



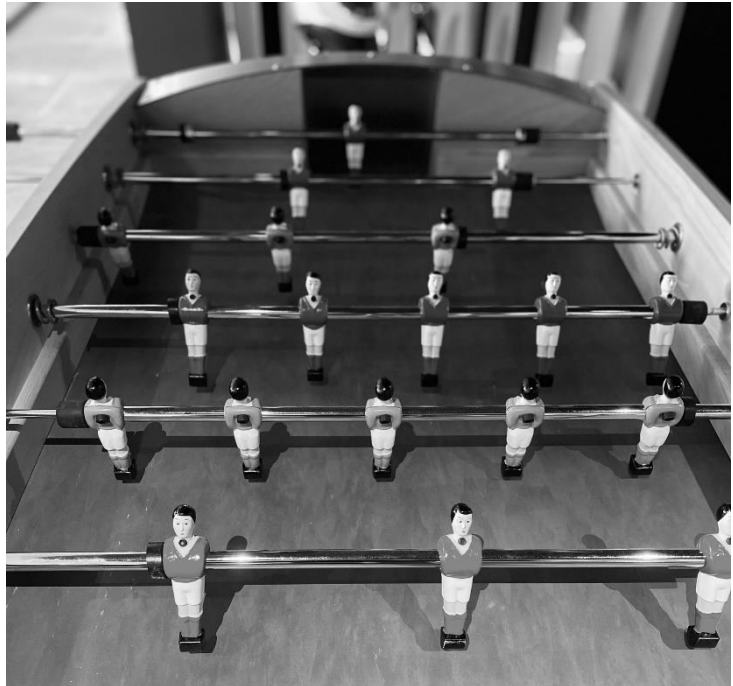
LINARI LAW FIRM

AVOCATS A LA COUR

Bill n° 7864/00 amending the Labour Code in order to introduce protection against moral harassment at work

In Luxembourg, the agreement of 25th June 2009 on harassment and violence in the work place signed between the main trade unions and declared to be of general obligation by the Grand-Ducal regulation on 15th December 2009 is currently the only measure in place covering moral harassment at work. (<https://legilux.public.lu/eli/etat/leg/rgd/2009/12/15/n2/jo>)

Employees based in Luxembourg, who fall victim of moral harassment at work are currently obliged to base their action for damages on the article 1134 of the Civil Code, according to which "*legally formed agreements must be executed in good faith by the parties to the agreement*", which has no specific legal provisions on moral harassment at work. In order to provide more clarity regarding the procedures and sanctions concerning this topic, the present project proposes to update Book II of the Labour Code by introducing a new chapter to focus solely on this subject titled "Chapter VI - Moral harassment".



In particular, it provides:

- A legal definition of moral harassment (article L.246-2) ;
- A general obligation of non-harassment at work falling on the employees and the employers ;
- An obligation, for employers, to immediately stop any act of moral harassment brought to their attention ;
- A list of measures that have to be taken by employers in order to protect their employees against moral harassment at work and the procedure to follow, in the event of an act of moral harassment brought to the employer's attention ; (article L.246-3)
- A general principle of non-sanction of employees who denounce an act of moral harassment. (Article L.246-4).

This bill n°7864/00 is subject to amendments before being put forward for a vote.

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