



# The EU Mutual Learning Programme in Gender Equality

## Preventing sexual harassment


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# Preventing Sexual Harassment: The Situation in France

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## Abstract

The paper presents new legislative and policy initiatives on prevention of sexual harassment in France. After highlighting some examples of good practice in specific domains, it concludes that to go further it is vital to ensure a holistic and intersectional approach which considers differential vulnerabilities to sexual harassment, and the difficulties of certain people to complain about harassment due to their social position/employment status/legal status.

## 1. French Context

This paper employs the definition of sexual harassment contained in the Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence, namely:

*any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.*<sup>1</sup>

With this definition in mind, the paper addresses the current situation in France with regard to the prevalence of sexual harassment and various initiatives to prevent it.

### 1.1 The Situation in France

Recent figures show the extent of the problem of sexual harassment in France. A survey by IPSOS in 2020 revealed that 81% of women surveyed had experienced sexual harassment in a public place.<sup>2</sup> Whilst figures from the Haut Conseil à l'égalité entre les femmes et les hommes (High Council on Equality between Women and Men), found that 100% of those women surveyed had been harassed at least once in public transport, and 87% of them had been followed at least once in the street by a harasser.<sup>3</sup> And another study by the association of public transport users (FNAUT) in 2016 found that 87% of women had experienced some form of sexual harassment on

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<sup>1</sup> [Council of Europe Convention on preventing and combating violence against women and domestic violence, Article 40](#)

<sup>2</sup> IPSOS (2020), <https://www.ipsos.com/fr-fr/81-des-femmes-en-france-ont-deja-ete-victimes-de-harcelement-sexuel-dans-les-lieux-publics>

<sup>3</sup> <https://www.haut-conseil-egalite.gouv.fr/violences-faites-aux-femmes>

public transport ranging from inappropriate behaviour (eg wolf-whistling) to sexual assault.<sup>4</sup>

Sexual harassment is also prevalent in the workplace. A survey in 2014 found that one woman in five believed that she had experienced sexual harassment at work, but that of these women around 30% had not talked about the harassment to anyone. Moreover only 5% of the cases evoked by the women in the survey had resulted in any kind of legal process or hearing by a tribunal.<sup>5</sup> The AVFT (Association européenne contre les violences faites aux femmes au travail), report that 83% of complaints for sexual harassment are dismissed without any follow up.<sup>6</sup> Research has shown that filing a complaint is very difficult and may result in lengthy legal procedure, and even retribution by the employer or the person accused of harassment. In some sectors, such as waitressing, harassment is often normalised as “part of the job” or the “culture of the workplace”.<sup>7</sup> Further research comparing the approaches of France and the US on sexual harassment in the workplace points out that French businesses are not really encouraged to adopt preventative measures against sexual harassment, and compensation to victims tends to be much lower than in other countries.<sup>8</sup> Labour tribunals may force employers to pay modest sums in compensation to victims of harassment, but they also risk having to pay out large sums to the harasser if they make a claim for unfair dismissal. This results in companies being reluctant to engage proactively in prevention of harassment.<sup>9</sup> Many have not invested in training or sensibilisation programmes on harassment, and have not appointed or designated specific personnel to deal with these questions.<sup>10</sup> This means that the campaigns against sexual harassment have often turned rather to the State than to employers to demand change, asking for action at legislative or policy level, rather than putting pressure on employers to put in place better prevention policies.

## 1.2 Current Debates on Prevention of Sexual Harassment

As remarked in the other national cases, the global #MeToo movement had an influence on national mobilisations in France, under the hashtag #balancetonporc. This hashtag was launched by a French journalist encouraging women to denounce and name harassers.<sup>11</sup> In 2019 a scandal erupted over the revelation of online

<sup>4</sup> <https://www.fnaut.fr/harcèlement-sexiste-dans-les-transports-publics-christiane-dupart/>

<sup>5</sup> Lieber, M., Pochic, S. & Serre, D. (2019). Harcèlement sexuel au travail : peut-on compter sur le droit ? *Travail, genre et sociétés*, 42, 165-170.

<sup>6</sup> Baldeck, M. (2019). Les femmes, toujours des intruses dans le système judiciaire. *Travail, genre et sociétés*, 42, 171-174.

<sup>7</sup> Lieber, M., Pochic, S. & Serre, D. (2019). Harcèlement sexuel au travail : peut-on compter sur le droit ? *Travail, genre et sociétés*, 42, 165-170.

<sup>8</sup> <https://laviedesidees.fr/La-fin-de-l-impunite.html>

<sup>9</sup> <https://laviedesidees.fr/La-fin-de-l-impunite.html>

<sup>10</sup> <https://laviedesidees.fr/La-fin-de-l-impunite.html>

<sup>11</sup> Lieber, M., Pochic, S. & Serre, D. (2019). Harcèlement sexuel au travail : peut-on compter sur le droit ? *Travail, genre et sociétés*, 42, 165-170.

harassment of women and feminist groups, organised by a group of journalists who called themselves the #liguedulol (roughly translated as “laugh out loud league”). These revelations led to the sacking of several journalists from well-known publications including the newspaper *Libération*.<sup>12</sup> Other scandals have erupted in various other sectors and have brought the question of sexual harassment further to the forefront of public debate.

However, these debates have also brought some backlash. Some, for example, have claimed that the movement goes too far and condemns all kinds of “seductive” behaviour or “flirting” which is an integral part of French culture according to them. They blame Anglo-Saxon culture for being too “prudish” or “anti-sex”. An example of this attitude was a tribune published in *Le Monde* newspaper by a group of 100 famous women, including actress Catherine Deneuve in which they argued that women actually like being flirted with and being the subject of male advances, and that if they don’t, they can easily refuse them.<sup>13</sup> In another article, a woman journalist claimed that, ‘a hand on the bottom never killed anyone’.<sup>14</sup> It is worthwhile noting that the women making these type of claims were in a very large majority privileged in terms of class, race, ethnicity, sexual orientation and gender identity, which highlights the importance of considering these issues from an intersectional perspective and recognising that not all will have the same power or ability in resisting harassment or making a complaint when they experience harassment. This point echoes the Danish paper which calls for a real attention to intersectionality when considering prevention of sexual harassment.

Intersectionality is also key in another debate which has arisen in connection with various laws, policies and campaigns about sexual harassment in the streets. Whilst this debate and measures introduced have been welcomed, there is a real risk over the potential to utilise this debate to support racist and xenophobic discourses already present in political and public life. In practice, denunciation of street harassment has led to the stigmatisation of certain groups of young men, particularly racialised groups.<sup>15</sup> Certain areas have been singled out as “no go zones” for women, and these are often areas with large populations of migrants/migrant descent. This also results in certain categories of women being overlooked as victims of harassment eg sex workers, migrant women.<sup>16</sup>

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<sup>12</sup> « Les dérives de la Ligue du lol », <<https://www.mediapart.fr/journal/france/dossier/dossier-les-derives-de-la-ligue-du-lol>>

<sup>13</sup> [https://www.lemonde.fr/idees/article/2018/01/09/nous-defendons-une-liberte-d-importuner-indispensable-a-la-liberte-sexuelle\\_5239134\\_3232.html](https://www.lemonde.fr/idees/article/2018/01/09/nous-defendons-une-liberte-d-importuner-indispensable-a-la-liberte-sexuelle_5239134_3232.html)

<sup>14</sup> E. Bastié, *Le porc émissaire. Terreur ou contre-révolution*, Cerf, 2018

<sup>15</sup> Fonte, D. & Le Laurain, S. (2020). La figure du « jeune de banlieue » dans la construction sociale du harcèlement de rue : racialisation d’une violence sexiste. *Les Cahiers Internationaux de Psychologie Sociale*, 125-128, 39-61.

<sup>16</sup> Lieber, M. (2021). La lutte contre le harcèlement de rue et les (nouveaux) indésirables des espaces publics. *Déviance et Société*, 45, 91-114. <https://doi.org/10.3917/ds.451.0089>

### 1.3 Existing Policies and Legislation

The crime of sexual harassment was introduced into the French penal code in 1992, with a further law in 2012 redefining the crime with a focus more on the facts of the harassment than on the intentionality of the aggressor.<sup>17</sup> In 2018, to deal more specifically with the problem of street harassment, a new offence of “outrage sexiste” (sexist insult) was created under the new law Reinforcing the fight against sexual and sexist violence.<sup>18</sup> “Outrage sexiste” is defined under this new law as “imposing on a person any comments or behaviour with a sexual or sexist connotation which is either detrimental to their dignity because of its degrading or humiliating character, or creates an intimidating, hostile or offensive situation for them”.<sup>19</sup> The same law also reinforced sanctions against harassment on digital or social media platforms.<sup>20</sup>

With regard to sexual harassment in the workplace, a new article was introduced into the Code du travail (employment law) in 2015 concerning “agissement sexiste” (sexist behaviour).<sup>21</sup> This has the merit of legitimising and making concrete campaigns and discussions on prevention and punishment of harassment in the workplace. In 2018, another law on the Freedom to choose one’s professional future, introduced a requirement for companies to appoint a focal point on sexual harassment and sexist behaviour in their workplace representative committees (CSE).<sup>22</sup>

Various initiatives have also been put in place at local and municipal level. In November 2016, for example the Paris municipal authorities put in place a campaign against street harassment<sup>23</sup> through posters, social media and partnership with two dedicated websites, HandsAway and ROSA<sup>24</sup>, which would help with reporting, offering support to victims of harassment, and locating and punishing perpetrators. The campaign aimed to “denounce without stigmatisation, reduce the feelings of impunity, and elicit more help from witnesses”.<sup>25</sup>

## 2. Examples of Good Practice

- The AVFT has put in place a system to help with the constitution of legal dossiers and to bring a civil lawsuit with victims of sexual harassment. The association offers numerous trainings and has published relevant tools and jurisprudence on

<sup>17</sup> Lieber, M., Pochic, S. & Serre, D. (2019). Harcèlement sexuel au travail : peut-on compter sur le droit ? *Travail, genre et sociétés*, 42, 165-170.

<sup>18</sup> LOI n° 2018-703 du 3 août 2018 renforçant la lutte contre les violences sexuelles et sexistes

<sup>19</sup> <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000037284450/>

<sup>20</sup> Ibid.

<sup>21</sup> Loi du 17 août 2015 relative au dialogue social et à l’emploi, dite loi Rebsamen

<sup>22</sup> Loi du 5 septembre 2018, adopted by the National Assembly 01/08/2018.

<sup>23</sup> [https://www.paris.fr/pages/stop-au-harcèlement-de-rue-4276/#xd\\_co\\_f=OGRINDViMGMtM2NiMi00YjFjLWJmYzEtZTdIZGlwNWJmM2U4~](https://www.paris.fr/pages/stop-au-harcèlement-de-rue-4276/#xd_co_f=OGRINDViMGMtM2NiMi00YjFjLWJmYzEtZTdIZGlwNWJmM2U4~)

<sup>24</sup> <https://www.handsaway.fr/>

<sup>25</sup> [https://www.paris.fr/pages/stop-au-harcèlement-de-rue-4276/#xd\\_co\\_f=OGRINDViMGMtM2NiMi00YjFjLWJmYzEtZTdIZGlwNWJmM2U4~](https://www.paris.fr/pages/stop-au-harcèlement-de-rue-4276/#xd_co_f=OGRINDViMGMtM2NiMi00YjFjLWJmYzEtZTdIZGlwNWJmM2U4~)

its website. See <https://www.avft.org/>. These can be used by any employee or employer concerned about sexual harassment.

- The Association nationale des directeurs de ressources humaines (National Association of Human Resources Directors, ANDRH) formed an ad hoc working group in 2017 to identify difficulties in their workplaces in identifying and addressing sexual harassment. This resulted in the publication of a “white book” of good practice and recommendations for prevention and fighting sexual harassment in the workplace.<sup>26</sup> This was presented at a debate in the French National assembly in January 2019.
- CLASCHES is an association concerned with sexual harassment in higher education. They have published an online guide<sup>27</sup> and work with victims to help them to file a complaint. They have also instigated trainings for all higher education and research institutions. Roll out of these trainings should help to ensure that those working in the sector can identify and appropriately respond to incidents of sexual harassment.

### 3. Transferability Aspects

The example of the Danish Alliance against sexual harassment which brings together a wide range of actors from inside and outside of workplaces is a good example which could be transferred to France. The benefits of treating sexual harassment across multiple sectors is real and could bring widespread benefits. One of the problems with responses to sexual harassment is that they are often carried out on a sector-by-sector basis and even the examples of good practice outlined above are restricted to particular areas e.g. labour force, higher education. It would be beneficial for all actors concerned to work together with politicians in a wider alliance as the Danish case study shows.

### 4. Conclusions and Recommendations

In the French case, this short comment paper has highlighted several issues which must be taken into account in order to prevent sexual harassment and to strengthen protection for those who are victims of harassment. Some of these reflect points presented in the Danish paper, eg the necessity of an intersectional approach and of taking into account the particular vulnerable situations of some women (and men). Other points are more specific to France and relate to the still insufficient penalties

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<sup>26</sup> ANDRH, Prévenir le harcèlement sexuel. Repères pour les rh, 2019.

<<https://www.andrh.fr/actualites/807/prevenir-le-harcelement-sexuel-au-travail-reperes-pour-les-rh-livre-blanc-andrh>>.

<sup>27</sup> CLASCHES, *Le harcèlement sexuel dans l'enseignement supérieur et la recherche. Guide pratique pour s'informer et se défendre*, 2018 (2<sup>e</sup> édition) <<http://clasches.fr/wp-content/uploads/2017/07/Guide.pdf>>.

imposed on those found guilty of sexual harassment in the workplace, for example. As M. Baldeck from the AVFT argues: “Who can believe that prevention policies can be credible and useful, without a real perspective of effective sanctions?”<sup>28</sup>

Recommendations:

- Ensure a holistic and intersectional approach which considers differential vulnerabilities to sexual harassment, and the difficulties of certain people to complain about harassment due to their social position/employment status/legal status.
- Introduce effective and comprehensive training on what sexual harassment is and how it could be addressed in the workplace and in other sites.
- Ensure that when victims do complain about sexual harassment, their complaints are treated seriously and swiftly and that real penalties exist for harassers.
- Create a society wide alliance of actors involved in prevention of sexual harassment to avoid a “silo” effect in different sectors.

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<sup>28</sup> Baldeck, M. (2019). Les femmes, toujours des intruses dans le système judiciaire. *Travail, genre et sociétés*, 42, 171-174.