

# STOP SEXUAL AND GENDER-BASED VIOLENCE AND MISCONDUCT IN THE WORKPLACE

*cf. Title XVIII of the CCNEAC (National collective agreement of artistic and cultural enterprises) regarding the prevention and sanctions of sexual violence and gender-based misconduct in the workplace.*

## What are sexual and gender-based violence and harassment?

### Harassment

**Labour Code [Art. L.1152-1]** *No employee shall be subjected to repeated acts of moral harassment which are designed to, or lead to a deterioration of their working conditions liable to harm their rights and their dignity, to damage their physical and mental health or compromise their career prospects.*

**Labour Code [Art. L.1153-1]** *No employee shall be subjected to:*

1. *Either sexual harassment, constituted by repeated sexual or sexist comments or behaviours which either harm their dignity because of their degrading or humiliating character, or create an intimidating, hostile or offensive situation.*

*Sexual harassment also occurs:*

- a. *When the same employee is subjected to such comments or behaviours by several persons, in a concerted manner or at the instigation of one of them, even though each of these persons has not acted repeatedly.*
- b. *When the same employee is subjected to such comments or behaviours, successively from several persons who, even in the absence of concerted action, know that these comments or behaviours constitute a repetition,;*
2. *Or acts assimilated to sexual harassment, constituting in any form of serious pressure, whether a single occurrence or repeated, exercised with the real or apparent aim of obtaining an act of sexual nature, whether it is sought for the benefit of the perpetrator or for a third party.*

**Penal Code [Art. 222-33]**

*I. - Sexual harassment is repeatedly imposing to another comments or behaviours with sexual or sexist connotation that either harm their dignity because of their degrading or humiliating character, or create an intimidating, hostile or offensive situation;*

*Harassment also occurs:*

- 1. When those comments or behaviours are imposed to the same victim by several persons, in a concerted manner or at the instigation of one of them, even though each of these persons has not acted repeatedly;*
- 2. When those comments or behaviours are imposed to the same victim, successively from several persons who, even in the absence of concerted action, know that these comments or behaviours constitute a repetition..*

*II. - Is assimilated to sexual harassment the use of any form of serious pressure, whether a single occurrence or repeated, with the real or apparent aim of obtaining an act of sexual nature, whether it is sought for the benefit of the perpetrator or for a third party.*

**Sexual and gender-based violence**

**Labour Code [Art. L.1142-2-1]** *No one shall be subjected to gender-based misconduct, defined as any behaviours directed at a person because of their sex or gender, which is designed to, or leads to harming their dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment.*

**Penal Code [Art. 222-22]** *Sexual assault is any sexual aggression committed with violence, constraint, threat or surprise.*

## Which sentences are these criminal offences associated with?

Gender-based misconduct, sexist insult, voyeurism, harassment including by means of online communication services, sexual harassment, sexual assault, rape, and the offense of failure to report a crime are subject to civil and/or criminal sanctions.

Failure to comply with these rules within the workplace may result in disciplinary sanction up to and including the termination of the employment contract.

**Labour Code [Art. L.1153-6]** *Any employee who has engaged in sexual harassment may be subjected to disciplinary sanction.*

### **Code pénal [art. 222-33, suite]**

*III. - The acts mentioned in paragraph I and II are punished by two years' imprisonment and a fine of €30,000.*

*The offence is punishable by three years' imprisonment and a fine of €45,000:*

- 1. where it is committed by a person misusing the authority conferred by their position;*
- 2. where it is committed against a minor under the age of fifteen years;*
- 3. where it is committed against person whose particular vulnerability due to age, sickness, infirmity, to a physical or psychological disability or to pregnancy, is apparent or known to the perpetrator;*
- 4. where it is committed against a person whose particular vulnerability or dependency due to the precarity of their economic or social situation is apparent or known to the perpetrator;*
- 5. where it is committed by two or more acting as perpetrators or accomplices;*
- 6. where it is committed through the use of an online public communication service or by means of a digital or electronic medium.*
- 7. where it is committed while a minor was present and attended;*
- 8. where it is committed by an ascendant, or by any other person having de jure or de facto authority over the victim.*

# If you are a victim or a witness of SGBVH, you can contact

<b>Counselling unit for live and recorded performances</b>	<a href="mailto:violences-sexuelles-culture@audiens.org">violences-sexuelles-culture@audiens.org</a> 01 87 20 30 90
<b>Contact persons who can receive your report</b>	
<b>CSE (Business and Social Council) delegates</b>	
<b>Trade union delegates</b>	
<b>Occupational medicine: Thalie Santé (ex-CMB)</b>	7 Rue Bergère, 75009 Paris 01 49 27 60 00
<b>Health and safety inspection</b>	Address:  Phone:
<b>Defender of Rights (DDD)</b>	09 69 39 00 00

Reporting procedure (see article 18.2.1 of the CCNEAC)