European Working Group on Labour Law

Report of the French Team

PROTECTING WORKERS FROM VIOLENCE AND HARASSMENT IN THE WORKPLACE

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Antoine ANSEL

Clara LANCIAUX

Astrid LISART

Sirine YAHMI

TABLE OF CONTENTS

4. Is training on the risks of violence and harassment in the workplace mandatory? If so, is it provided jointly with OHS training or separately?

5. How are risks related to violence and harassment integrated into OHS risk management frameworks in your legal system?

Section IV: Protection, Remedies, and Confidentiality

1. Forms of protection available to victims of workplace violence under anti-discrimination and occupational health and safety regulations

2. Legal claims or remedies available to victims of workplace violence and harassment in your jurisdiction

3. Protection from retaliation by employers or other individuals involved

4. Internal investigation: the protection of the victim's privacy and confidentiality

5. The right of withdrawal remove from a work situation where there is a reasonable justification to believe that the environment presents an imminent and serious danger

Section V: Domestic, Third Party and Cyber Violence and Work Implications

1. Does your legal system acknowledge domestic violence affecting the workplace, and if so, how?

A. What obligations do employers have in recognizing and managing the workplace impact of domestic violence?

B. What specific workplace entitlements or protections are provided to victims of domestic violence?

2. Does your jurisdiction recognize cyber violence (internet-based harassment) within workplace regulations?

3. Are employers required to have preventive measures against cyber violence?

4. In what ways does your legal system protect workers from violence perpetrated by third parties?

5. Does your national labour law framework explicitly recognise violence or harassment perpetrated by individuals other than employers or colleagues?

A. Is there a distinction made in your legal system between third-party violence and domestic violence?

B. Are employers required to assess and manage risks arising from interactions with third parties?

C. What measures and remedies are available to victims of workplace violence or harassment where the alleged perpetrator is a third party?

Section VI: Roles and Responsibilities of Third Parties in counteracting violence at workplaces

1. What are the specific roles and responsibilities of trade unions, workers' representatives, NGOs, in preventing and addressing workplace violence and harassment

2. What functions do these third-party actors have with respect to monitoring, supervision, policy development, awareness-raising, and support for victims.

3. What authority do labour inspectorates or other competent authorities (eg. equality bodies, regulatory agencies) have in the context of violence and harassment at work?

Section VII: Implementation Challenges and Good Practices / Conclusion

1. Several limitations to the measures put in place to fight harassment and violence in the workplace

2. Mechanisms to prevent and redress violence or harassment at work face structural, cultural and legal barriers.

REFERENCES

Protecting Workers from Violence and Harassment in the Workplace

Introduction :

In line with its commitment to professional equality at the international level, France has supported the adoption of a binding ILO standard to end the scourge of harassment and violence at work since the beginning of negotiations. The outcome of these negotiations was the adoption of ILO Convention No. 190. This convention provides the first internationally recognized definition of violence and harassment in the world of work. France was one of the first European Union member states to ratify ILO Convention No. 190.

The Minister of Labour at the time stated, "*The ratification of ILO Convention 190 is an important step that extends France's long-term commitment to combating harassment and violence in the workplace, not only in France but in all countries around the world, with a view to putting an end to unacceptable practices. No worker should be a victim of violence in the workplace, and the ILO can count on France to rigorously enforce the Convention.*"[1]

The impact assessment of the Act of November 8, 2021 authorizing this ratification in France specified that French labor law was "already in line with the provisions of Convention No. 190" and that it did not require any amendments, while acknowledging that existing law was not sufficiently effective.[2]

Although France was quick to transpose ILO Convention No. 190, the situation remains unchanged: French law has stagnated and has not evolved on the issue of violence in the workplace since this transposition. The new concepts arising from the Convention and having been transposed are not applied in French law.

However, this legal compliance was not unanimously welcomed. Several trade unions wrote to Élisabeth Borne, then Minister of Labor, expressing their regret at the lack of consultation with social partners to assess the measures put in place and the possibility of regulatory changes, while pointing out that many companies had no plans in place to combat sexual and sexist violence.[3]

In this letter, certain social partners (CGT, CGT-FO, CFDT, CFE-CGC) joined forces to call for an "ambitious ratification" of the Convention. The four employee trade unions lament

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[1] Communiqué de presse, *Lutte contre la violence et le harcèlement dans le monde du travail : la France ratifie la Convention 190 de l'Organisation Internationale du Travail*, 12 avril 2023

[2] Valérie PONTIF, *Convention n°190 de l'OIT sur le harcèlement et la violence au travail : quelles pistes pour le droit du travail français*, Revue de droit du travail 2024, page 398

[3] Valérie PONTIF, *Convention n°190 de l'OIT sur le harcèlement et la violence au travail : quelles pistes pour le droit du travail français*, Revue de droit du travail 2024, page 398

that the executive branch has not, contrary to its commitments, opened prior consultation with the social partners to discuss the possibility of legislative or regulatory changes. The difficulty encountered is that the main advances that could be incorporated into national law are contained in a recommendation accompanying the agreement, and not in the agreement itself. They argue that it is necessary to take up the recommendation. [4]

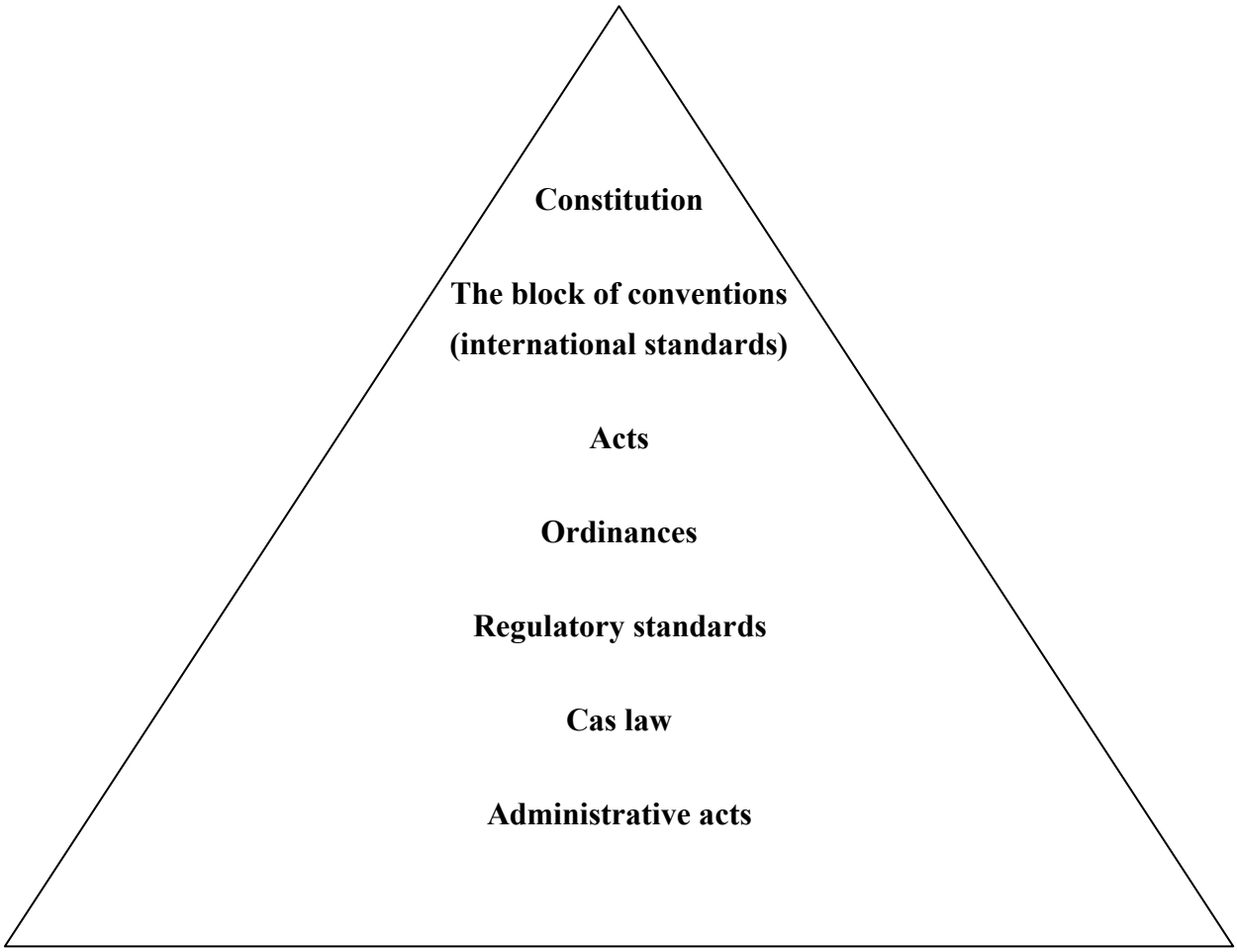
In summary, French law on harassment and violence in the workplace still needs to be developed further.

Section I: General legal framework

In France, sources of law are governed by a certain hierarchy of norms. These sources are governed by Kelsen's Pyramid of Norms. According to this pyramid, the supreme law would be the 1958 Constitution.

According to this pyramid, the supreme law would be the 1958 Constitution. Next comes the block of conventions (international standards). Then there are the laws that precede ordinances. Next are regulatory standards. Finally, there is case law, which precedes administrative acts.

[4] Le Monde, *Les syndicats inquiets d'une ratification minimaliste d'un texte international sur la violence et le harcèlement au travail*, 11 mai 2021



However, labour law does not entirely follow this logic. In labour law (like we can see in the Labour Code), there is the El Khomri triptych, according to which there are mandatory laws (i.e. those from which no derogation is possible), a field of collective bargaining and, finally, supplementary laws when the social partners have not negotiated.

There are three levels of collective bargaining in France:

- The national interprofessional level: this is the highest level of bargaining in terms of professional and geographical scope. National interprofessional agreements are concluded at this level on issues that require solidarity among all companies in France or on strategies to guide professional branch negotiations.[5]
- The professional branch level: this is the level at which collective agreements are negotiated within a specific sector of activity, such as the agri-food industry, for example.

[5] Petit F., L'essentiel du droit du travail : les relations collectives, sept. 2025, Gualino

- The company level allows collective agreements to be negotiated in line with the specific needs of the company.

Within this triptych, there is a kind of hierarchy. There are thirteen areas in which the professional branch level takes precedence over the company level. Then there are four areas in which the same level takes precedence if the branch has so provided. Finally, anything that does not fall within any of these areas is in any case subject to company-level negotiation. As a matter of principle, priority is given at the company level.

The rules governing violence and harassment in the workplace are mandatory. For example, Article L.4121-1 of the Labour Code stipulates a safety obligation incumbent upon the employer. Under this obligation, the employer is required to take action as soon as they become aware of facts suggesting the existence of violence or harassment targeting one of their employees.

However, some collective agreements may provide for more effective or binding measures to combat such acts. For example, the rules governing employer investigations into harassment are not very detailed. The Labour Code only requires such an investigation to be carried out when potential harassment is reported, without specifying the procedures to be followed. A collective agreement could easily set out the procedures for such an investigation.

1. List of different types of workplace violence recognized under French law

French law defines several concepts relating to violence in the workplace.

A. Psychological harassment

To begin, there is psychological harassment.

Article L.1152-1 of the Labour Code states that 'No employee shall be subjected to repeated acts of psychological harassment that have the purpose or effect of degrading their working conditions in a way that may undermine their rights and dignity, alter their physical or mental health, or compromise their professional future.'

To characterise psychological harassment, it is therefore necessary to establish three criteria cumulatively:

- Repeated actions
- That have the purpose or effect of degrading the employee's working conditions

- That are likely to undermine their rights and dignity, impair their physical or mental health, or compromise their professional future

Moral harassment encompasses several other categories of harassment, such as institutional moral harassment and managerial moral harassment.

Managerial harassment:

According to a ruling by the Social Chamber of the Court of Cassation[6] on 19 December 2012, managerial harassment consists of "management methods based on humiliation and constant pressure exerted on employees with the aim or effect of degrading their working conditions that may infringe upon their rights and dignity, alter their physical or mental health, or compromise their professional future."[7] In this case, a pharmacist had taken note of the termination of her employment contract and requested that the termination be reclassified as dismissal without real and serious cause. Termination with notice allows an employee on a permanent contract to immediately terminate their employment contract when they consider that serious breaches by their employer make it impossible to continue the employment relationship. Exercising this mechanism has either the effect of resignation when it is considered unjustified, or the effect of dismissal without real and serious cause on the part of the employer.[8]

Institutional psychological harassment:

Institutional psychological harassment was defined by a ruling of the Criminal Division on 21 January 2025[9] as "actions defining and implementing a company policy aimed at structuring the work of all or part of a group of employees, actions which, through their repetition, latent or concrete, lead to a potential or actual deterioration of the working conditions of that group and which exceed the limits of managerial authority". In this case, starting in 2006, the CEO and several executives of a large company implemented a corporate policy that affected a quarter of their employees, namely:

- A plan to reduce the workforce by 20,000 employees;
- An internal mobility plan targeting 10,000 employees.

A trade union denounced the very serious human consequences of this policy. The company and its senior executives were prosecuted for “moral harassment at work.”. The trial judges were asked whether company executives could be convicted under the law prohibiting

[6] The Court of Cassation is the highest court in the French judicial system. Its role is to ensure that the law is correctly applied by lower courts such as tribunals and courts of appeal.

[7] Cass., Soc, 19 décembre 2012, n° 11-21.618

[8] Fiche service public, *Prise d’acte de la rupture d’un contrat de travail par le salarié*, mis à jour le 17 mars 2025

[9] Cass., Crim, 21 janvier 2025, n° 22-87.145

“moral harassment in the workplace” for knowingly defining and implementing a general company policy likely to lead to a deterioration in employees' working conditions.

The Criminal Chamber of the Court of Cassation ruled that “institutional psychological harassment” falls within the scope of “psychological harassment at work” as defined by the Criminal Code.

It explains its solution on the basis of the law, which, on the one hand, does not require that the repeated acts be directed at a specific victim and, on the other hand, does not require that the repeated acts take place within an interpersonal relationship between the perpetrator and the victim. It is sufficient for the perpetrator and the victim to belong to the same work community. Consequently, the law allows for the punishment of repeated actions that are part of a “corporate policy,” i.e., all decisions made by the managers or governing bodies of a company aimed at establishing its modes of governance and action. [10]

Before this decision, institutional psychological harassment was already recognised in civil law. However, the decision handed down by the social chamber of the Court of Cassation was particularly significant because, in this case, several employees of the company had committed suicide and the Court recognised institutional psychological harassment even though no one had been specifically targeted.

B. ***Sexual harassment (L.1153-1 à L.1153-6)***

Then, still within the concept of harassment, there is sexual harassment.

Under Article L.1153-1 of the Labour Code, sexual harassment consists of repeated comments or behaviour of a sexual or sexist nature that either undermine the dignity of the employee due to their degrading or humiliating nature, or create an intimidating, hostile or offensive environment for them.

Regarding the repeated nature of the act, it was specified that such an offence was constituted when such remarks or behaviour emanated from several persons, in a concerted manner or at the instigation of one of them, even though each of them did not act repeatedly or when the employee has been subjected to such acts repeatedly by several persons who knew that these acts constituted a pattern, even without collusion.

The same article also punishes acts equivalent to sexual harassment, which consist of any form of serious pressure, even if not repeated, exerted with the real or apparent aim of obtaining an act of a sexual nature.

Sexual harassment can be characterised by sexist behaviour, which the Labour Code defines in Article L.1142-2-1 ‘defined as any behaviour related to a person's sex, which has

[10] Communiqué de la Cour de cassation, *Reconnaissance du harcèlement moral institutionnel*, 21 janvier 2025

the purpose or effect of violating their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.'

C. *Protection against retaliatory measures*

For both psychological harassment and sexual harassment, protection is provided for employees who are victims, witnesses or who have reported incidents of harassment. This protection is granted to whistleblowers, meaning that any reprisals, threats or attempts to resort to such measures against them will be punished by automatic nullity.

D. *Discrimination*

Apart from harassment, there is also discrimination.

The Labour Code establishes a principle of non-discrimination in labour law. This principle means that no person should be subject to measures based on their origin, gender, their lifestyle, sexual orientation, gender identity, age, family situation or pregnancy, genetic characteristics, economic situation, ethnicity, nationality, political opinions, trade union activities, exercise of an elected mandate, religious beliefs, physical appearance, surname, place of residence, health, loss of autonomy or disability, or status as a whistleblower. Under European law, only five grounds for discrimination are prohibited:

- Gender
- Race or ethnic origin
- Religion or belief
- Disability
- Age

In France, however, 25 grounds are considered discriminatory and may not be used when making decisions.

E. *Discriminatory harassment* [11]

[11] Fiche pratique à destination des employeuses et employeurs, *Le harcèlement discriminatoire au travail*, le Défenseur des droits

Harassment may be based on a discriminatory ground. The recognition of discriminatory psychological harassment is relatively recent, as it dates back to a 2008 act.

Although included in a 2008 act, the definition of discriminatory harassment has not been codified in the Labor Code.

According to Act No. 2008-496 of 27 May 2008, discriminatory harassment is a form of discrimination defined as 'any behaviour related to a prohibited ground, suffered by a person and having the purpose or effect of violating their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment'. The prohibited grounds are identical to those for traditional discrimination.

When an employer fails to take action after a person has reported discriminatory harassment (as with any other form of harassment or violence in the workplace), they are civilly liable under their duty of care.

As this constitutes discrimination under the law, the victim may obtain the annulment of the discriminatory acts and full compensation for the damage suffered.

Discriminatory harassment is not a criminal offence. The perpetrator is therefore only liable to disciplinary or civil penalties. However, certain situations may also constitute an offence of psychological harassment or discrimination where the perpetrator's intention to commit such acts can be established. In this case, in addition to the disciplinary sanctions to which they may be subject, the perpetrator is liable to:

- A fine of €45,000 and three years' imprisonment for discrimination
- A fine of €30,000 and two years' imprisonment for psychological harassment.

For example, a company dismissed employees for serious misconduct because they had made racist remarks about a service provider working in the company. In this case, the Social Chamber of the Court of Cassation considered that these remarks constituted serious misconduct and justified the dismissal of the perpetrators.[12]

Not all harassment is based on grounds of discrimination prohibited by law. This is why the definition of harassment, both psychological and sexual, as established by the Labour Code, does not mention discriminatory grounds. It is a much broader definition. The definition of psychological harassment is as follows: "*No employee may be subjected to repeated acts of psychological harassment that have the purpose or effect of degrading their working conditions in a manner that may undermine their rights and dignity, alter their physical or mental health, or compromise their professional future.*".

[12] Cass. soc, 3 décembre 2014, n° 13-22343, Fiche pratique à destination des employeuses et employeurs, *Le harcèlement discriminatoire au travail*, le Défenseur des droits

Under Article L.1153-1 of the Labour Code, sexual harassment consists of repeated comments or behaviour of a sexual or sexist nature which, by their degrading or humiliating nature, undermine the dignity of the employee or create an intimidating, hostile or offensive environment for them.

In both definitions, it is clear that discriminatory grounds are not mentioned, as the intention is not to limit the scope to discriminatory harassment. Sexual harassment is defined as repeated comments or behaviour of a sexual or sexist nature which, by their degrading or humiliating nature, undermine the dignity of the employee or create an intimidating, hostile or offensive environment for them.

To date, the law has not provided a definition of violence at work in general. However, national inter-professional agreements and international sources clarify what is meant by violence at work. For example, the national inter-professional agreement of 26 March 2010 specifies that: 'Violence at work occurs when one or more employees are assaulted in circumstances related to work. It ranges from disrespect to the expression of a desire to harm or destroy, from incivility to physical assault. Violence at work can take the form of insults, abusive behaviour, particularly sexist behaviour, physical violence, etc.'

The absence of any mention of discriminatory grounds in the legal definitions of workplace violence is justified by the desire to fight all forms of workplace violence more broadly, and not just those based on the five grounds prohibited by law.

F. Violence at work

The Labour Code does not contain any specific provisions relating to violence at work in general. In labour law, reference can be made to the national inter-professional agreement[13] of 26 March 2010 on harassment and violence at work. This agreement provided further clarification on this subject. Indeed, it states that "Violence at work occurs when one or more employees are assaulted in circumstances related to work. It ranges from disrespect to the expression of a desire to harm or destroy, from incivility to physical assault. Violence at work can take the form of verbal abuse, behavioural abuse, particularly sexist behaviour, physical abuse, etc.". However, there are no penalties under labour law for violence in the workplace that does not meet the definitions of harassment and discrimination.

To punish violent behaviour in the workplace that is not covered by the Labour Code, reference must be made to the Criminal Code, particularly for physical violence, assault or threats.

[13] National interprofessional agreements are collective agreements negotiated with social partners that apply to all professional sectors and the entire country.

To punish violent behaviour in the workplace that is not covered by the Labour Code, reference must be made to the Criminal Code, particularly for physical violence, assault or threats. A worker may therefore take legal action in criminal courts on the basis of violence suffered in the workplace.

Apart from adopting legislation, public authorities establishing national prevention strategies such as:

- A national occupational health plan which sets out the main guidelines for occupational health and safety issued by the public authorities. It has been published every five years since 2004.
- The National Agency for Working Conditions (ANACT) also plays an important role in this area. It has made available a set of resources to help prevent sexist behaviour, sexual harassment and sexual assault in the workplace.
- The Regional Directorate for Economy, Employment, Labour and Solidarity (DREETS) also plays an important role in this policy to fight violence and harassment in the workplace. For example, the DREETS (Regional Directorate for Employment, Economic Development, Labour and Skills) of the Grand Est region has published three leaflets on sexual and gender-based violence in the workplace.

2. *Sources of international law used in France*

Following the enactment of the Act of 8 November 2021 authorising it to do so, the French Parliament effectively ratified the said convention on 12 April 2023. Although pleased with this ratification, national trade unions, notably the CGT, expressed their regret that no legislative changes had been made to bring France into line with the requirements set out in the convention. Nevertheless, this agreement remains a reference tool for public policy and social dialogue.

A. *At the international level*

In addition to this convention, Convention No. 111 on Discrimination in Respect of Employment and Occupation and Convention No. 100 on Equal Remuneration have influenced French law on violence and harassment in the workplace. These two ILO conventions serve as the international basis for French policies on combating discrimination.

The Convention of All Forms of Discrimination Against Womain (CEDAW) emanating from the United Nations is incorporated into national law. France ratified in on 17th July 1983. Four days earlier, in France, the Roudy Act was passed, probably under the influence of this Convention. Its aim was to fight discrimination against women in the workplace, in particular by providing for measures to guarantee women access to employment, promotion and remuneration.

B. At the european level :

Directive 89/391/EEC also plays a role in relation to violence and harassment at work. Indeed, it forms the basis of the employer's duty of care and recognises psychosocial risks as professional risks. Harassment or violence at work can lead to psychosocial risks.

2007 European Framework Agreement on Harassment and Violence at Work : this agreement was negotiated and signed in consultation with European social partners that is to say BUSINESSEUROPE, ETUC, CEEP, UEAPME (non-binding). In this agreement, the European social partners condemn work-related violence in all its forms and recognise that violence can have a negative impact on every worker's workplace. The aim of the agreement is to:

- Increase sensibilisation and understanding among employers, workers and their representatives of harassment and violence in the workplace;
- Provide employers, workers and their representatives at all levels with an action-oriented framework; and
- Identify, prevent and manage issues of harassment and violence in the workplace.

This European agreement was not binding in that it left Member States free to transpose it into domestic law as they saw fit. In French law, this agreement has not been transposed into law. It has only been the subject of a national interprofessional agreement. Its scope is therefore relative. Furthermore, the national interprofessional agreement deviated somewhat from the definition given by the European social partners.Nevertheless, its impact is considerable, as it provides national social partners with a reference point when negotiating agreements on this issue.

Directive 2024/1385/EU : Directive 2024/1385/EU aims to provide a comprehensive legal framework to prevent violence against women and includes measures to prevent sexual harassment in the workplace. Member States must ratify it before 14 June 2027. France has not yet ratified it. Consequently, there has been no change in French legislation to date since the adoption of this directive. It should primarily impact the rules governing sexual harassment and gender-based violence.

Section II: Coverage and Personal Scope of Protection Against Violence and Harassment at Work

1. What categories of workers are covered by anti-violence regulations in your country?

Under French law, protection against violence and harassment at work is historically built around the employment relationship and is based primarily on the Labour Code, supplemented by the Penal Code and the Social Security Code. Employees, regardless of the nature of their employment contract (permanent contract, fixed-term contract, temporary employment contract, apprenticeship or professionalization contract), benefit from complete protection against moral harassment and sexual harassment, respectively defined in Articles L1152-1 and L1153-1 of the Labour Code.

A. Assess coverage based on employment status, for example employees, self-employed workers, sole proprietors, interns, informal workers, middle managers, senior executives, etc.

Interns and apprentices are expressly included within the scope of these protections. article L1152-2 of the Labour Code extends the prohibition of moral harassment to interns, while article L1153-2 does the same for sexual harassment. Apprentices, holders of a fixed-term employment contract of a particular type[14], fully benefit from all protections applicable to employees. Case law has confirmed that the employer's safety obligation applies to them[15].

On the other hand, self-employed workers, including auto-entrepreneurs and digital platform workers, do not fall under the Labour Code and therefore do not benefit from the specific preventive mechanisms imposed on employers. Their protection relies primarily on criminal law, which punishes acts of harassment and violence regardless of any subordinate relationship[16], as well as on common law of civil liability[17]. Act No. 2019-1428 of December

[14] *article L6221-1 of the Labour Code*

[15] Cass. Soc., October 19, 2011, No. 09-69.616

[16] *article 222-33-2 of the Penal Code for moral harassment, article 222-33 of the Penal Code for sexual harassment*

[17] Article 1240 and 1241 of the Civil Code

24, 2019, on mobility guidance (LOM) nevertheless introduced certain safety obligations for digital platforms[18], without however reclassifying these workers as employees.

Although interns and auto-entrepreneurs lack formal employee status, they are not beyond the reach of labour law. Interns are expressly covered by the harassment prohibitions under Articles L.1152-2 and L.1153-2 of the Labour Code, and courts have confirmed that employers owe them a duty of safety[19]. For auto-entrepreneurs, protection may arise indirectly: where courts identify a genuine relationship of subordination, the contract may be requalified as an employment contract, unlocking the full protective framework[20]. Whether through explicit statutory extension or judicial requalification, harassment protections under the Labour Code can therefore apply regardless of formal employee status.

B. *Are the protections granted to these different categories contained in a single piece of legislation or in several texts relating to legal measures to combat violence against employees and different categories of workers?*

The rules for protection against violence and harassment are not contained in a single text. They are distributed among several codes and normative frameworks[21], which reflects a sectoral and statutory approach rather than a universal one, a marked contrast with the inclusive approach of ILO Convention No. 190.

C. *Highlight any disparities between legal protections or remedies granted to these different categories.*

The main disparities relate to the existence or absence of a legal subordination link, a fundamental criterion for qualifying an employment contract according to the consistent case law of the Court of Cassation[22].

Employees benefit not only from an explicit prohibition of harassment, but also from favourable procedural mechanisms, such as the adjustment of the burden of proof in matters of

[18] article L7342-1 the Labour Code

[19] Cass. soc., 19 October 2011, No. 09-69.616

[20] Cass. soc., 4 March 2020, No. 19-13.316

[21] Such as Labour Code, Criminal Code, Social Security Code, General Civil Service Code

[22] *Cass. Soc., November 13, 1996, No. 94-13.187, Société Générale: the subordination link presupposes "the performance of work under the authority of an employer who has the power to give orders and directives, to control their execution and to sanction failures"*

harassment[23], access to internal company remedies (*alert the Work Council, the harassment officer, the labour inspectio*n), and protections against retaliatory measures.

They can hold the employer liable before the labour court on various legal grounds: breach of safety obligation[24], acts of moral or sexual harassment[25], or discrimination[26]. They can obtain the nullification of certain measures taken against them (*null dismissal in case of proven harassment, article L1152-3 and L1153-4 of the Labour Code*), and benefit from specific compensation for the harm suffered[27].

D. Does your country comply with the obligation under ILO Convention No. 190 to protect workers in the informal economy from violence and harassment?

France partially complies with the requirements of ILO Convention No. 190 regarding the protection of workers in the informal economy. On the one hand, the broad definition of violence and harassment, as well as the general scope of criminal law, provide theoretical protection for all individuals, regardless of their professional status. Articles 222-33 and 222-33-2 of the Criminal Code punish sexual and psychological harassment without any conditions relating to the existence of an employment contract. Articles 222-7 punish intentional violence. This criminal protection therefore applies to informal workers as well.

However, the lack of specific preventive measures and the inaccessibility of labour law mechanisms for undeclared workers significantly limit the effectiveness of this protection. These workers cannot benefit from the employer's general safety obligation[28] ; whistleblowing and internal investigation procedures; the adjustment of the burden of proof[29].

Section III : Preventive Responsibilities of the Employer

[23] article L1154-1 of the Labour Code: the employee establishes facts suggesting the existence of harassment, then it is incumbent upon the employer to prove that these acts do not constitute harassment and that his decision is justified by objective elements unrelated to any harassment

[24] article L4121-1 of the Labour Code

[25] article L1152-1 and L1153-1 of the Labour Code

[26] article L1132-1 of the Labour Code when harassment is linked to a prohibited criterion

[27] Such as damages for moral harm, anxiety harm, economic harm

[28] Article L4121-1 of the Labour Code

[29] Article L1154-1 of the Labour Code

1. *Are employers legally required to establish internal procedures to prevent and address violence and harassment at work?*

French law imposes on the employer a general obligation to prevent occupational risks, which expressly includes violence and harassment at work. This obligation, enshrined in article L4121-1 of the Labour Code, is structured around nine general principles of prevention set out in article L4121-2 of the Labour Code[30].

This obligation is reinforced by specific provisions relating to moral and sexual harassment. Article L1152-4 of the Labour Code provides that "*The employer takes all necessary measures to prevent acts of moral harassment*". Article L1153-5 repeats this formula for sexual harassment and sexist acts. This results in an obligation to establish internal procedures to identify, report and deal with situations of violence or harassment.

A. *What do these policies generally include (for example, reporting channels, support mechanisms, disciplinary measures)?*

Since Act No. 2022-401 of March 21, 2022, aimed at improving the protection of whistleblowers, companies with at least 50 employees must establish an internal system for collecting reports[31]. Although this system is primarily designed for alerts on corruption, serious violations of human rights or environmental damage, it can also serve as a channel for reports of harassment and violence.

Once a situation of harassment or violence is brought to their attention, the employer must take conservatory measures to protect the alleged victim. These measures may consist of a temporary modification of the work organization to avoid any contact between the victim and the alleged perpetrator; a provisional transfer of one or the other (*with their agreement if the transfer entails a modification of the employment contract*); a conservatory suspension of the accused employee, pending the results of the investigation.

Case law requires the employer to react quickly. An employer who fails to take any action after being informed of harassment engages their liability, even if they are not the direct perpetrator of the harassment[32].

B. *How are they monitored or enforced?*

[30] Inspired by European Framework Directive 89/391/EEC of June 12, 1989

[31] *article 8 of the law of March 21, 2022, codified in articles L2312-59 and L2315-107 of the Labour Code*

[32] *Cass. Soc., February 3, 2010, No. 08-44.019*

When a report is made, the employer must conduct an internal investigation to verify the materiality of the facts. This investigation can be conducted by the employer themselves, by the harassment officer, or by an external party (specialized firm). It must respect the adversarial principle: hearing of the alleged victim employee, the accused employee, and any witnesses. The employer must ensure the confidentiality of the investigation and respect for the rights of defence.

2. *Are these procedures integrated into anti-discrimination or occupational health and safety (OHS) procedures or are they separate?*

Under French law, violence and harassment prevention procedures are not designed as autonomous mechanisms, but as elements integrated into the overall policy of health, safety and equality at work. This integrated approach is based on several complementary legal foundations.

Harassment is understood both as an attack on the dignity of the person, likely to constitute discrimination, and as an occupational risk affecting the mental health of workers. Article L1132-1 of the Labour Code prohibits any discrimination based on 25 criteria (*origin, sex, family situation, pregnancy, physical appearance, surname, state of health, disability, genetic characteristics, morals, sexual orientation, gender identity, age, political opinions, union, mutualist or religious activities, true or supposed belonging to an ethnic group, a nation or a so-called race, place of residence, loss of autonomy, particular vulnerability resulting from their apparent or known economic situation, ability to express themselves in a language other than French, bank domiciliation*). Case law considers that harassment based on a prohibited criterion constitutes discrimination[33].

This integrated approach reflects a broad conception of prevention, consistent with international standards, particularly ILO Convention No. 190.

3. *Are there external bodies or institutions responsible for supervising procedures implemented in the workplace?*

Several external institutions are involved in monitoring and supporting the mechanisms put in place by employers. These institutions have different but complementary competencies:

[33] Cass. Soc., May 10, 2001, No. 99-42.935

The labour inspectorate: The labour inspectorate plays a central role in preventing violence and harassment. Inspectors have the right to visit company premises; the right to request communication of all documents and registers. They can record violations by official report, serve formal notice on the employer and can refer the matter to the judge in case of serious and imminent danger. The labour inspector can also be directly approached by an employee victim of harassment. They can then investigate and address observations to the employer or draw up an official report.

The occupational health service: Occupational health services (OHS), governed by articles L4622-1 et seq. of the Labour Code, participate in the identification and prevention of psychosocial risks. The occupational physician, who provides medical monitoring of employees[34], can detect situations of suffering at work and alert the employer. They can propose individual measures to adapt the position or working time[35] and, in case of unfitness related to harassment, propose reassignment or establish permanent unfitness.

The occupational health service also conducts workplace actions to identify and prevent occupational risks, including psychosocial risks. It can formulate recommendations to improve working conditions, with a preventive approach.

Labour courts: The Labour Tribunal[36], the competent jurisdiction for individual disputes arising from employment contracts, ensures control of the employer's obligations regarding the prevention and handling of violence and harassment. The victim employee can refer the matter to the Labour Tribunal to have their harassment recognized and obtain compensation for their harm.

Furthermore, the employer must mandatorily consult the Work Council[37] before implementing any structural decision: introduction of new technologies, modification of work organization, or collective economic dismissal[38]. This consultation requires two cumulative conditions: the transmission of sufficient information via the BDESE, and compliance with fixed deadlines ranging from one to three months[39]. While the opinion rendered does not bind the employer, the consultation procedure itself is fully mandatory. Failure to comply exposes

[34] information and prevention visits, return-to-work visits, additional examinations

[35] article L4624-3 of the Labour Code

[36] Conseil de prud'hommes

[37] Economic and Social Committee (CSE in french law)

[38] Article L2312-8 Labour Code

[39] Article R2312-6 Labour Code

the employer to a criminal obstruction offence[40] and may result in the nullity of dismissals carried out irregularly[41].

The Work Council constitutes a genuine institutional counterweight to managerial authority, ensuring that internal procedures are not imposed without formal consultation with employee representatives.

4. *Is training on the risks of violence and harassment in the workplace mandatory? If so, is it provided jointly with OHS training or separately?*

French law does not provide for autonomous mandatory training specifically dedicated to violence and harassment, contrary to what ILO Convention No. 190 recommends.

However, the employer is subject to a general safety training obligation under Articles L.4121-1 and L.4121-2 of the Labour Code, which impose a duty of prevention and require employers to take all necessary measures to ensure the safety and protect the physical and mental health of workers. Failure to comply with these training and prevention obligations may engage the employer's liability[42].

This general obligation includes the prevention of psychosocial risks, which include violence and harassment. This obligation expressly mentions the prevention of psychosocial risks in safety training. In practice, this training is often integrated into occupational health and safety training, particularly training for employee representatives or training for employees designated as competent in health and safety matters. Targeted training may be provided to managers and harassment advisors. Article L1153-5-1 of the Labour Code, which requires the appointment of a sexual harassment officer, does not explicitly provide for mandatory training, but case law and best practices recommend that these officers be trained (*particularly on the legal framework, listening techniques, and conducting internal investigations*).

In addition, industry or company agreements may provide for specific training programs. Several national interprofessional agreements[43] have addressed the issue of psychosocial risks and harassment.

Two major ANI: ANI of March 26, 2010, on harassment and violence in the workplace[44] ; ANI of June 19, 2013, on quality of life at work[45].

[40] Article L2317-1 Labour Code

[41] Article L1235-10 Labour Code

[42] Article R4614-999 Labour Code

[43] ANI in the French legal system

[44] Extended on July 23, 2010

[45] Extended on January 11, 2014

The 2010 ANI recommends, in particular, prioritizing awareness-raising and training for all company stakeholders, and states that awareness-raising and training programs can help workers and their representatives, senior managers, and employers to recognize the causes, risks, and signs of harassment and violence at work and to take action.

However, these recommendations are not binding.

5. *How are risks related to violence and harassment integrated into OHS risk management frameworks in your legal system?*

Violence and harassment are recognized under French law as psychosocial risks and must, as such, be identified and assessed in the single document for the assessment of occupational risks, provided for in article R4121-1 of the Labour Code. This recognition makes it possible to integrate these phenomena into a structured prevention approach, in the same way as physical risks.

Assessing psychosocial risks involves identifying the risk factors present in the company. In practice, employers can rely on quantitative indicators[46] and qualitative indicators[47].

Under certain conditions, acts of violence or harassment can also be recognized as workplace accidents when they result from a sudden event occurring due to or in the course of work[48]. For example, a physical or verbal assault in the workplace can be qualified as a workplace accident. This recognition entitles the person to 100% coverage of medical expenses, daily allowances during sick leave, and, in the event of lasting effects, a permanent disability pension.

When acts of violence or harassment occur over time and cause psychological disorders[49], they can also be recognized as occupational diseases. The employee must demonstrate that the disease is directly caused by their usual work and that it results in permanent disability.

This recognition entitles the employee to specific coverage, social security benefits and additional compensation in the event of inexcusable fault on the part of the employer. Inexcusable fault implies that the employer was or should have been aware of the danger to which the employee was exposed and failed to take the necessary measures to protect them.

[46] Such as absenteeism rates, turnover, number of resignations, number of workplace accidents related to assaults

[47] Such as employee surveys, individual or group interviews, analysis of working conditions

[48] Article L411-1 of the Social Security Code

[49] Such as depression, anxiety syndrome, burnout, post-traumatic stress syndrome

Section IV: Protection, Remedies, and Confidentiality

1. *Forms of protection available to victims of workplace violence under anti-discrimination and occupational health and safety regulations*

In general, employers must ensure and protect the physical and mental health of their employees; this is known as the duty of care[50]. As part of their obligation to protect the health and safety of their employees, employers are required to take into account and prevent not only physical risks but also psychosocial risks (PSRs). The concept of PSRs encompasses a wide range of issues. In general, PSRs can be characterized as risks to workers' health resulting from dysfunctional company organization or management, or from stress in the workplace, moral or sexual harassment, incivility between employees, or incivility committed by people outside the company, particularly when employees are in contact with customers. Employers must therefore take all necessary measures to prevent psychological and sexual harassment, using tools such as rules of procedure that refer[51] to the provisions of the Labor Code[52] and the Criminal Code53, and by displaying notices in the workplace that refer to the criminal penalties for harassment. Therefore, employers have a duty to inform employees about health and safety issues54, including harassment. Preventing PSRs also involves training employees[55] to make them aware of these risks and teach them how to respond, for example, by exercising their right to raise the alarm in dangerous situations.

In the event of serious and imminent danger, the employee must report this danger before considering their right to withdraw from work. The right to alert is the right of any worker to report to their employer any situation that they believe presents significant risks. This right to alert is an obligation of the employee; they have a duty to alert others to the risk, in accordance with their own safety obligation[56]. Employees who are aware of a serious and imminent danger but fail to inform their employer or their representative are liable to disciplinary action. By exercising this right to alert, no disciplinary action may be taken against employees who exercise their right to alert in good faith, even if there was ultimately no danger. However, workers who wrongfully exercise their right to alert, knowing full well that the

[50] Labour Code, art. L4121-1

[51] Labour Code, art.L1321-2

[52] Harassment in the Labour Code : art. L1151-1 to L1152-6

[53] Harassment in the Criminal Code : art 222-33, art 222-33-2-2

[54] Labour Code, art. L4141-1

[55] Labour Code, art. L4141-2

[56] Labour Code, art. L4122-1

situation reported does not present any danger, may be subject to disciplinary action. After raising the alert, employees may exercise their right to withdraw from work[57].

The work council also has the right to raise the alarm on various matters[58], particularly those relating to individual rights and in cases of serious and imminent danger. This alarm can be raised by an employee, such as a victim of psychological or sexual harassment. The work council must then immediately refer the facts of harassment or discrimination infringing on individual rights to the employer. Once the employer has been informed of this violation, they must immediately conduct an investigation with the committee member who raised the alert[59], and the employer must then take all measures to remedy the situation, generally through an internal investigation. The same procedure applies to serious and imminent danger, this time following the employee's exercise of their right to withdraw from work. However, there may be differences of opinion between the employer and the committee on the reality of the danger or on how to stop it[60]. In the event of a difference of opinion, the employer must call an extraordinary meeting of the committee within 24 hours at the latest. They must inform the labor inspector that they may attend this meeting[61]. At the end of the meeting, if no agreement is reached, the labor inspector will determine the procedure to be followed or refer the matter to the judge in summary proceedings.

A 2018 Act[62] created a harassment adviser, which is an important innovation designed to strengthen the prevention and management of workplace harassment. This role is not intended to replace existing structures, such as human resources or union representatives, but to create a clear and formal point of contact for employees facing inappropriate behavior, particularly sexual harassment and sexist behavior. In all companies with a working council, this committee must appoint a representative from among its elected members[63]. In larger companies with 250 or more employees, the employer must also appoint an additional representative at the company level[64]. These representatives play a preventive role by raising awareness and informing employees, and guide victims or witnesses to the appropriate internal resources and procedures. In this way, they help to make the fight against harassment more accessible and visible, while strengthening companies' compliance with their legal obligations in terms of health, safety, and respect for dignity at work.

Finally, evidence of psychological or sexual harassment is not subject to the rules of ordinary law, which in principle require each party to prove the facts it alleges. To take into account the practical difficulty employees often have in producing complete evidence of harassment, the legislator has provided for a specific evidentiary regime: according to the Labor

[57] Labour Code, art.L4131-1

[58] Labour Code, art. L2312-60

[59] Labour Code, art. L4132-2

[60] Labour Code, art. L4132-3

[61] Labour Code, art. L4132-3 and L4132-4

[62] Act n° 2018-771 the 5th of September 2018

[63] Labour Code, art. Art. L. 2314-1

[64] Labour Code, art. Article L1153-5-1

Code, the victim does not have to directly establish the existence of harassment in all its details, but must simply present factual elements suggesting the existence of harassment [65](evidence, testimony, documents showing a repetition of acts or a deterioration in working conditions). Once these facts have been established, the burden of proof is shared: it is then up to the employer to demonstrate that the actions alleged do not constitute harassment and that the contested decisions or behaviors can be explained by objective factors unrelated to harassment. This mechanism, often considered more favorable to the employee, reflects the recognition by labor law of the asymmetry of power between employer and employee and facilitates victims' access to redress before the labor courts.

2. *Legal claims or remedies available to victims of workplace violence and harassment in your jurisdiction*

Under French law, the protection of victims of violence and harassment in the workplace is based on a highly structured system. This system combines three types of complementary responses: criminal penalties aimed at punishing the most serious behaviors, civil actions designed to compensate victims for the harm they have suffered, and specific mechanisms intended to prevent victims from being penalized in their professional lives for reporting the incidents.

Firstly, French criminal law directly punishes acts of harassment themselves, regardless of their professional consequences. Sexual harassment is defined and punished by Article 222-33 of the Criminal Code. It is important to note that this offense does not necessarily involve a hierarchical relationship: it can be committed by a superior, a colleague, or even a subordinate. The offense consists either of repeated comments or behavior of a sexual or sexist nature, when they undermine the dignity of the person or create an intimidating, hostile, or offensive environment, or of a single act when it involves serious pressure exerted with the real or apparent aim of obtaining an act of a sexual nature. The penalties are two years' imprisonment and a fine of €30,000, with possible aggravating circumstances when the perpetrator abuses their authority or when the victim is in a particularly vulnerable situation. The criminal court may also impose additional penalties, such as a ban on exercising certain professional functions, which reflects the desire to prevent the repetition of such acts.

Moral harassment is subject to a similar regime, although it targets offenses of a different nature. Article 222-33-2-2 of the Criminal Code punishes repeated comments or behavior that have the purpose or effect of degrading working conditions. This deterioration may take the form of an attack on the employee's dignity, an impairment of their physical or mental health, or a threat to their professional future. A key point here is that, unlike in the case

[65] Labour Code, art. L. 1154-1

of usual offenses, there is no requirement for malicious intent. It is sufficient that the actions are deliberate and repeated. This approach makes it easier to understand forms of harassment linked to management methods or organizational practices, even when the perpetrator claims no personal hostility.

Secondly, French law places particular importance on protecting victims and witnesses from professional reprisals. This protection is mainly governed by the Labor Code, as it directly concerns the employment relationship. The principle is simple: a person cannot be punished, dismissed, or discriminated against because they have been harassed, because they have refused to submit to harassment, or because they have testified about such acts. To ensure the effectiveness of this prohibition, Article L.1155-2 of the Labor Code establishes retaliatory measures as a separate criminal offense. Thus, even if the perpetrator of the harassment has not yet been convicted, the reprisals alone can give rise to criminal proceedings, which considerably strengthens the legal security of victims. When retaliation takes the form of discrimination following sexual harassment, French lawmakers have chosen to go even further. The Criminal Code provides for a specific offense, which treats such retaliation as criminal discrimination in its own right. Any unfavorable decision taken against a person because they have suffered, refused, or reported sexual harassment is then punishable by more severe penalties, including up to three years' imprisonment and a fine of €45,000. This severity is explained by the desire to prevent harassment from being followed by a "disguised sanction," which is often even more dissuasive for victims than the initial acts.

In addition to criminal penalties, victims have civil remedies available to them to obtain compensation. They can either bring a civil action in criminal proceedings or refer the matter to the labor court. These actions seek damages to compensate for the moral, psychological, and professional harm suffered. When harassment or retaliation has led to disciplinary action or dismissal, these measures may be overturned on the grounds of discrimination. Depending on the case, this overturning may entitle the employee to reinstatement or increased compensation. French law is unique in this regard, with rules of evidence before the labor court designed to facilitate victims' access to compensation.

Finally, regardless of the personal responsibility of the perpetrator of the harassment, the employer is bound by the Labor Code to a general obligation to prevent occupational risks, which expressly includes moral and sexual harassment. If the employer fails to implement the necessary preventive measures or remains passive in the face of known situations of harassment, they may be held civilly liable and, in some cases, criminally liable as well. This liability may also be attributed to the legal entity itself when the offenses were committed on its behalf by its managers or representatives. This logic illustrates a comprehensive approach to protection, which is not limited to punishing individuals, but also aims to make the organization of work accountable.

3. Protection from retaliation by employers or other individuals involved

No employee may be punished, dismissed, or subjected to discriminatory measures for having suffered, refused to suffer, or reported acts of psychological or sexual harassment[66]. Any termination of the employment contract, provision, or act contrary to these provisions is null and void. In the event of dismissal, the employee may request either reinstatement in the company or compensation for the nullity of their dismissal. In order to declare the dismissal null and void, judges must establish a link between the dismissal and the harassment. It is up to the trial judges to determine whether the grievances cited in the letter of dismissal are unrelated to the harassment that has been observed. This protection also extends to those who have reported or testified to acts of moral or sexual harassment.

In a 2023 ruling[67], the Court of Cassation reiterated that employees who report incidents of psychological harassment cannot be dismissed on these grounds, except in cases of bad faith. Bad faith can only result from the employee's knowledge that the allegations are false. It now specifies that protection applies even if the employee did not expressly describe the acts as 'moral harassment' in their letter, provided that the employer could not have been unaware that it was a report of such acts. In this case, the letter of dismissal accused the employee of having sent a letter denouncing the director's behaviour, which she claimed had worsened her working conditions and her state of health. The Court of Appeal was therefore able to consider that the dismissal was based on the reporting of psychological harassment. As bad faith had not been proven, the mere fact that the dismissal was based on this reporting rendered it null and void.

The situation of whistleblowers in companies can also be mentioned here. Their status is governed by the Waserman Act of 2022[68], which transposes European Directive 1019/1937 of October 23, 2019. Whistleblowers benefit from protective status simply by reporting or disclosing information, provided that they are natural persons and act in good faith. Secondly, the information they choose to reveal or report must relate to "a crime or offense," "a threat or harm to the public interest," "a violation or attempted violation of the law or regulations," in addition to various international texts. One constraint is that "when the information has not been obtained in the course of the whistleblower's professional activities," the whistleblower must have "personal knowledge" of it. No other conditions are required.

This status is even extended to three additional categories of persons under the same conditions as those above:

- Facilitators, understood as any natural person or any private non-profit legal entity that assists a whistleblower;
- Natural persons connected with a whistleblower who are at risk of reprisals in the course of their professional activities;
- Legal entities controlled by a whistleblower for whom they work or with whom they are connected in a professional context.

[66] Labour Code, Art. L. 1152-2 and L. 1153-2

[67] Court of cassation, social chamber, 2023/04/19, n° 21-21.053

[68] « Waserman » Act n°2022-401 du 21 mars 2022 « visant à améliorer la protection des lanceurs d'alerte »

This is a particularly welcome extension of the benefits of the status to all third parties associated with a "whistleblower" whose involvement, in any conceivable way, could lead to the abandonment of the planned disclosure or revelation, due to the lack of effective protection.

The effect of this status can be described quite simply: it results in civil and criminal immunity for the whistleblower. In criminal terms, this immunity also applies to the removal, misappropriation, or concealment of documents or any other media containing information that the whistleblower has lawfully obtained and reports or discloses. This immunity also extends to accomplices to such offenses. In civil matters, the "whistleblower" is not "civilly liable for damage caused as a result of their reporting or public disclosure if they had reasonable grounds to believe, at the time, that the reporting or public disclosure of all of this information was necessary to safeguard the interests at stake."

Beyond this civil and criminal immunity, it is also prohibited to take reprisals, threats, or attempts to take reprisals against a whistleblower, whether they belong to the private sector, the civil service, or the military. Such retaliatory measures may include suspension, dismissal, termination of employment, or equivalent measures, but also demotion or refusal of promotion, and many others.

4. *Internal investigation: the protection of the victim's privacy and confidentiality*

When a report of moral or sexual harassment is made, an internal investigation seems to be the employer's preferred response. Although the Labor Code does not provide a precise definition, over the years it has become the practical means for companies to fulfill their safety obligation[69], whereby employers are required to take action to put an end to harassment. The purpose of this investigation is to establish the truth of the alleged harassment by gathering testimony from the protagonists, colleagues, or the opinions of experts such as the occupational physician.

The position of judges has subtly evolved. While the Court of Cassation has long punished the absence of an investigation as an automatic fault, it now makes important distinctions[70]. An investigation is no longer a systematic "requirement" if the employer has already taken immediate and effective measures to protect the employee.[71] More recently, a January 2026 ruling[72] reiterated an essential truth of labor law: the principle of freedom of evidence. In short, an employer can dismiss a perpetrator of harassment without conducting a

[69] Court of cassation, social chamber 2016/04/07, n°14-23.705, 27 novembre 2019, n°18-10.551

[70] Dalloz actualité, Preuve en matière de harcèlement et absence de nécessité d'une enquête interne, Loïc Malfettes, 23 janvier 2026

[71] Court of cassation, social chamber 2024/06/12, n° 23-13.975 B, Dalloz actualités, 19 juin 2024, Loïc Malfettes, D. 2024 1130

[72] Court of cassation 2026/01/14, n°24-19.544

formal investigation, provided that other solid evidence (statements, emails, hearings) is available. The judge then has sole discretion to weigh the value of this evidence.

However, once an investigation has been launched, it cannot be conducted at any cost. It must respect the privacy and dignity of those involved. Article 4.2 of the National Interprofessional Agreement (ANI) of March 26, 2010[73], sets out the key principles in this regard: discretion, impartial listening, and fair treatment of complaints. The aim is to prevent the procedure itself from becoming a second source of suffering for the victim. In terms of fairness, the Court of Cassation specifies that the investigation does not constitute a clandestine process of illegal surveillance, thus validating its use as evidence even if the employee in question has not been heard[74]. Nevertheless, in order for the investigation report to retain its full probative value and respect the rights of all parties, legal doctrine and case law encourage the hearing of all parties concerned. Ultimately, while internal investigations are not a mandatory formal requirement, they remain a practical and preventive necessity, the validity of which depends on striking a delicate balance between the employer's swift response and the protection of employees' privacy.

5. *The right of withdrawal remove from a work situation where there is a reasonable justification to believe that the environment presents an imminent and serious danger*

The right of withdrawal is a mechanism that allows an employee to remove themselves from their work situation if they have valid reason to believe that it poses a serious and immediate danger to their life or health.[75] It is important to note that this danger does not only concern physical risks, but also extends to mental health: a situation involving violence, threats, or harassment may therefore justify withdrawal. To exercise this right, the employee must notify their employer of the danger. This notification is both a right to protect oneself and a duty to warn others, but withdrawal itself remains a choice: an employee can never be blamed for not leaving their post, even if an accident or assault occurs subsequently. Furthermore, the law does not provide for any complicated procedure for alerting the employer; a simple verbal message is sufficient. If a company's internal regulations require a written form to be filled out to validate the withdrawal, this rule is illegal because it unnecessarily hinders the worker's safety.

The strength of this right lies in the fact that the existence of danger is assessed according to the employee's perception and not according to a technical analysis by the employer. If the employee has reasonable grounds to believe that they are in danger (for example, in the face of harassment that becomes unbearable), they are protected, even if it is

[73] Accord national interprofessionnel du 26 mars 2010 relatif au harcèlement et à la violence au travail

[74] Court of cassation, social chamber 2022/06/29, n° 21-11.437 B, Dalloz actualité, 9 sept. 2022, L. Malfettes ; D. 2022. 1266

[75] Labour Code, art. L. 4131-1

later found that the risk was non-existent or less serious than expected. Only a judge, and not the employer, can decide whether this fear was justified. Finally, there is no need to wait for management's approval to withdraw; the initiative lies entirely with the worker.

When it comes to the existence of serious danger, no one can deny that harassment can have tragic consequences for an employee's health. Beyond the violation of dignity, it is the physical and mental health of the victimized employee that is at stake. However, with regard to psychological harassment, the legislator has not clearly established a right of withdrawal and case law has not yet ruled on this issue.[76] Indeed, if we examine the conditions for exercising the right of withdrawal, we see that it requires a "serious and imminent danger." According to interpretations, the imminence of the danger would be incompatible with repeated acts constituting psychological harassment.

Exercising this right comes with strong guarantees: as long as the danger persists, the employee stops working but their contract continues to run normally. Above all, the employer is expressly prohibited from reducing the employee's salary or imposing sanctions[77]. If an employer nevertheless decides to dismiss or punish an employee who has withdrawn for a valid reason, the French courts will systematically overturn this decision. Employees therefore enjoy total protection against reprisals, including full pay regardless of the duration of their withdrawal.

For example, an employee working alone in a cabin above an assembly line exercised his right to withdraw from work due to a slippery floor. The danger was twofold: the likelihood of a fall and the employee's total isolation, which would have prevented any alert or shutdown of the machine in the event of an accident. Although the employer dismissed the employee for 'abandoning his post', the courts overturned this decision[78]. As the danger was real, forcing the company to make the workstation safe after the intervention of the labour inspectorate, the dismissal was deemed invalid, resulting in the employee's reinstatement and the payment of all his lost wages.

Section V: Domestic, Third Party and Cyber Violence and Work Implications

1. *Does your legal system acknowledge domestic violence affecting the workplace, and if so, how?*

[76] Etudes, Dictionnaire permanent Social, Santé et sécurité au travail, Chapitre 4, §110, mars 2026

[77] Labour Code, art. L. 4131-3

[78] Court of cassation, social chamber, 2009/01/28, n° 07-44.556

A. *What obligations do employers have in recognizing and managing the workplace impact of domestic violence ?*

ILO Convention No. 190 highlights the potential impact of domestic violence on employment, productivity, health and safety. In its preamble, it states that governments and social partners can contribute to 'recognising, responding to and addressing' domestic violence.

In practice, however, there is no legal obligation for employers to act against domestic violence and its impact on the workplace, since such violence does not fall within the scope of the employment relationship. For instance, the Labour Code contains no specific provisions regarding leave or adjustments to working hours for victims of domestic violence. Collective agreements that include measures in this area are rare.

However, such violence may have an impact on the employment relationship (absenteeism, productivity, resignation, stress, etc.), which may prompt the employer to take measures in this regard.

B. *What specific workplace entitlements or protections are provided to victims of domestic violence (e.g., leave policies, workplace adjustments)?*

Role of the company: the company can raise awareness/provide information about domestic violence and create a climate of trust for victims, allowing them to be heard and referred to organizations that can help them. The company can:

Communicate internally (create a climate of trust to encourage open discussion)

- **Demonstrate the company's commitment through:**

→ Communication campaigns (e.g., November 25, International Day for the Elimination of Violence Against Women, March 8, Women's Rights Day, etc.);

→ A charter of commitment to gender equality and the prevention of violence;

An agreement on professional equality between women and men that mentions the issue of combating violence.

- **Establish a protocol: (Protect and secure)**

In order to best help all employees support and guide victims, it is important to establish a clear internal system (this system can be formalized through the agreement on professional equality between women and men and quality of life at work). This internal system must include, at a minimum, the numbers and services to contact in case of emergency, but may also:

Allow the employee to take time off work to deal with the situation and/or receive psychological support;

- Facilitate protective measures: allow the employee to obtain a transfer or relocation if she wishes, provide her with temporary accommodation, etc.
- Establish safe working conditions: notify reception, prohibit the perpetrator from accessing the victim's workplace, secure the victim's email account, etc.

For example, it is possible to talk about what the Kering Group (a major group specializing in luxury goods) is doing to combat domestic violence:

- Since 2011, the Kering Foundation has been offering Group employees awareness sessions on domestic violence to help them understand the complexity of this issue, its consequences in the workplace, and how to support a colleague who is a survivor. These sessions were designed in collaboration with specialist organizations.
- In 2021, the Kering group adopted a global policy to combat violence against women. It offers support to employees of the Group or its Houses around the world who are victims of domestic violence and who choose to speak out about their situation. In particular, the group offers specific leave, adjustments to working conditions, referrals to specialized associations, and access to appropriate financial assistance. This policy also aims to train managers so that they can support those who choose to share their experiences.
- According to Article 2.2 of the Kering Group Agreement on Professional Equality between Women and Men, Quality of Life and Working Conditions, new training courses to raise awareness of domestic violence were introduced in 2025 under the form of an e-learning format, a webinar format, and an in-person workshop format.

2. ***Does your jurisdiction recognize cyber violence (internet-based harassment) within workplace regulations ? Specify existing measures.***

In French labor law, cyber violence, understood as harassment carried out by digital means (emails, instant messaging, social networks, professional collaboration tools), is legally recognized and considered, even if it is not specifically defined in the Labor Code.

Article L.1152-1 of the Labor Code stipulates that no employee shall be subjected to repeated acts that have the purpose or effect of degrading their working conditions in a way that could undermine their rights and dignity, alter their physical or mental health, or compromise their professional future. This definition is deliberately broad and does not distinguish between the medium used. This definition applies fully to cyberbullying.

The employer is required to prevent, stop, and punish such acts as part of its safety obligation under Article L.4121-1 of the Labor Code, which stipulates that it must protect the physical and mental health of employees.

Article 222-33-2-2 of the Criminal Code states that harassment committed through the use of a public online communication service or any digital or electronic means of communication constitutes a criminal offense. This classification can apply in both personal and professional contexts.

Ultimately, while French law does not recognize a specific category of "cyberviolence at work,".

3. ***Are employers required to have preventive measures against cyber violence? Provide some details.***

Article 1152-4 of the Labor Code: "The employer shall take all necessary measures to prevent acts of psychological harassment." The employer must also take all necessary measures to prevent acts of sexual harassment.

Cyberviolence can take the form of sexual harassment or psychological harassment, whether work-related or not (if not work-related, it may impact work). As such, in accordance with Article 1152-4 of the Labor Code and in accordance with their general obligation to ensure the safety of their employees, employers must take preventive action to combat cyberviolence and ensure that it does not occur. The employer can/must therefore put in place preventive measures against cyberbullying/cyberviolence.

The employer must first develop and implement a clearly formalized harassment prevention policy. This policy must define prohibited behaviors, outline the penalties incurred, and specify the procedures for reporting and handling situations of cyberviolence. It may take the form of a charter or be incorporated into the company's internal regulations.

Training managers and HR staff in cyber violence issues is also recommended. This raises their awareness of warning signs and equips them to prevent and manage risky situations.

4. *In what ways does your legal system protect workers from violence perpetrated by third parties?*

As part of their duty of care, employers must protect their employees from behavior that creates psychosocial or physical risks, regardless of who is responsible for such behavior. Employers are liable when an employee suffers physical or psychological harm in the workplace, whether caused by the employer themselves, one of their employees, or a third party exercising de facto or de jure authority over them.

5. *Does your national labour law framework explicitly recognise violence or harassment perpetrated by individuals other than employers or colleagues (e.g. clients, customers, patients, passengers, students, service users or platform users)?*

A. *Is there a distinction made in your legal system between third-party violence and domestic violence?*

In the context of workplace violence, French law distinguishes between violence committed by a third party (e.g. a customer, user or employer's partner), which is covered by the Labour Code and the employer's health and safety obligations [79],and domestic violence.

An employer may be held liable if they have not taken the necessary measures to prevent or stop such violence, even when the perpetrator is not an employee of the company.

Domestic violence can affect the victim's work and the working environment in general. As mentioned above, domestic violence does not primarily fall under labour law and employers

[79] Labour Code Arts L.4121-1 and L.1152-1

are not obliged to prevent or combat it, although they are strongly encouraged to do so by their health and safety obligations. Domestic violence is more closely related to French criminal law than labour law.

Furthermore, violence committed by third parties is often perpetrated by individuals who intrude into the workplace (making it more visible to employers), whereas domestic violence often remains 'hidden' and is considered to be more within the 'private sphere'.

B. Are employers required to assess and manage risks arising from interactions with third parties? (e.g. risk assessments, workspace design, panic alarms, training, refusal of service)

In accordance with its general safety obligation, the general principles of prevention set out in the Labor Code apply to employers with regard to the risks of external violence committed by third parties to which their employees may be exposed. In particular, employers are required to:

- **Avoid risks:**

  → assess the risks of such acts occurring = analyze situations of exposure to violence and identify risk factors = Employers should identify the main factors that may contribute to the occurrence of hostile acts or aggravate the repercussions of such acts. These factors may be related to the functioning of the company, its work organization, or its environment.

  → put in place appropriate preventive measures to prevent the risk of violent acts, giving priority to measures that eliminate violence or, failing that, reduce it.

- **To protect employees and secure premises and workspaces:**

  → install entry gates or entry locking systems, protective screens, alarm or warning devices, etc.

- **To deter acts of violence:**

  → equip premises with video or radio surveillance systems, etc.

- **Inform and train exposed staff:**

  → For example, through the implementation of employer training for employees in contact with the public. To be useful, these training courses must be tailored to the work performed by employees. It is therefore necessary to ensure that they take into account the work environment and the nature of the tasks, and are based on the company's own conflict management procedures (who to call in case of a problem, where to obtain technical information quickly in order to respond to a dissatisfied customer, etc.). It may be useful to train employees to manage conflict situations and identify the warning signs of aggression.

C. What measures and remedies are available to victims of workplace violence or harassment where the alleged perpetrator is a third party?

Victims can ask their employer to put an end to the situation (either through a union, the social and economic committee, or on their own), as employers have a health and safety obligation towards their employees.

Furthermore, when the harm to the employee's physical or mental health is linked to harassment and violence at work by a person outside the company, the harassed employee may take legal action against that person in accordance with the rules of common law on civil liability[80]in order to obtain compensation for damages not covered by social security benefits[81].The victim of harassment or violence at work may even, in the event of shared liability between the employer (or its representative) and a third party outside the company, obtain compensation from that third party, under the conditions of common law, for the entire damage, insofar as it is not compensated by social security benefits.

Section VI: Roles and Responsibilities of Third Parties in counteracting violence at workplaces

1. What are the specific roles and responsibilities of trade unions, workers' representatives, NGOs, in preventing and addressing workplace violence and harassment

[80] Civil Code Art 1240

[81]Social Security Code Art . L. 454-1

Trade unions: Trade unions can play several roles in preventing workplace violence and harassment, in particular through:

→ Their mission to defend the individual and collective interests of employees: trade unions can support victims in their efforts and provide training and awareness-raising activities for employees on workplace violence.

→ Negotiation: Trade unions can/must negotiate collective agreements that include measures to prevent and deal with harassment (sexual or psychological) and violence in the workplace.

Example: Since the law of September 5, 2018[82], negotiations at the professional branch level must, at least once every four years, address the terms and conditions for "providing companies with tools to prevent and take action against sexual harassment and sexist behavior" (Article L. 2241-1 of the Labor Code). This requires unions at the sectoral level to negotiate on sexual harassment and sexist behavior.

At the company level, the prevention of harassment (sexual or psychological) can be included in the mandatory negotiations on professional equality between women and men and quality of life at work.

Trusted third parties

To prevent sexual harassment, sexist behavior, and violence in the workplace, companies and employees can seek support from other organizations, known as "trusted third parties," which are neutral and have expertise that can be useful to both companies and employees. These may include training organizations, external consultants, psychological helplines, clinical psychologists, doctors, social protection operators in the sector, the Defender of Rights, the police, etc.

Employee representatives (CSE):

The Social and Economic Committee (CSE) is the body representing employees within a company. It must be set up in companies with 11 or more employees. The CSE's responsibilities, powers, and composition vary depending on the size of the company's workforce.

Employee representatives also play a role in preventing violence and harassment at work:

[82] Law No. 2018-771 of September 5, 2018, on the freedom to choose one's professional future

→ The CSE contributes to the prevention of occupational risks, particularly psychosocial risks, including harassment and violence at work[83].

→ The CSE is responsible for issues relating to health, safety, and working conditions[84].

→ The CSE has the right to alert the employer when it observes a violation of individual rights, particularly in cases of harassment let us consider Article 2312-59 of the Labor Code in this regardArt. L.2312-59 of the Labor Code, which states that "If a member of the employee delegation to the social and economic committee observes, in particular through a worker, that there is a violation of the rights of individuals, their physical and mental health, or individual freedoms within the company that is not justified by the nature of the task to be performed, nor proportionate to the intended purpose, they shall immediately refer the matter to the employer. Such infringement may result from sexual or psychological harassment. [...]". The employer must then investigate without delay and take the necessary measures to remedy the situation. If, after being informed, the CSE finds that the employer has failed to address the violation, and if no solution can be found with the employer, the employee or CSE member, provided that the employee concerned has not objected in writing, shall refer the matter to the labor court's judgment office under the expedited procedure. The judge may then order any measures necessary to put an end to this infringement and impose a penalty payment.

The CSE can also play a supporting role in combating sexual and psychological harassment and violence.

A representative responsible for combating sexual harassment and sexist behavior is appointed by the CSE from among its members [85]this representative can listen to the victim, support them in their efforts, and, if necessary, raise the alarm about harassment or violence in the workplace.

2. *What functions do these third-party actors have with respect to monitoring, supervision, policy development, awareness-raising, and support for victims.*

Monitoring and vigilance functions

Trade unions and the Social and Economic Committee (CSE) perform monitoring and vigilance duties with respect to working conditions, as well as employees' health and safety. This

[83] Labor Code Art L2312-9

[84] Labor Code Art L.2312-5

[85] Labor Code Art. L 2314-1

oversight enables the identification—sometimes at an early stage—of situations involving violence or harassment and allows the employer to be alerted so that appropriate corrective measures may be adopted.

This monitoring function forms part of:

→ the general statutory mission of trade unions to defend employees' interests, including protection against workplace violence and harassment. Pursuant to Article L2131-1 of the French Labour Code, professional trade unions have as their exclusive purpose "the study and defence of rights, as well as the material and moral interests, both collective and individual, of the persons referred to in their statutes";

→ the CSE's statutory responsibilities in matters of occupational health, safety, and improvement of working conditions, as provided for in Articles L2312-5 of the Labor Code (undertakings employing between 11 and 50 employees) and L2312-9 (undertakings employing more than 50 employees).

Control and verification functions

The CSE and trade unions may exercise a control function by verifying that the measures adopted by the employer to prevent or bring an end to harassment and workplace violence are effectively implemented within the undertaking.

Role in the development and enhancement of internal prevention policies

Trade unions and the CSE contribute to the drafting, adaptation, and continuous improvement of internal policies aimed at preventing workplace violence and harassment.

This contribution is primarily exercised through:

→ the involvement of the CSE in the prevention of risks related to harassment and workplace violence;

→ collective bargaining conducted by trade unions on working conditions.

Support and assistance to victims

Trade unions and the CSE also provide practical support and assistance to victims of workplace violence and harassment.

In this regard:

→ Assistance and legal representation of employees: pursuant to Article L1154-2 of the Labour Code, trade unions may initiate legal proceedings in order to assist or represent an employee who is a victim of harassment, subject to the employee's consent. This mechanism constitutes an important form of support, enabling victims not to act alone in the defence of their rights.

→ Right of alert of the CSE: under Article L2312-59 of the Labour Code, the CSE may exercise a right of alert in cases of infringement of personal rights or deterioration of employees' mental health resulting from acts of harassment.

Furthermore, reference may be made to the "sexist behaviour and sexual harassment officer," whose appointment is mandatory in undertakings employing more than 250 employees. This officer carries out both preventive actions and victim support, by informing victims of available remedies and their legal rights[86].

3. *What authority do labour inspectorates or other competent authorities (eg. equality bodies, regulatory agencies) have in the context of violence and harassment at work? Please describe the relevant powers and responsibilities of competent authorities that exist in your legal system for addressing workplace violence and harassment.*

Regarding harassment and violence in the workplace, the Defender of Rights cannot issue enforceable decisions or binding orders. Its role is non-coercive: recommendations, mediation, conciliation.

In cases of harassment or violence in the workplace, when the labor inspectorate finds that the employer has failed to comply with its obligations to prevent and protect the mental health of employees, the formal notice procedure provided for in Article L.4721-1 of the Labor Code may be initiated.

The inspector then draws up a report highlighting the employer's breaches of the provisions relating to the prevention of harassment and violence at work, which he or she forwards to the regional director of enterprises, competition, consumption, labor, and employment, based on the report of the labor inspectorate inspector.

On the basis of this report, the regional director of enterprises, competition, consumption, labor, and employment, based on the report of the labor inspectorate enforcement officer, may issue a formal notice requiring the employer to take, within a specified period, the

[86] Labor Code Art L1153-5-1

necessary measures to prevent or put an end to situations of harassment and the resulting psychosocial risks.

Section VII: Implementation Challenges and Good Practices / Conclusion

According to a 2016 INSEE[87] report, In 2016, 17% of employees reported having suffered 'verbal, physical or sexual abuse from the public in the last twelve months' and around 12% of employees report having suffered 'verbal, physical or sexual abuse from colleagues or superiors in the last twelve months'.

A 2024 Eurostat survey found that in France, 41% of working women aged 18 to 74 have been victims of sexual harassment in the workplace.

We have not found any statistical data concerning cyberbullying in the workplace.

The limitations of these statistics are that:

- They are quite old and are not updated annually.
- There is a significant degree of subjectivity in these situations. This is particularly true given that there is a significant difference between perceived experience and legally established facts.
- The data is not exhaustive.

1. Several limitations to the measures put in place to fight harassment and violence in the workplace

There are several limitations to the measures put in place to fight harassment and violence in the workplace:

- In France, there is the labour inspectorate. This institution plays a crucial role in protecting employees against harassment and violence at work, intervening to investigate and enforce employees' rights. However, this institution does not have sufficient human and material resources to ensure that all cases of harassment are detected and punished.

[87]INSEE : the National Institute of Statistics and Economic Studies, responsible for collecting, analyzing, and disseminating official statistical data in France.

- Another limitation in the fight against harassment is that, for large companies, the penalties incurred if they fail to comply with their safety obligations are not very dissuasive.
- It is sometimes very difficult to know what constitutes harassment and what does not, even for judges, particularly because evidence is sometimes difficult to provide.
- Certain practices are still commonplace, particularly in terms of managerial pressure and sexist comments. For example, it was not until 21 January 2025 that the Criminal Chamber of the Court of Cassation recognised managerial harassment for the first time.
- Despite being protected by the Labour Code, victims and witnesses of such incidents fear reprisals against them. As a result, victims often remain silent and justice cannot be served.
- The slowness of justice can discourage victims.
- There is a lack of consistency between the various parties involved. For example, if the labour inspectorate considers that harassment has taken place and takes appropriate measures to put a stop to it, the labour court may challenge the labour inspectorate's decision.

As proceedings before the labour courts are oral proceedings without mandatory representation, this makes the victim's task somewhat easier. The costs associated with bringing legal action are automatically lower, making it easier for victims to take legal action. This is all the more true as they have the option of being assisted by a trade union or a lawyer (although this is not mandatory).

2. *Mechanisms to prevent and redress violence or harassment at work face structural, cultural and legal barriers.*

Firstly, at the company level. Often, managers or members of the human resources department are not trained in combating violence and harassment in the workplace. Furthermore, the procedure to follow when faced with such a situation is not communicated to them clearly and in a way that they can remember.

Secondly, from a cultural perspective:

- Certain rather violent practices are trivialised, such as high-pressure management, sexist jokes and homophobic jokes.
- Then there is a certain culture of silence, notably through fear of reprisals and by downplaying the facts.
- People think it is their fault or that they are overinterpreting. They are then ashamed of suffering for such actions and do not dare to talk about it. It's « victim blaming ».

Finally, from a legal perspective. In order to obtain compensation, the victim must provide evidence suggesting the existence of harassment. However, in most cases, this involves verbal comments, particularly in cases of harassment. It is therefore difficult to provide such evidence.

Some French companies have incorporated harassment prevention into their corporate social responsibility policies through mandatory training or the appointment of designated representatives. Some other companies have also developed a system for anonymously reporting acts of violence or harassment in the workplace.

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