

# Bullying and harassment at work

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# Introduction

- Expectations?
- Previous knowledge?
- Previous experiences?
- Question when needed!

# Bullying?

- "*Harcèlement moral*"
- Illegal offence
- Punishable
- The law provides protection

# Definition

- Repeated acts
- Deterioration in the working conditions:
  - rights and dignity
  - physical or mental health
  - professional development

# Examples

- Regular and repeated insults
- Inappropriate phone calls or messages
- Inappropriate comments about gender
- Threats of dismissal
- Withdrawal from an assignment
- From management or colleagues
- Victim is protected by law

# Employer's responsibility

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- Obligation of preventive action
- Obligation of result vs obligation of means

# Employer's responsibility

- All necessary measures to prevent bullying
- Complete freedom
- If >50 employees, internal regulation document
- Information of employees
- Work with representatives

# Employer's responsibility

- People who report or fight bullying cannot be sanctioned for this
- Sanctions are only permitted if the reporter is:
  - acting in bad faith
  - making the report with the sole aim of causing harm

Any  
questions?

What can employees do

# What can employees do?

- Alert the CSE and/or employee representatives
  - staff representatives can help them
  - CSE right to alert the employer
- Alert the labour inspection
  - they will check the reported facts
  - they may carry out an investigation
  - they can inform the public prosecutor

# What can employees do?

- Mediation
  - the choice of mediator must be agreed between the two parties
  - try to reconcile the parties
  - written proposals
  - assert their rights in court

# What can employees do?

- Employment tribunal
  - the termination of their employment contract
  - payment of damages and interest
  - direct or indirect evidence
  - period of 5 years
  - against the employer, even if he is not the direct perpetrator
- Unfair dismissal

# What can employees do?

- Criminal action
  - can be in addition to an employment court complaint against the employer
  - within 6 years of the most recent incident
  - representative trade union
- “Défenseur des droits”
  - if suspected discrimination

# Sanctions

- Two types of sanctions can be combined
  - sanctions taken by the employer
  - sanctions taken by the courts
- Sanctions taken by the employer
  - transfer
  - suspension
  - dismissal
- Sanctions taken by the courts
  - up to two years' imprisonment
  - fine of up to 30000 €
  - potential damages

Any  
questions?

# Stakeholders

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# CSE

- “Droit d’alerte”
  - refer the matter to the employer...
  - ...who must carry out an investigation without delay...
  - ...and put an end to the situation
- Best practice: involve the CSE
- If >50 employees, the CSE can take any initiative it deems useful
- The employer's refusal must be justified

# Occupational health

- Referral to the occupational health service
- Ask directly for its assistance
- Propose individual measures
- Duty to alert
  - inform the employer in writing
  - reply from the employer in writing
- Access to these documents

# How to react to a bullying situation?

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# Prevention

- Part of the general framework for the prevention of psychosocial risks
- It is based on:
  - an assessment of the risk factors
  - an action plan
- Collective approach is favoured
- Allows long-term action about:
  - stress
  - bullying
  - violence at work

# When to initiate the prevention process?

- assessment of occupational risks, in existing work situations
- major change in the organisation of work or a project for a new work situation
- following a complaint
- following a declared health hazard related to such conduct

## Examples of collective prevention actions

- Collective preventive actions:
  - adjusting work rhythms
  - clarifying responsibilities
  - setting up team meetings to discuss disputes
  - implementing clear and fair HR criteria
  - publicising the management's commitment to fight bullying
  - collective awareness-raising actions
  - defining the role of the various actors

# Règlement intérieur

- Compulsory over 50 employees
- Must include provisions about bullying
- Policies can also be drawn up
- It cannot be limited to:
  - denunciation of individual behaviour
  - sole responsibility of employees
- It must include measures on the employer side

Any  
questions?

# In case of formal complaints

- Determine whether the facts are true
- Stop the bullying quickly and sanction it
- Conduct an internal investigation
- With staff representatives
- The investigation should enable all the parties involved to:
  - express themselves in complete confidentiality
  - be listened to impartially
  - without fear of reprisals

# Investigation methodology

- Acknowledge receipt in writing
  - Send a letter
  - Explain
  - Ask for details and evidence
  - Make your intentions clear
  - Timing

# Investigation methodology

- Meet CSE members
  - Plan the investigation
  - Objective?
  - Who?
  - Questions?
  - Anonymity
  - Report

# Investigation methodology

- Conduct the investigation
  - Include the occupational physician
  - Written record
- Draw conclusions
  - Disciplinary action?
  - Inform the person who reported the incident

# Investigation methodology

- Analyse
- Update:
  - DUER
  - Procedures
- Communicate

Any  
questions?

Thank you

- [Baptiste@viridianhr.co.uk](mailto:Baptiste@viridianhr.co.uk)
- We will send you a post-training form
- Thank you in advance for your feedback!