

# Sexual Harassment

Information booklet

**INTERNAL DOCUMENT**

*HR, Gender Equality  
& Equal Opportunities Committee*

*Inria*



## WHAT IS SEXUAL HARASSMENT?

*[French penal code, art. 222-33 as amended by Act 2018-703 of 3 August 2018 strengthening the fight against sexual and gender-based violence]*

**“Sexual harassment is the act of subjecting a person to repeated remarks or behaviour of a sexual or sexist nature that affect his/her dignity due to their degrading or humiliating nature, or that create an intimidating, aggressive or offensive environment.**

### **An offence is also committed:**

- 1. Whenever a victim is subjected to such remarks or behaviour by several persons**, in a concerted manner or when instigated by one of those persons, even if none of them has acted repeatedly;
- 2. Whenever a victim is subjected to such remarks or behaviour, successively, by several persons** who, without acting in a concerted manner, know that such remarks or behaviour characterise repetition.

Subjecting the victim to any **serious pressure, even if not repeated, with the real or apparent aim of obtaining sexual favours**, whether this is for the perpetrator or a third party, shall be deemed sexual harassment.”

### **What penalties apply?**

Sexual harassment will lead to **disciplinary actions** imposed by the Inria Chairman **after consulting the investigative commission**.

Notwithstanding the disciplinary procedure, sexual harassment may also lead to **criminal prosecution** for which the maximum penalty is **two years' imprisonment** and a **€30,000 fine**.

The penalty rises to **three years' imprisonment and a €45,000 fine** where the acts are perpetrated:

- 1. by a person abusing a position of authority;**
2. on a minor under 15 years of age;
3. on a person whose vulnerability – due to age, illness, infirmity, physical or psychiatric disability, or pregnancy – is apparent or known to the perpetrator;
4. on a person whose vulnerability or state of dependency resulting from their precarious economic or social situation is apparent or known to the perpetrator;
5. by several people acting as perpetrators or accomplices.

# ➔ WHAT YOU SHOULD DO IF YOU ARE SEXUALLY HARASSED

## Say “No”

Express your objections to the perpetrator clearly and firmly at the first signs of harassment.

## Protect yourself

Where possible, avoid situations where you find yourself alone with the person harassing you. **Exercise your right to withdraw or report a serious, imminent danger** in line with the procedure stipulated in decree 82-453 of 28 May 1982 relating to health and safety in the workplace and to medical prevention in the civil service.

## Inform someone

Please alert one of the following people at Inria (preferably in writing):

- **Your immediate line manager** (or their superior if your immediate line manager is involved)
- **Human Resources Manager**
- **Research Centre Director/Acting Director/Head Office Administration Officer/HR Director**
- **Occupational Health Physician**
- **Social Worker**
- **Health & Safety Officer**
- **CHSCT Staff Representative**
- **Trusted individuals**

Outside the workplace, you can also contact:

- **your GP**
- **victim support groups**

**AVFT**, European Association against Violence against Women at Work

Phone: +33 (0)145 842 424 - [www.avft.org](http://www.avft.org)

**CLASCHES**, la group working to fight sexual harassment in higher education

Phone: +33 (0)781 738 165 - [www.clasches.fr](http://www.clasches.fr)

- **The police; the public prosecutor**
- **Le Défenseur des Droits**

**Le défenseur des droits** is an independent Government institution whose missions include defending victims of discrimination (see art. 225-1 of the penal code):

[www.defenseurdesdroits.fr](http://www.defenseurdesdroits.fr)

# ➔ HOW INRIA DEALS WITH CASES OF SEXUAL HARASSMENT

## ● Reporting

Anyone who considers themselves to be a victim of sexual harassment in the workplace are encouraged to report it (preferably in writing) to one of the above-mentioned people.

## ● Referral to the DCR/DF/DAS

**These people in turn inform the Research Centre Director (DCR)/Acting Director (DF)/Head Office Administration Officer (DAS) in writing**, with the consent of the employee who can also choose to inform them directly.

**The DCR/DF/DAS sees the persons concerned**, drafts their conclusions and sends them to the victim who may approve them or submit any observations in return.

**In an emergency, the DCR/DF/DAS can take temporary measures** to protect the employee and put a stop to the behaviour.

If harassment is believed to have been committed, the DCR/DF/DAS shall report it to the HR Department and inform the parties involved. **If the case is not referred by HR, the employee may report it directly to the deputy CEO for administration** with a view to having the situation re-examined by HR.

## ● Referral to HR: establishing the investigative commission

**When the matter is referred to HR, an investigative commission is set up** to determine whether the allegations made by the employee are true. The commission is chaired by an independent external body and made up of impartial individuals who have no connection with the teams or departments to which the persons concerned are assigned (people in the HR chain, people from the same professional background and staff representatives).

**The investigative commission analyses documents and/or witness accounts and drafts a report which is communicated to the employees concerned and to the CEO.**

## ● Referral to the CEO

**The CEO shall ultimately reach a decision** regarding the alleged harassment based on the report drawn up by the investigative commission. In light of the facts, the CEO may initiate a disciplinary procedure against the persons concerned and, where appropriate, implement functional protection measures.

**For further details, please refer to Appendix 5 of Inria's national internal regulations - Section III Health and safety - on dealing with cases of harassment**

Any employee knowingly making slanderous allegations in which a person is falsely accused of sexual harassment with the sole aim of harming that person shall face disciplinary action and possible criminal prosecution.

On the other hand, an honest error where the employee or witnesses report a situation mistakenly interpreted as sexual harassment shall not be considered a slanderous accusation and no sanctions will ensue.

### Have you witnessed sexual harassment?

- ▶ **Inform/help the victim to take the necessary steps**
- ▶ **You can alert your manager, human resources, the Research Centre Director, staff representatives or the occupational health physician**, without any further formalities.
- ▶ **Write down the facts** brought to your attention, stating the place, date, circumstances and persons present.
- ▶ **You are legally protected**; no sanction of any kind may be taken against you.

## ● Further reading

[Practical guidelines on what to do in cases of sexual harassment in the civil service](#) (in french)

[“Would you like a cup of tea?”](#), a video on consent

[“Crocodiles Project”](#), comic-strip stories of sexism and harassment (in french)



\* OUI, BON ...  
IL VOUS DRAGUE ...  
C'EST PLUTÔT VALORISANT,  
NON ??

\* "Well...he is flirting...rather rewarding, isn't it ?" Illustration © Inria / Julie Guillot

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