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Introduction of moral harassment in the Labour Code

The Law of 29 March 2023, published in the Mémorial A n°187 of 5 April 2023, introduces a new chapter in the Labour Code on moral harassment^[1]. The Law will come into force on 9 April 2023.

The key points of attention for employers are as follows:

1. New definition of moral harassment:

Moral harassment in the context of labour relations is defined as any conduct which, by its repetition or systematisation, affects the dignity or the psychological or physical integrity of a person.

Attention: behaviour or acts of moral harassment may now also occur outside the employee's usual place of work and working hours (e.g. professional trips, professional training, etc.).

Customers, suppliers and any external person who is connected to the employer can also be authors of moral harassment.

2. Your obligations as an employer:

- > **Determine**, after informing and consulting the staff delegation or, failing that, all staff, **the preventive measures** to be taken to protect employees against moral harassment at work (measures adapted to the nature of the activities and the size of the company).
- > **Immediately cease any moral harassment** of which you are aware through measures.
- > **Carry out an internal evaluation** in the event of moral harassment of an employee. The staff delegation or, failing that, all staff should be consulted prior to this.

3. Victims and witnesses of harassment may not be subjected to reprisals: any provision or act to the contrary, and in particular any dismissal, is automatically null and void.

4. Involvement of the Labour Inspectorate if the harassment does not stop despite the implementation of preventive measures or if the employer fails to take action.

5. Penalty for non-compliance with your obligations (criminal penalty): fine of EUR 251 to 2,500 (double if repeated within two years).

[1] New Articles L. 246-1 to L. 246-7 of the Labour Code.

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