal system demonstrates greater comprehensiveness and coherence and, in addition to similar protections, provides broader regulations concerning the prohibition of gender discrimination, longer leave periods, childcare services, and more effective enforcement mechanisms. The results of the study suggest that the level of protection afforded to employed women under French law, particularly regarding the reconciliation of motherhood and employment, is more extensive and effective than that provided under Iranian law. Accordingly, the amendment and completion of Iranian labor laws in relation to the prohibition of indirect discrimination, sexual harassment, and the strengthening of supervisory institutions appear to be necessary.

Keywords: legal protection, employed women, employment contract, comparative law, social security

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1. Introduction

The social and economic transformations of recent decades have turned women's presence in various sectors of the labor market into an undeniable necessity. Although this broad participation is regarded as an indicator of development, it has also created new legal challenges. Labor law has traditionally focused on regulating the financial relationship between worker

and employer, such as determining minimum wages, working hours, and physical safety conditions. However, with the increasing complexity of human relations and growing awareness of the psychological and personal dimensions of individuals, the protection of the non-pecuniary and moral rights of the workforce, especially women, who may be exposed to greater vulnerability for historical and cultural reasons, has become one of the main concerns of modern legal systems. Non-pecuniary



rights, or personality rights, are a set of inherent and inalienable rights connected to an individual's identity, dignity, honor, privacy, and psychological health. In the workplace, these rights are manifested in the right to respectful treatment, immunity from sexual and psychological harassment, protection of privacy, and the right to establish a balance between work and family life. The main issue of this study is the comparative examination of how this category of women's rights is protected in private sector employment contracts in the legal systems of Iran and France. These two countries have been selected because each represents a different approach to labor law. French law, as a written legal system with significant influence at the level of the European Union, has developed specific and codified mechanisms for combating psychological harassment and gender discrimination. By contrast, Iranian law, whose foundations are rooted in Islamic jurisprudence and civil law, emphasizes general principles such as human dignity and the prohibition of injustice (Nikookar, 2013), yet faces legal and enforcement gaps in relation to non-pecuniary rights in the workplace. International instruments have also consistently emphasized the need to eliminate discrimination and provide comprehensive protection for women. For example, the Convention on the Elimination of All Forms of Discrimination against Women obliges states to adopt the necessary measures to eliminate discrimination against women in employment and to guarantee equal working conditions. The importance and necessity of this research can be explained from several perspectives. First, with the rise in women's employment rates, reports of psychological harassment and attacks on their occupational dignity have also increased, directly affecting the mental health of the workforce and economic productivity. Second, the existing legal literature in Iran has focused mainly on the financial aspects of women's labor rights, such as maternity leave and equal pay for work of equal value, while paying less attention to their personal and non-pecuniary dimensions. This is while, in the French legal system, protection of women's work is not limited merely to special protections, but also includes the guarantee of full legal equality with men (Rezaei, 2018). Accordingly, this comparative study can identify the strengths and weaknesses of both systems and lead to proposals for improving the legal and enforcement framework in Iran.

This study seeks to answer the following fundamental questions: What are the foundations and manifestations of the protection of women's non-pecuniary rights in the workplace under Iranian and French law? What differences and similarities exist between these two legal systems in guaranteeing these rights and in the mechanisms for compensating harm resulting from their violation? Finally, what solutions can be proposed to strengthen the protection of the personality of women employed in Iran's private sector by drawing on the experience of French law? The main hypothesis of this study is that the French legal system, because of its influence from European human rights instruments and the development of judicial practice, provides more explicit, structured, and effective protections for the non-pecuniary and personality rights of women in the workplace. By contrast, although the Iranian legal system possesses rich jurisprudential and ethical foundations regarding human dignity, it faces more serious practical challenges in protecting these rights because of the absence of specific laws and transparent enforcement procedures. Using a descriptive-analytical method and a comparative approach, this article examines library-based documents, laws, regulations, judicial decisions, and legal doctrine in the two countries in order to analyze the theoretical foundations and legal frameworks, evaluate the findings, and reach a comprehensive and practical conclusion. The structure of the article includes a review of the research background, an explanation of the theoretical foundations and main concepts, an analysis of the findings in two separate discussions on Iranian and French law, and finally, a conclusion and recommendations.

2. Research Background

Katouzian (Katouzian, 2006), in the book *Family Law*, analyzes the theoretical foundations of the legal relations between women and men in the Iranian civil law system. Relying on Islamic jurisprudence and positive law, this work provides a solid theoretical framework for understanding women's position in private contracts and is regarded as one of the foundational sources in family law and labor studies in Iran. Safaei and Emami (Safaei & Emami, 2013), in the book *Concise Family Law*, examine the rights and duties of spouses in the Iranian legal system. With an analytical approach, this work

investigates the jurisprudential and legal foundations of women's rights in private relations and provides an appropriate basis for assessing the extent of protection afforded to women's legal personality in employment contracts. Bostan (Bostan, 2011), in the book *Islam and International Humanitarian Law*, examines the relationship between jurisprudential teachings and international human rights instruments. The author argues that legal differences between women and men in Islamic jurisprudence are not based on discrimination, but on natural differences and the aim of establishing justice, a perspective that has theoretical significance in analyzing the non-pecuniary rights of employed women. Araqi (Araqi, 2016), in the book *Labor Law*, provides a comprehensive analysis of the rules governing worker-employer relations in the Iranian legal system. By examining legal protections for working mothers and the need to strengthen legal guarantees to prevent the dismissal of women after maternity leave, this work is considered one of the main sources in the field of women's labor law. Nikookar (Nikookar, 2013), in the book *Labor Law*, explains the theoretical and practical foundations of labor relations in Iran. With a descriptive and analytical approach, this work examines the structure of employment contracts in the private sector and reveals the existing legislative gaps in protecting the personality rights of workers, especially women. Rezaei (Rezaei, 2018), in the book *Women's Labor Law*, specifically examines protective regulations for employed women in the Iranian legal system. By focusing on the financial and non-financial dimensions of women's rights in the workplace, this work is one of the few domestic sources directly related to the subject of the present study and reveals existing gaps in protecting women's occupational dignity. Ravadrad (Ravadrad, 2014), in the article "The Role of Women's Employment in Development," reexamines and analyzes several previous studies and argues that the increasing role of women in development cannot be explained merely by measuring the level of their activity. Identifying the factors that cause women, whether employed or unemployed, to play a decisive role in development is of particular importance. Ahmadi and Roosta (Ahmadi & Roosta, 2014), in the article "The Work Culture of Women and Men and Their Comparison," show that although there is no significant overall difference between gender and work culture, women demonstrate

greater teamwork than men. This finding is important in analyzing the personality capacities of employed women and the need to protect their professional identity in the workplace. Ahmadi (Ahmadi, 2015), in the article "An Analysis of the Historical Development of Women's Political Participation in Islam, Iran, and the West," concludes, by relying on jurists' opinions as well as Quranic verses and narrations, that Islam respects women's social rights. By comparatively examining the status of women in the West and Islam, this study provides a theoretical basis for understanding the foundations of protecting women's personality in different legal systems. Atefi and Zarei (Atefi & Zarei, 2015), in the article "A Study of Women's Employment from the Perspective of Islam and the West," emphasize that from the Islamic perspective, women's employment is not an end in itself but is accepted insofar as it serves the family. Nevertheless, the authors stress the necessity of creating grounds for women's social and economic participation in society while preserving the main functions of the family. Hedayatnia (Hedayatnia, 2016), in the article "Women's Employment and Family Interest in the Civil Code," examines Article 1117 of the Civil Code and the ambiguities surrounding restrictions on a wife's right to employment. This study shows that the conflict between women's right to employment and the husband's authority is one of the fundamental challenges in the Iranian legal system and requires serious reconsideration. Bagheri (Bagheri, 2016), in the article "Analysis of Socio-Economic Factors Affecting Women's Employment in Iran," shows that women's education and the development of handicraft industries have been among the most important factors affecting their employment. By analyzing four decades of women's employment trends, this study provides a basis for understanding the social structures affecting women's occupational rights in the private sector. Tavassoli Naeini and Zakeri (Tavassoli Naeini & Zakeri, 2017), in the article "General Employment Policies for Women from the Perspective of the Laws of the Islamic Republic of Iran," use a descriptive-analytical method to examine the position of women's employment in the Iranian legal system in comparison with international standards. This study shows that the issue of women's employment can provide an appropriate basis for determining their share of the labor market at the macro level of the country. Ebrahimi (Ebrahimi, 2013), in the article "Women's

Employment in the Legal System Governing the Islamic Republic of Iran and Its Comparison with International Documents,” uses a descriptive-analytical method to examine women’s employment policies in comparison with the performance of the International Labour Organization and the United Nations. By comparing international laws with Iran’s Constitution and ordinary laws, this study proposes solutions for addressing issues related to women’s employment. Khorsandian (Khorsandian, 2013), in the article “The Legal Status of Spouses’ Employment in Iranian Statutory Laws and the Proposed Family Protection Bill,” after accepting the right to employment as a principle, examines the foundations and limits of spouses’ rights to oppose the other spouse’s employment. By explaining the rule established in Article 18 of the Family Protection Law, the author analyzes the legal effect of judgments prohibiting employment and the damages caused to the employer and third parties. Jahangiri and Gorouhsi (Jahangiri & Gorouhsi, 2019), in the article “Women’s Rights in Islam and the Convention on the Elimination of All Forms of Discrimination against Women,” analyze the existing divergences between the Islamic perspective and the Convention by referring to the two concepts of discrimination and difference. By comparatively examining jurisprudential foundations and international instruments, this study provides an appropriate theoretical framework for assessing women’s non-pecuniary rights in different legal systems. Karamzahi and Fanaei (Karamzahi & Fanaei, 2017), in the article “A Comparative Study of Women’s Financial Rights in Iran and France,” argue that Iranian law does not consider equality in duties between wife and husband to be correct, whereas the French legislator regards the rights of wife and husband as equal. Although this study focuses on financial rights, it provides a basis for a comparative analysis of the legal systems of Iran and France. Ghamat and Saberi Qomi (Ghamat & Saberi Qomi, 2012), in the article “Iran’s Accession to the Convention on the Elimination of Discrimination against Women: Opportunities and Threats,” examine how a logical and rational decision can be made regarding accession to this Convention. By analyzing the opportunities and threats of joining the Convention, this study provides a basis for understanding Iran’s position toward international instruments protecting women. Laufer (Laufer, 2018), in the article “Professional Equality Between Men and

Women in France: Progress and Hesitation,” analyzes the progress achieved and the difficulties of professional equality policies in France. By examining the legislative framework and collective bargaining, this article focuses on ambiguities in the implementation of professional equality policy and the low level of judicial activity in combating discrimination. Vasiljevic (Vasiljevic, 2013), in the article “Equality Between Men and Women: Challenges to Croatian Legislation,” analyzes existing requirements for gender equality in the European Union and the problems of countries moving toward European integration. This study shows that sexual harassment in the workplace and the absence of an appropriate legal approach to guaranteeing gender equality are transnational challenges faced by different legal systems. Overall, review of the research background shows that scattered studies have been conducted on women’s employment and legal protections for women, which have been useful to some extent; however, no comprehensive study has comparatively examined protective regulations in the field of “non-pecuniary and personality rights” in the two legal systems of Iran and France. Most domestic studies have either focused on the financial aspects of employment contracts or viewed women from the perspective of motherhood and spousal roles, paying less attention to women as independent workers possessing personality rights against the power of the employer. The present study moves beyond these discussions and enters the more fundamental layers of worker-employer relations; therefore, it possesses scientific novelty.

3. Theoretical Foundations and Main Concepts

The precise explanation of fundamental concepts and theoretical foundations is a necessary prerequisite for entering any comparative study in the field of law. Regarding the protection of the rights of employed women, a proper understanding of the nature of non-pecuniary rights and the intellectual foundations of the legal systems of Iran and France facilitates the analytical path. Accordingly, the main concepts and theoretical foundations of this study are examined in three separate axes.

3.1. *The Concept and Nature of Non-Pecuniary Personality Rights in Labor Relations*

The concept of non-pecuniary rights, or rights related to personality, refers to a category of rights that do not have direct economic and transactional value and are inherently tied to human existence and identity. These rights include the right to dignity, honor, reputation, privacy, freedom of expression, and physical and psychological health. In the field of private law, personality rights are regarded as non-transferable, non-waivable, and inviolable (Katouzian, 2006). The introduction of this category of rights into the field of employment contracts has been accompanied by numerous theoretical challenges, because the distinctive feature of the employment contract is the existence of a relationship of subordination between the worker and the employer. This relationship of subordination allows the employer to supervise the manner in which work is performed and to issue the necessary instructions. However, the evolution of labor law has shown that the legal and economic subordination of the worker should not be interpreted as the worker's complete surrender of identity and personality to the employer (Supiot, 2016). In the private workplace, the non-pecuniary rights of female workers acquire special dimensions arising from their compounded position of vulnerability. Protecting women's personality rights in employment contracts means that the employer is obliged to provide conditions in which women's human dignity, privacy, and immunity from any form of psychological or sexual harassment are guaranteed. Modern legal practice is based on the view that the worker, while undertaking to perform work, does not leave his or her civil personality and fundamental rights at the workshop door. Therefore, the right to respect for personal and family life, the right to enjoy a safe workplace free from destructive psychological tensions, and the right to equal treatment regardless of gender are clear examples of non-pecuniary rights in labor relations (Araqi, 2016). These rights have a dual nature: on the one hand, they are rooted in human rights and constitutional rights; on the other hand, they become binding as implied obligations in the employment contract between worker and employer.

3.2. *Theoretical Foundations of the Protection of Employed Women in Islamic Jurisprudence and Iranian Law*

The Iranian legal system, in the field of women's rights, has a deep connection with the foundations of Islamic jurisprudence, and its legal concepts are based on justice and the preservation of human dignity. In Islamic thought, there is no difference between the human value of women and men, and both possess inherent dignity. Nevertheless, the basis for regulating social and legal relations in Islam is attention to the natural and existential differences between the two sexes. These biological and psychological differences require the legal system to consider the necessary proportionalities in order to establish real justice and to avoid mechanical equality that may result in injustice against women (Bostan, 2011). In this perspective, concepts such as "protection" and "prohibition of injustice" replace purely egalitarian Western approaches. For this reason, Iranian labor laws have provided special regulations prohibiting the assignment of difficult, harmful, and dangerous work to women; the theoretical basis of these rules is the protection of physical and psychological health and the preservation of women's personality rights in accordance with their family roles. From a jurisprudential perspective, women's work and economic activity are not only not prohibited, but women's ownership over their financial achievements is also recognized. However, in Iranian law, the protection of the non-pecuniary rights of employed women is explained through general concepts such as the principle of compensating moral harm, the prohibition of abuse of rights, and the no-harm rule (Safaei & Emami, 2013). The concept of discrimination in this intellectual system is realized when individuals' rights are violated without regard to their entitlements and inherent differences. Accordingly, differences in women's working conditions, such as reduced working hours or special leaves, are not regarded as negative discrimination; rather, they are considered a form of "permissible discrimination" or necessary protection to preserve women's personality and dignity at the intersection of their social and family roles. The main challenge in these foundations is the transition from general rules of civil liability to the codification of specific and deterrent rules in labor law so that women's non-pecuniary rights are more tangibly protected against employer authority.

3.3. *The Approach of French Law and International Instruments to Dignity and Non-Discrimination*

The French legal system, influenced by the philosophy of humanism, the teachings of the French Revolution, and European human rights instruments, has established different theoretical foundations for the protection of women. In this system, the principles of “absolute equality” and “prohibition of all forms of discrimination” constitute the central core of labor law. The theoretical basis for protecting the worker’s non-pecuniary rights in French law is full respect for individual freedoms and fundamental human rights in the workplace. French labor law expressly provides that no employer may impose restrictions on the rights of persons and their individual and collective freedoms unless such restrictions are proportionate to the nature of the assigned tasks and are undeniably necessary (Waquet, 2010). This approach has led to the careful conceptualization of notions such as psychological and moral harassment in the workplace and their recognition as direct violations of the worker’s personality rights and dignity, subject to severe sanctions. International instruments have also played a significant role in shaping the legal discourse surrounding the prohibition of discrimination against women. The concept of discrimination in international instruments, especially the Convention on the Elimination of All Forms of Discrimination against Women, includes any distinction, exclusion, or restriction based on sex that has the effect or purpose of impairing the recognition, enjoyment, or exercise of women’s human rights and fundamental freedoms (Jahangiri & Gorouhssi, 2019). In the theoretical foundations of international labor law, the approach has shifted from “passive protection” toward “guaranteeing equal opportunities” and “active protection of human personality.” The International Labour Organization emphasizes the principle that labor is not a commodity and that the human dignity of the worker must be preserved at all stages of employment. Accordingly, the approach of French law and the international system is focused on creating a safe workplace in which women’s non-pecuniary identity is decisively protected by the public and criminal legal system, away from gender stereotypes and hidden structural violence (Laufer, 2018).

4. Findings

4.1. *The Concept and Foundations of Women’s Non-Pecuniary Personality Rights in Employment Contracts*

Non-pecuniary rights, or personality rights, are a category of fundamental rights that belong to the essence and human identity of the individual and, because they cannot be valued in money, stand in contrast to pecuniary rights. In the workplace, these rights acquire special dimensions, because the employment relationship, especially in the private sector, is inherently unequal and places the worker in a weaker position. Therefore, protecting women’s personality rights in employment contracts has dual importance from both a human rights perspective and a labor law perspective. In the Iranian legal system, the foundation of women’s personality rights must be sought in the principles of the Constitution.

Article 20 of the Constitution of the Islamic Republic of Iran provides that “all members of the nation, both women and men, shall equally enjoy the protection of the law and shall enjoy all human, political, economic, social, and cultural rights in conformity with Islamic criteria.” Article 21 also obliges the state to guarantee women’s rights in all respects in accordance with Islamic criteria. These principles provide a basis for protecting women’s dignity, reputation, privacy, and psychological health in the workplace. In French law, women’s personality rights in the workplace are nourished by three main sources: the Declaration of the Rights of Man and of the Citizen of 1789, the Preamble to the Constitution of 1946, which proclaimed the equality of women and men in all fields, and the Labor Code, which has established numerous mandatory rules protecting the personality of the female worker. In the French legal system, the concept of dignity at work is recognized as a fundamental principle that prohibits any humiliating, harassing, or discriminatory conduct against female workers (Supiot, 2016). At the international level, the Convention on the Elimination of All Forms of Discrimination against Women, adopted by United Nations General Assembly Resolution 34/180 on December 18, 1979, defines discrimination as “any distinction, exclusion or restriction made on the basis of sex” whose result is to impair women’s enjoyment of human rights and fundamental freedoms in political, economic, social, cultural, civil, or any other field. This definition provides

a comprehensive framework for identifying violations of women's personality rights in the workplace. The important distinction between the two legal systems is that Iranian law understands equality as every person's enjoyment of appropriate opportunities for growth and development, whereas CEDAW and the French legal system interpret equality as the elimination of any gender-based distinction in rights and duties (Ghamat & Saberi Qomi, 2012). This fundamental difference in theoretical foundations has a direct effect on the manner of protecting women's personality rights in employment contracts in both countries. Nevertheless, both systems agree in principle on the need to protect the dignity and personality of the female worker, and the difference lies mainly in the scope and method of this protection.

4.2. Mandatory Rules Protecting Women's Personality Rights in Iranian Employment Contracts

Mandatory rules in labor law are rules from which the parties to the contract cannot derogate by agreement, and any contractual term contrary to them is invalid. In Iranian labor law, a significant part of these rules directly or indirectly protects women's personality rights. The first and most important category of these rules consists of provisions related to the protection of pregnant women. Article 76 of the Iranian Labor Law provides that "pregnancy and maternity leave for female workers shall total 90 days, and as far as possible, 45 days of this leave shall be used after childbirth; in the case of multiple births, 14 days shall be added to the leave period." This leave is a mandatory right that the employer cannot deprive the female worker of. In addition, if the type of work is diagnosed as dangerous or difficult for a pregnant worker, the employer must assign her more appropriate and lighter work without reducing her wages until the end of pregnancy, and after the end of maternity leave, the female worker returns to her previous work. The second category of mandatory rules consists of provisions concerning women's job security during the use of legal rights. Under the law on the reduction of working hours for women, executive bodies and non-governmental employers may not dismiss women, change their geographical place of service, or hire replacements merely because they use the benefits of reduced working hours; any dismissal, transfer, or replacement hiring is prohibited. This mandatory rule directly protects the dignity and personality of the

female worker against punishment for exercising legal rights. Women's employment policy in Iran also emphasizes "creating favorable grounds for the development of women's personality and the revival of their material and moral rights" and "supporting mothers, especially during pregnancy and child custody." Nevertheless, this policymaking is subject to the condition of "observing Islamic criteria," which in some cases limits the scope of protection. In the field of work-family balance, Iranian labor law has established provisions on women's part-time employment, occupational facilities for performing maternal duties, reduction of women's retirement age, and early retirement with 20 years of service. Although these provisions appear to have a welfare-oriented aspect, they in fact protect the female worker's right to combine occupational and maternal roles, which is a dimension of her identity and personality. The weakness of the Iranian legal system in this field is the absence of explicit and comprehensive regulations on the prohibition of sexual harassment in the workplace and gender discrimination in recruitment and promotion. While Iranian labor law has established numerous mandatory rules protecting motherhood and job security, it has neglected the formulation of specific rules on privacy, dignity, and the prohibition of harassment in the workplace (Katouzian, 2006).

4.3. Mandatory Rules Protecting Women's Personality Rights in French Employment Contracts

The French legal system is among the most comprehensive and advanced legal systems in the world in protecting women's personality rights in employment contracts. The French Labor Code has established a set of mandatory rules in this field from which no contractual agreement can derogate. In the field of prohibiting gender discrimination, Article L.1132-1 of the French Labor Code prohibits any discrimination in recruitment, promotion, training, wages, and dismissal on the basis of sex. This prohibition is an absolute mandatory rule that cannot be violated even with the worker's consent (Supiot, 2016). In addition, Article L.1142-1 of the same Code declares invalid any contractual term that restricts women's access to occupations or promotion.

In the field of prohibiting sexual harassment, the French Labor Code provides a comprehensive definition of sexual harassment in Article L.1153-1 and obliges the

employer to adopt the necessary preventive measures. An employer who is aware of sexual harassment in the workplace and fails to act bears civil and criminal liability. This approach protects the dignity and privacy of the female worker against humiliating conduct. In the field of protecting pregnant women, French law provides broader protections than Iranian law. Maternity leave in France ranges from 16 weeks for the first and second child to 26 weeks for the third child, and during this period, the dismissal of the female worker is absolutely prohibited. After returning from leave, the female worker has the right to return to the same job or to a similar job with the same wage. Comparative study shows that employed women in France enjoy greater protections during pregnancy and maternity leave than employed women in Iran. In the field of prohibiting moral harassment, Article L.1152-1 of the French Labor Code prohibits any repeated conduct whose purpose or effect is to degrade working conditions, harm rights and dignity, or create a hostile work environment. This provision, incorporated into the French Labor Code in 2002, is one of the most important instruments for protecting the personality rights of female workers. A noteworthy point in the French legal system is that, despite the existence of these comprehensive mandatory rules, in practice female workers are often the first to be dismissed during economic crises. This gap between law and reality shows that the existence of mandatory rules alone is insufficient and that effective enforcement is also necessary.

4.4. Protection of Women's Personality Rights Against Discrimination in Employment Contracts: A Comparative Study

Gender discrimination in employment contracts is one of the most important threats to women's personality rights. This discrimination may arise at different stages of the employment relationship, from recruitment to dismissal, and may harm the dignity, reputation, and professional identity of the female worker. In international law, CEDAW and the conventions of the International Labour Organization, especially Convention No. 111 on discrimination in employment and occupation, provide a comprehensive framework for prohibiting gender discrimination at work. These instruments recommend measures such as prohibiting dismissal on the grounds of pregnancy or maternity

leave, prohibiting discrimination in dismissal on the basis of marital disputes, granting paid maternity leave without loss of employment, and providing special protection for employed women during pregnancy. In Iranian law, the prohibition of gender discrimination in employment contracts appears in a scattered manner in various laws. In some provisions, the Iranian Labor Law establishes equal pay for similar work and prohibits wage discrimination based on gender. International standards also emphasize "receiving equal pay and enjoying benefits and equal treatment in jobs of equal value, as well as the acceptance and application of equal evaluation of women's work and similar work performed by men." In French law, the principle of equal pay for equal work is a fundamental principle rooted in the case law of the Court of Cassation and repeatedly confirmed in numerous decisions. In the well-known decision of the French Court of Cassation in 1996, this principle was recognized as an absolute mandatory rule that no contractual agreement may violate. Another important distinction between the two systems concerns their treatment of indirect discrimination. French law, influenced by European Union law, also prohibits indirect discrimination; that is, rules that appear neutral but in practice affect women more negatively than men. In Iranian law, the concept of indirect discrimination has not yet been expressly recognized in labor law, and this legal gap may lead to the violation of women's personality rights in employment contracts (Safaei & Emami, 2013).

4.5. Challenges and Gaps in Protecting Women's Personality Rights in Employment Contracts: A Comparative Study

Despite the existence of numerous mandatory rules in both legal systems, the protection of women's personality rights in employment contracts faces serious challenges and gaps, whose comparative examination can provide useful reform solutions. The first challenge is the gap between law and implementation. In both countries, the existence of protective mandatory rules does not necessarily lead to their effective enforcement. In France, despite comprehensive anti-discrimination laws, female workers are the first victims of dismissal during economic crises. In Iran, too, weak supervisory institutions and the difficulty of proving gender discrimination in courts prevent the effective

enforcement of protective rules. The second challenge is the absence of explicit rules on sexual harassment in the workplace under Iranian law. While French labor law, in Article L.1153-1 and subsequent articles, provides a comprehensive definition and effective enforcement guarantees for prohibiting sexual harassment, Iranian labor law lacks such provisions. This legal gap is one of the most important weaknesses of the Iranian legal system in protecting women's personality rights in the workplace. The third challenge is the conflict between women's personality rights and certain cultural and religious norms in the workplace.

In Iran, the issue of dress and hijab in the workplace, which from the perspective of personality rights may be interpreted both as a right, namely freedom of dress, and as a duty, namely observance of social norms, is one of the most complex issues in this field. In France, too, following the adoption of the 2010 law on dress in public spaces, the conflict between religious freedom and workplace norms became a serious challenge (Hennette-Vauchez & Valentin, 2014). The fourth challenge is how to deal with contractual terms that restrict personality rights. In both legal systems, terms that restrict women's personality rights are considered invalid; however, the scope of this invalidity differs. In French law, any term that directly or indirectly harms the dignity, privacy, or fundamental freedoms of the female worker is invalid (Waquet, 2010).

In Iranian law, the invalidity of terms contrary to the mandatory rules of labor law is accepted, but there are no specific criteria for identifying terms contrary to personality rights (Katouzian, 2006). The fifth challenge concerns the role of international organizations and human rights instruments in strengthening the protection of women's personality rights at work. As a member of the European Union, France is required to implement EU directives on gender equality at work, which establish higher standards than domestic law. Although Iran has not acceded to CEDAW, it is obliged to protect women's fundamental rights at work through other international commitments and constitutional principles. Nevertheless, differences in the interpretation of concepts such as "discrimination" and "equality" between the Iranian legal system and international instruments remain both a theoretical and practical challenge.

5. Conclusion

The present study was conducted with the aim of comparatively examining the protection of the non-pecuniary personality rights of women in private sector employment contracts in the legal systems of Iran and France. The findings of this study show that both legal systems have accepted the principle of the need to protect women's dignity, personality, and non-pecuniary rights in the workplace, but there are significant differences between them in the scope, method, and enforcement guarantees of this protection. In the Iranian legal system, the basis for protecting women's personality rights in employment contracts is a combination of constitutional principles, mandatory rules of labor law, and women's employment policies. Articles 20 and 21 of the Constitution outline the general framework of this protection and oblige the state to guarantee women's rights in all respects. Iranian labor law has also established, in various provisions, mandatory rules protecting pregnant women, working mothers, and women's job security, which no contractual agreement may violate. However, these protections are mainly focused on motherhood and women's family role and have neglected other dimensions of personality rights, including the prohibition of sexual harassment, privacy in the workplace, and indirect discrimination. In the French legal system, the protection of women's personality rights in employment contracts is more comprehensive and coherent. Influenced by European Union law and international human rights instruments, the French Labor Code has established a set of mandatory rules concerning the prohibition of gender discrimination, the prohibition of sexual harassment, the prohibition of moral harassment, the protection of pregnant women, and equal pay. These rules prohibit not only direct discrimination but also indirect discrimination and provide effective enforcement guarantees for their violation. Comparison of the two legal systems shows that the most important distinction between them lies in how they define and interpret the fundamental concepts of "discrimination" and "equality." The Iranian legal system understands equality as every human being's enjoyment of suitable opportunities for growth and development and considers some gender-based differences not as discrimination but as justice itself. By contrast, the French legal system and

international instruments such as CEDAW regard any gender-based distinction that harms women's enjoyment of fundamental rights as discrimination. This fundamental difference in theoretical foundations has a direct effect on the scope and content of mandatory protective rules in both systems. One of the most important findings of this study is the identification of legal gaps in the Iranian legal system. The absence of explicit rules on the prohibition of sexual harassment in the workplace, the lack of a legal definition of indirect discrimination, the weakness of civil and criminal enforcement guarantees against violations of women's personality rights in employment contracts, and the absence of specialized institutions for handling gender discrimination complaints are among these gaps. These deficiencies become more visible in comparison with the French legal system, which has specific rules and effective enforcement guarantees in each of these areas. Nevertheless, the strengths of the Iranian legal system in this field should not be overlooked. Mandatory rules related to the protection of pregnant women, the prohibition of dismissal during the use of legal rights, the job security of working mothers, and facilities related to work-family balance indicate the Iranian legislator's attention to important dimensions of women's personality rights in the workplace. Although these rules do not possess the comprehensiveness of the French legal system, they provide a foundation for the gradual development of legal protections. Another finding of this study is the gap between law and enforcement in both legal systems. In France, despite comprehensive anti-discrimination laws, female workers in practice face serious obstacles in enforcing their rights and are among the first victims of dismissal during economic crises. In Iran, weak supervisory institutions, the difficulty of proving gender discrimination in courts, and an unfavorable organizational culture prevent the effective enforcement of existing protective rules. This reality shows that legal reform, although necessary, is not sufficient by itself and must be accompanied by the strengthening of enforcement institutions, education, and cultural development. In light of the findings of this study, several recommendations can be offered to improve the Iranian legal system in protecting women's personality rights in employment contracts. First, the Iranian legislator should, by drawing inspiration from the successful experience of France, enact explicit and

comprehensive regulations on the prohibition of sexual harassment in the workplace and provide effective civil and criminal enforcement guarantees for them. Second, the concept of indirect discrimination should be expressly recognized in Iranian labor law in order to prevent the hidden violation of women's personality rights through apparently neutral regulations. Third, specialized institutions for handling complaints of gender discrimination in the workplace, similar to those existing in France, should be established to facilitate women's access to justice. Fourth, private sector employers should be required to formulate and implement specific policies to prevent discrimination and harassment in the workplace. Overall, this study shows that protecting the non-pecuniary personality rights of women in private sector employment contracts is a legal and social necessity that both the Iranian and French legal systems have accepted. The main difference lies in the scope, method, and effectiveness of this protection. By relying on the framework of European Union law and dynamic judicial practice, the French legal system has been able to provide more comprehensive protection for women's personality rights in the workplace. The Iranian legal system, despite its strong constitutional foundations and mandatory protective rules in the fields of motherhood and job security, requires development and completion in the areas of prohibiting harassment, indirect discrimination, and workplace privacy. Comparative experience shows that this development is not only not in conflict with the theoretical foundations of the Iranian legal system, but is also consistent with the realization of the constitutional objective of "creating favorable grounds for the development of women's personality and the revival of their material and moral rights."

Authors' Contributions

Authors contributed equally to this article.

Declaration

In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Transparency Statement

Data are available for research purposes upon reasonable request to the corresponding author.

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Declaration of Interest

The authors report no conflict of interest.

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Ethical Considerations

In this research, ethical standards including obtaining informed consent, ensuring privacy and confidentiality were observed.

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