

ARENDT IS BY YOUR SIDE

Clear changes to address moral harassment

On 29 March 2023, the Luxembourg Parliament adopted a law introducing a new legal framework into the Labour Code with the goal of preventing and fighting moral harassment (also known as bullying) at work (Law).

The Law entered into force on 9 April 2023 and applies to all Luxembourg entities, regardless of size or turnover.

The Law has come at a good time, as a 2022 survey by the Chamber of Employees found that one in five respondents reported having experienced bullying.

With regard to specific figures on bullying, the Inspectorate of Labour and Mines (ITM) reported having in 2022:

- 632 requests for further information
- 35 complaints so far

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“Clearly, this is a problem”

Georges Engel - former Luxembourg Labour Minister

What is changing?

The Law sets out clear changes to how firms address moral harassment by providing, for example:

- **A definition** of moral harassment at work.
- New obligations for employers regarding the **implementation of preventive measures and procedures** to fight against moral harassment at work.
- **A protection mechanism** for employees.
- **New competencies for staff representatives** and the ITM in preventing and fighting moral harassment.

What are the new obligations for employers?

The Law better defines existing obligations and establishes additional new obligations for employers, such as:

- To refrain from any act of moral harassment.
- To take appropriate measures to ensure that any instance of moral harassment against an employee ceases immediately.
- To determine, after informing and consulting staff representatives (or staff directly in the absence of a staff delegation), the measures to be taken to protect employees against moral harassment, including the means available to victims, a prompt and impartial investigation, raising awareness and informing and training employees.
- Increased training obligations.
- To carry out an internal assessment of the efficiency of the preventive measures in place and the possible implementation of new or additional preventive measures or the revision of applicable procedures, after consulting the staff representative, if any, in the event of actions qualifying as moral harassment.

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What are the penalties?

In cases of non-compliance, the Law provides for criminal sanctions for the employer and fines ranging between EUR 251 and EUR 2,500.



"A law sets the framework much more clearly... bullying is a serious offence and not a triviality"

Georges Engel - former Luxembourg Labour Minister

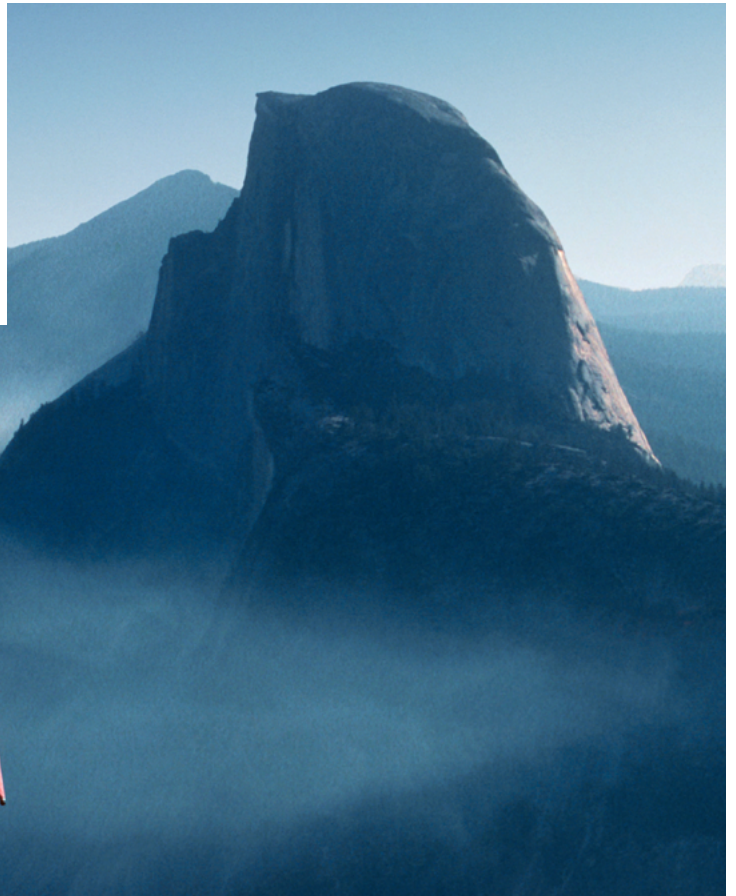
Questions to ask yourself

1. Have we trained our employees and managers on moral harassment?
2. Is our HR/Legal/Compliance team aware of their obligations/prepared to answer employee questions and tackle possible complaints?
3. Do we have a specific procedure or policy in place to manage moral harassment complaints?
4. If a case of moral harassment were to become public news, do we have a response plan?

How Arendt can help

We typically start by performing a gap analysis that outlines what needs to be done. From there, Arendt provides either a modular or full service to provide the exact help that you require, depending on your questions and particular situation, such as:

- Training various departments of your organisation
- E-learning training modules on moral and sexual harassment
- Full risk assessments/gap analysis of your capabilities
- Assistance with drafting/reviewing your internal policies
- Responding to the authorities in case of non-compliance
- Full investigation in the event of a dispute
- Assisting with public relations communication/strategy
- Handling any claims and related investigations



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