



# Sexual harassment at school



**OGB-L**

**OGBL Onafhängege Gewerkschaftsbond Lëtzebuerg**

60 bd J.-F. Kennedy | L-4170 Esch-sur-Alzette

T. +352 2 6543 777

[ogbl.lu](http://ogbl.lu) [f ogbl.lu](https://www.facebook.com/ogbl.lu) [🐦 OGBL\\_Luxembourg](https://twitter.com/OGBL_Luxembourg)

**SEW/OGBL**

63 rue de Bonnevoie | L-1260 Luxembourg

T. +352 54 05 45 323 | Fax: 54 05 45 569 | [sew@ogbl.lu](mailto:sew@ogbl.lu)

[sew.lu](http://sew.lu) [f ogblSEW](https://www.facebook.com/ogblSEW) [@ sew\\_ogbl](https://www.instagram.com/sew_ogbl)

**OGJ**

60 bd J.-F. Kennedy | L-4170 Esch-sur-Alzette

[ogj@ogbl.lu](mailto:ogj@ogbl.lu)

[f ogj.lu](https://www.facebook.com/ogj.lu) [@ ogj.lu](https://www.instagram.com/ogj.lu)

**OGBL Equality - Département des Femmes**

60 bd J.-F. Kennedy | L-4170 Esch-sur-Alzette

[equality@ogbl.lu](mailto:equality@ogbl.lu)

[f OGBLFemmes](https://www.facebook.com/OGBLFemmes) [@ ogbl\\_equality](https://www.instagram.com/ogbl_equality)

## Preface

This brochure was prepared shortly after 8 March, International Women's Rights Day, in reaction to several cases of sexual harassment in schools in Luxembourg being revealed. Sexism and sexual harassment are social problems that are often taboo, but which are present at all levels of society. Those affected often do not know how to deal with it, do not know who to turn to, feel left out or are not taken seriously.

This brochure is an attempt to raise awareness, to enlighten teaching staff as well as pupils and students on the subject of sexual harassment in schools and to provide ways of taking action.



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## Definition

The law defines sexual harassment as follows:

**Sexual harassment** in the context of employment relationships relates to any behaviour with sexual connotations or any other deliberate behaviour based on sex which affects the dignity of a person at work, and meets one of the following three conditions

- (a) the behaviour is unwelcome, abusive and offensive to the person subjected to it;
- b) the person's refusal or acceptance of such behaviour from a colleague or user is used explicitly or implicitly as the basis for a decision affecting that person's professional interests
- (c) this type of behaviour creates an intimidating, hostile or humiliating environment for the person it is aimed at.

The behaviour may be physical, verbal or non-verbal.

*General Statute of Civil Servants, Chapter 5: Duties of Civil Servants, Art. 10, §2*

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**Sexual harassment can affect anyone, regardless of gender or age.**

Sexual harassment can occur at different ages or levels of hierarchy. If the victim of sexual harassment is a minor and/or the sexual harassment comes from the superior, this will be punished even more severely by the court.

**Sexual harassment can be divided into several categories:**

- **gender-based harassment:** sexist remarks and behaviour that do not necessarily have a sexualised connotation, but are offensive and degrading;
- **unwanted sexual attention:** seductive behaviour or unwarranted sexual advances;
- **sexual coercion:** sexual bribery (inducement of sexual acts by promises or rewards) or intimidation (coercion of sexual acts by punishment)

**In the form of sexual harassment, a distinction is made between**

- **verbal comments:** from outright sexual comments about a gender "in general", through rumors and/or gossip about a person, to personal comments about a particular person.
- **verbal solicitations:** attempts to initiate sexual cooperation, from subtle pressure, sexual or relational advances to sexual corruption.
- **non-verbal representations:** of the degradation of a person's sexuality, through the representation or transmission of sexual/pornographic material.
- **Sexual acts:** from gestures, violations of personal space or attempted intimate contact to sexual/sexualised touching or sexual assault.

# Support for those affected

## **Service psychosocial vun der Fonction Publique**

for state and municipal staff

T.: 247-73100 | [service-psychosocial@mfp.etat.lu](mailto:service-psychosocial@mfp.etat.lu)

## **SePAS – Service psycho-social et d'accompagnement scolaires**

for students of the public school

T.: 24 77 59 10

## **Planning Familial**

Luxembourg City, T.: 48 59 76

Esch/Alzette, T.: 54 51 51

Ettelbruck, T.: 81 87 87

## **Kanner- a Jugendtelefon (Telephone for children and young people)**

T.: 116 111 [www.kjt.lu](http://www.kjt.lu)

## **Ombudsman fir Kanner a Jugendlecher (Ombudsman for children and young people)**

T.: 28 37 36 35

## **Péitrusshaus – Solidarité Jeunes Asbl**

The "Péitrusshaus" is an emergency and crisis centre for adolescents. It is open 24 hours a day, 7 days a week. T.: 8002 6002 (free)

[peitrusshaus@s-j.lu](mailto:peitrusshaus@s-j.lu) | 43, boulevard de la Pétrusse – L-2320 Luxembourg

## **Staff delegation or equality delegate**

in public schools and at the University

**In case of rape, intimate contact or sending of pornographic material, the persons concerned should immediately contact the police: T.: 113 !!**

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## What to do as a person affected by sexual harassment at school?

### In the situation itself :

- listen to your instincts when you feel uncomfortable;
- make it clear/show that a boundary has been crossed and insist that a boundary has been crossed and that it must stop;
- describe/name the abuser's behaviour as sexual harassment;
- ask for help from witnesses to the sexual harassment; ask them for help in getting the abuser to accept the boundaries.

### After the situation:

**After the situation, the victim of sexual harassment should report the incident to the appropriate authorities.** At school or university this is the regent, the head of studies and/or the management. The management is legally obliged to investigate the matter.

If the sexual harassment is perpetrated by a member of the public school staff, the principal must refer the case to the Ministry of Education, which will verify the accuracy of the incident and impose sanctions if necessary.

If the sexual harassment comes from a classmate/student who attends the same high school or a different high school, the headmasters of the high schools involved will take up the case. This also applies to university. These institutions will also deal with the case, if the incident occurred outside the school (e.g. on the school bus).

State schools and any private schools have a duty to protect all pupils and students and every member of their staff from sexual harassment.

In contrast to moral harassment, a single incident of sexual harassment is sufficient to be defined as sexual harassment. However, the victim of sexual harassment must provide **evidence**, e.g. written proof or testimony. **Therefore, it is important to collect written evidence immediately, by taking a screenshot, for example. It is also recommended to draw up a protocol of the facts, i.e. to write down what exactly happened in as much detail as possible to remember it fully later.** The victim should also show this evidence of sexual harassment to the management.

If the persons concerned feel that the management does not take the case seriously enough, they can also contact the Ministry of Education. In this case, civil servants and state employees must follow the chain of command.

If the management of a public school or university, in the opinion of the person concerned, does not do enough, the persons concerned can contact their trade union or a lawyer.

In general, affected persons can also contact their union or a lawyer directly, who will then help them to raise their concerns. Since the state has an obligation to protect its employees, civil servants and students from sexual harassment, the person concerned can also ask the state to cover the legal costs.

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## What to do as a witness of sexual harassment?

- Make the victim understand that their feelings are taken seriously and encourage them not to tolerate such behaviour and convince them to report the incident;
- Be willing to testify;
- Offer to accompany the victim;
- Help the victim to exit the situation (e.g. through conversation or an offer to leave the place where the sexual harassment has just occurred);
- Clearly label the perpetrator's behaviour as sexual harassment, and seek support from other witnesses to the incident.

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## How to react if sexual harassment is reported to teachers and/or the principal?

- Talk to the person concerned and show that the experience is taken seriously. Emphasise that the person is being listened to by taking notes which can be double-checked with the person concerned to ensure that everything is understood.
- Determine who is conducting the investigation and what action needs to be taken.
- Be open/available so that other potential respondents can present their experiences at any time.
- Inform the necessary authorities and take further steps (within the school, ministry, public prosecutor).
- Organise psychological support for those concerned.
- Ensure that confidentiality is maintained.

This also encourages others to come forward.

- Review the case with the person(s) concerned.

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## General practice in schools to prevent and combat sexual harassment.

- Take a clear stand against sexual harassment.
- Take a clear stance against sexist behaviour and comments.
- Take a clear stance against homophobic and discriminatory behaviour based on sexuality.
- Have a clear policy on how to deal with sexual and homophobic violence and ensure that everyone in the school is aware of this.
- Provide training and other resources for staff to identify and report abusive behaviour.
- Regular information, education and discussion with pupils and students about sexual harassment, sexist and homophobic behaviour to provide them with the tools to identify and to tackle these problems.



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