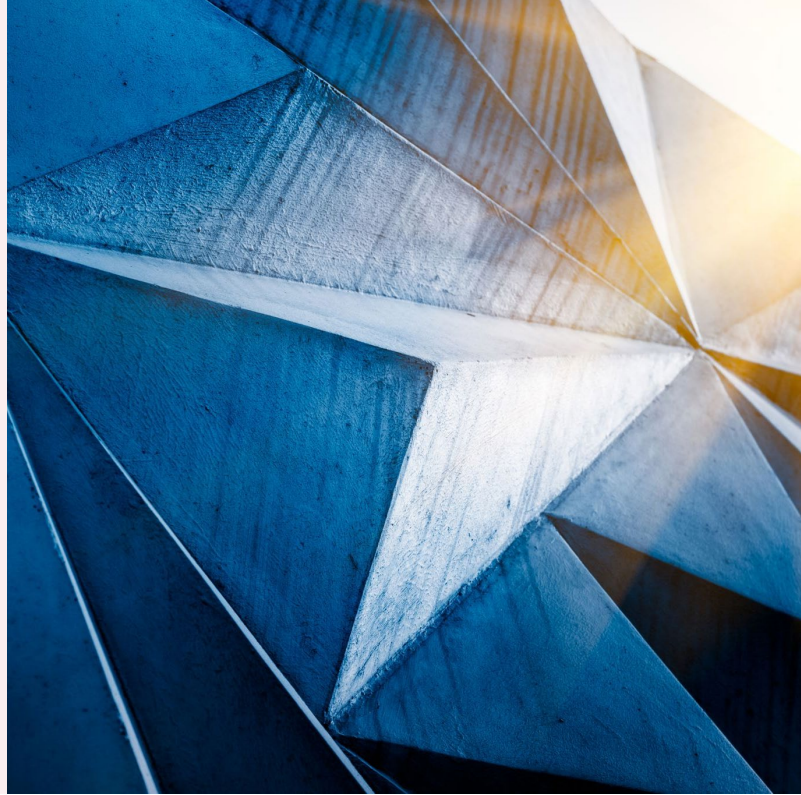


Workplace Harassment – Recognition of Environmental Sexual Harassment



The French Supreme Court (*Cour de cassation*¹) has held that sexual harassment may be established where an employee is repeatedly exposed to conduct of a sexual or sexist nature, even if they are not the direct target of such conduct.

Building on its case law recognising the concepts of institutional moral harassment² and managerial harassment³, the Supreme Court now extends this reasoning to sexual harassment. It makes clear that it is no longer necessary for an employee to have been personally addressed by remarks or behaviour of a sexual or sexist nature in order to be recognised as a victim of sexual harassment.

Such conduct may now also amount to sexual harassment vis-à-vis an employee where it is directed at others, provided that it undermines that employee's dignity by reason of its degrading or humiliating character, or creates for them an intimidating, hostile, or offensive environment.

Key points

- 1 Sexual harassment may be established even where the employee is not directly targeted by the conduct in question, provided that they are repeatedly exposed to behaviour or remarks of a sexual or sexist nature that create an intimidating, hostile, or offensive environment.
- 2 The Supreme Court is thus continuing to broaden its case law on collective forms of moral and sexual harassment, in both criminal law and employment law.

¹ *Cour de cassation, chambre sociale*, decision dated 28 May 2026, no. 24-22.754.

² *Cour de cassation, chambre criminelle*, decision dated 21 January 2025, no. 22-87.145 ("institutional" harassment is characterised by a policy deliberately implemented by management).

³ *Cour de cassation, chambre sociale*, decisions dated 7 January 2026, no. 24-18.865 and 24-22.852 ("managerial" harassment refers to conduct directed at a work community rather than at an individual).

1. RECOGNITION OF SEXUAL HARASSMENT EVEN WHERE THE EMPLOYEE IS NOT DIRECTLY TARGETED

The facts of the case help to clarify the issues raised by this decision.

In this case, an employee had reported acts of sexual harassment committed by her line manager. Following the employer's intervention, he refrained from any direct contact with her. However, he continued to make inappropriate remarks towards other female colleagues, which led to an eight-day disciplinary suspension. The following year, the employee again reported incidents of sexual and moral harassment affecting both herself and other employees.

After being dismissed for gross misconduct on 19 December 2020, she challenged the validity of her dismissal and sought, in particular, to have it declared null and void, as well as to obtain damages on the grounds of sexual harassment.

The lower courts dismissed her claims, finding that the impugned remarks had not been directed at her personally but at her colleagues, and that there was insufficient evidence to establish harassment in her regard.

The Supreme Court overturned this reasoning. It held that, in light of the repeated sexual or sexist remarks and conduct displayed by the line manager in the presence of the employee and her colleagues, she had been compelled to endure a humiliating and degrading working environment, irrespective of the fact that she had not been directly targeted by such conduct.

2. CONSOLIDATION OF CASE LAW ON COLLECTIVE FORMS OF HARASSMENT

The Supreme Court now recognises that both moral and sexual harassment, in employment law as well as in criminal law⁴, may be established even where it is not directed at a specific employee, thereby indirectly broadening employers' obligations in terms of the prevention and handling of such situations.

This approach is consistent with a trend already initiated by several courts of appeal, which had acknowledged the concept of "ambient sexual harassment" in disputes arising under employment law⁵.

Key points for employers:

- **Increased risk of recognition of collective harassment:** the employer's duty of prevention now extends to the entire work environment, beyond isolated individual acts. The penalties incurred remain unchanged and may be civil (damages) or criminal (up to two years' imprisonment and a €30,000 fine).

⁴ Ambient sexual harassment" was recognised by the Criminal Chamber of the Court of Cassation on 12 March 2025 (No. 24-81.644).

⁵ See, for example, the Agen Court of Appeal, 13 December 2022 (No. 21/00653), and the Paris Court of Appeal, 26 November 2024 (No. 21/10408).

- **Implement a zero-tolerance approach and secure reporting mechanisms:** employers are encouraged to formalise a zero-tolerance policy towards sexist or sexualised remarks, whether individual or collective, while putting in place a simple, accessible and confidential reporting system that ensures protection against any form of retaliation.
- **Train managers and address managerial inaction:** it is essential to raise awareness among, and train, management teams to identify and handle such situations, and to sanction any passivity or trivialisation of inappropriate conduct.
- **Respond to reports at the earliest stage:** it is likely that, going forward, courts will more closely scrutinise how employers deal with harassment complaints. Any alert— including those concerning diffuse or non-individualised conduct within a team—requires a prompt response (internal investigation, interim measures, etc.).



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