# **IRIF** Members Charter

For a secure professional environment open to diversity

### Preamble

Each of us must be able to develop in the best possible working environment, whether in the laboratory premises or outside (assignments, conferences, committees, etc.). Based on our founding values, such as the principles of equality, transparency, and mutual respect, IRIF seeks to ensure a working environment that guarantees everyone equal treatment and opportunities, open to diversity, safe, respectful, and free from discrimination and harassment.

This charter describes these founding principles and their methods of application. It has an educational mission and aims to ensure that each and every one can become aware of certain situations and question their own behaviour.

Although the charter seeks first and foremost to be of a more general nature, it describes situations that may be encountered by certain populations to which IRIF wishes to pay particular attention, such as women, doctoral students, research support staff, and non-French speakers. Secondly, the charter draws on examples of situations which add specificity to the general statements.

Regarding the ethical aspects of the profession, we refer the reader to the very comprehensive code of ethics of the CNRS (National Centre of Scientific Research)<sup>1</sup>.

## Equal treatment and opportunity, openness to diversity

IRIF wishes to guarantee everyone equal treatment and opportunities, thus creating an attractive environment for a wide variety of profiles: fair working conditions, opportunities for the correct integration into the laboratory with a view to harmonious collaboration, and transparent, objective and impartial assessments.

IRIF endeavours, in decision-making situations, whether in recruitment, employment and working conditions, or career development and progression, to guarantee equal treatment and equal opportunity for all. In particular, in any scientific or professional assessment situation, IRIF requires:

- The production of recommendations in order to avoid bias and discrimination
- The constitution of committees with varied profiles
- The provision of indicators of representativeness of the community
- The use of transparent and objective criteria
- A systematic declaration of any conflict of interest, even slight, whether relational, collaborative, or hierarchical

IRIF categorically rejects any discriminatory act that could, directly or indirectly, hinder the professional career of each and every one. These acts may or may not affect minority groups, and be linked, for example, to their origins, sex, age, disability, opinions, etc.<sup>2</sup>

In order to better identify specific discrimination against certain minorities present (or not) in the laboratory, IRIF encourages the creation of discussion spaces (committees or events) dedicated to improving the identification of such situations.

IRIF is committed to protecting diversity, which constitutes an asset, both for its work environment and for the development of science, and to maintaining this in its scientific and professional

https://www.cnrs.fr/fr/ethique-deontologie-integrite-scientifique-et-lancement-dalerte

<sup>&</sup>lt;sup>1</sup> Charter available on the CNRS website:

<sup>&</sup>lt;sup>2</sup> As a reminder, the law prohibits discrimination according to a list of 25 criteria prohibited in Article 225-1 of the Penal Code. This list is reproduced in the articles of law included in this document. Special arrangements may be made depending on work situations.



community. IRIF calls for vigilance, in practices and communication, in order to maintain and promote diversity within the laboratory, and encourages its members to do the same.

The laboratory is a multicultural environment, and brings together non-French-speaking members, in particular among its doctoral students, postdocs and visitors, all of whom may find themselves isolated in an environment that is only French-speaking. The laboratory asks not to discredit comments made in a language that a person may not be proficient in, whether it is French or English.

The laboratory also brings together various professions essential to the support of research, who should be respected and integrated.

IRIF therefore asks that no-one be isolated, that all of its members be actively included, and that everyone's presence be taken into account in all communication.

## Personal dignity, respect for work and people

IRIF promotes a work environment that guarantees personal dignity and a climate of trust and respect, where everyone is welcome and encouraged to express themselves confidently and naturally. At the same time, each and every one must reflect on their modes of expression, put themselves in the other person's situation, and question the impact of their behaviour on the other. Everyone's work must be respected. The laboratory draws attention to the fact that the points below, without being exhaustive, may harm this climate of confidence and lead to moral harassment:

- Repeated interruptions when someone is speaking
- Attempts at intimidation or undermining confidence
- Any intrusive or disparaging remarks, in particular comments or jokes referring to personal characteristics or stereotypes, whether written or verbal, offending the dignity of the person
- Acts against a person, the object or effect of which is to worsen working conditions that may infringe upon their rights and dignity, alter their physical or mental health, or compromise their future career

IRIF also alerts on situations of moral harassment which can develop more easily than it seems, sometimes without our own knowledge, thanks to over-strong psychological pressures or working methods that do not respect each individual's pace. IRIF is therefore opposed to the following practices, in all settings (administration, teaching, and research), which are particularly harmful when they are carried out against doctoral students or research support staff:

- Setting goals that cannot be reached without help or intermediate targets
- Setting deadlines at the last minute
- Sending several emails per day on the same subject requiring an immediate response or formulating requests without consideration for the person receiving them
- Imposing their work pace on others without taking into account their possible constraints, for example in the evening or at weekends
- Threatening with reprisals in the event of delay or lack of results

# Protection against sexist acts and sexual harassment

During their studies or their careers, and particularly when they occupy temporary positions, the women of our scientific community are too often victims of inappropriate, discriminatory or even violent behaviour or comments. These situations interfere with the course of their professional life, and force some to abandon or change their career. This state of affairs is partly inherited from gender inequalities in society, and is reinforced by the very low number of women in our community.



These behaviours, whether they are sexist acts or sexual harassment, not only affect women but can extend to any type of profile, and take different forms depending on the situation, especially among LGBT+ people. IRIF is therefore implementing a prevention policy against any behaviour of this type, and is fighting firmly against this. The laboratory rejects in particular:

- The circulation of comments, images or videos of a sexual, discriminatory or violent nature in the laboratory
- Inappropriate comments on clothing
- Questions relating to intimacy, orientation, and sexual practices
- Unsolicited physical contact
- Non-reciprocal attentions, or unwanted solicitations, of a sexual or romantic nature, as well as insistent invitations to go out together despite a refusal

IRIF also strongly advises against:

- Romantic relationships between supervisee and supervisor, or between people linked by a hierarchical relationship, which constitute a conflict of interest
- And in particular, for any manager or supervisor, to initiate or encourage them

IRIF also intends to be an inclusive, respectful and welcoming space for the LGBT+ community, and as such supports the LGBT+ Commitment Charter of l'Autre Cercle<sup>3</sup>.

## Actions, help and procedures

Whether you are a member or visitor of IRIF, if you are a victim or witness of acts in contradiction of any of the points of this charter, on the laboratory premises or outside, rely on the charter, recalling its principles and examples, and do not isolate yourself, or downplay or reject the situation.

It is also important to inform the laboratory's management, who are there to bring help and assistance to anyone from IRIF, whether a member or a visitor.

If you are a victim, there is also a possibility to contact other intermediaries, closer to you or otherwise more neutral, who are also there to listen to you and help you:

- Thematic team or sectoral managers
- Doctoral correspondents, members of the gender equality committee
- Prevention assistant
- CNRS, University of Paris or Inria medical or psychosocial services
- External partners and associations

The laboratory intranet can also be useful: contacts, possible actions, and related documentation<sup>4</sup>.

# Examples of specific situations

These situations, anonymised and often partly fictitious, seek to make the previously mentioned principles more specific. This list, which is not intended to be exhaustive, still lacks diversity and is therefore likely to be added to.

**Situation 0:** Having read this charter, I have the impression that I will never again be able to say or do anything in a natural way.

**Answer 0:** This charter does not say that we must give up expressing ourselves, or even cease all friendly relations in the workplace. On the contrary, it aims at better relations and exchanges. It identifies situations likely to lead to a result different from that expected,

<sup>&</sup>lt;sup>3</sup> Charter available from: https://www.autrecercle.org/page/charte-d-engagement-lgbt-de-l-autre-cercle

<sup>&</sup>lt;sup>4</sup> For more information on this subject, including contact details and possible actions, see the laboratory intranet: <a href="https://www.irif.fr/intranet/harassment">https://www.irif.fr/intranet/harassment</a>



which may cause discomfort for our interlocutors. In short, this charter leads us to reflect on some of our behaviour, and to talk about this.

### Inclusion

**Situation 1:** When I put forward an idea, nobody listens, but when someone with more experience or a man repeats it, the group takes note. I find this very frustrating, what should I do?

**Answer 1:** It is important to let everyone have their say and to give them not only the attention their work deserves, but also critical, objective, and specific responses in return. These situations should be pointed out, because the collective unconscious tends to trivialise this type of situation.

**Situation 2a:** During meetings, a colleague of mine made disrespectful personal remarks against another member of the lab. This attitude creates a tense atmosphere, and his behaviour is insulting. How should I react without sounding like someone who doesn't have a sense of humour?

**Situation 2b:** A colleague of mine regularly makes sexist or racist jokes that make me uncomfortable. What should I do?

**Situation 2c:** A colleague of mine regularly makes derogatory remarks about LGBT+ people, without realising that there may be such people around him/her. What should I do?

**Situation 2d:** In another laboratory, or at a conference, I was the victim of overtly racist / anti LGBT+ comments. Everyone was clearly uncomfortable, but no one spoke up or contacted me afterwards. I felt very isolated.

**Answer 2a-bcd:** Jokes about a personal characteristic do not promote a respectful working environment. They call into question the dignity to which everyone is entitled. Comments, even in the form of jokes, that are discriminatory or stereotypical in nature can also have the same effect, even if they target a group that certain people may identify with, and not anyone in particular.

It is understandable that victims do not dare to stand up directly against the persons who made such comments. They can try to make their feelings or point of view as clearly as possible to this person. They can also talk to managers or colleagues who will support them and take action.

Witnesses should respond immediately and point out that these comments are not acceptable. At a minimum, they should support victims and encourage them to report any such event to laboratory officials or conference organisers, if appropriate.

**Situation 3a:** The last time there was a terrorist attack, I was asked at work about my position on this subject. I feel that a personal and explicit condemnation of these attacks is expected of me because of my origins and/or real or supposed beliefs.

**Situation 3b:** I come from a predominantly Muslim country. It is assumed that I am a Muslim myself. I am asked why I am not wearing a veil. Or furthermore, people think that I am oppressed, and that I need to liberate myself as a woman.

**Answer 3a-b:** Assimilating the beliefs, the culture, or even the adhesion to an ideology of a person with their origin or colour is the manifestation of stereotyping. You must explain it to your interlocutor, and/or ask that awareness-raising actions be organised in your workplace or conference.

**Situation 4:** Colleagues systematically exclude research support staff from conversations, carrying on with their scientific conversation, including in the presence of these people (coffee, drink, meal). How should I react, since deep down I want to talk about science?

**Answer 4:** The laboratory is made up of people from multiple professions who all contribute to research. It is important to include all those who contribute to the life of the laboratory, and not to isolate them. In particular, all of the people present in the same place should be put at ease by including them in conversations. As non-scientists are in the minority,



scientists must be vigilant, and have a role to play. They can talk about their research by explaining it in layman's terms, but above all seek to take an interest in the life and work of others.

**Situation 5a:** A male colleague always gives me a kiss on the cheek in the morning because I am a woman, while another never shakes my hand, even though he does so with other male colleagues present, on the pretext that I am a woman. These two situations make me uncomfortable. How can I remedy them?

**Situation 5b:** When I arrive in a group, I usually greet people I know with a kiss or a handshake, but I only give a simple hello to those I know less, maybe because I'm more hesitant about their cultural practices. I realise that my behaviour may possibly isolate these people.

**Answer 5a-b:** In a professional context, it is legitimate for everyone to ask to be greeted in the same way as the rest of the group. We must therefore avoid practices which may in fact exclude certain people. If in doubt as to the behaviour to adopt, do not hesitate to ask the person in front of you what they would prefer. Do not hesitate to share the discomfort you feel, and explain the reasons for it.

Situation 6: I have natural hair that people often ask me to touch, or they do so directly.

**Answer 6:** Unwanted curiosity about your body gives the impression of being out of the ordinary. It is already invasive to ask to touch somebody's hair or any other part of their body; it is even more invasive to do so without prior request.

## Stereotypes and integrity

**Situation 7**: A retired member of the laboratory is still very present there. He/she is now much more available and ready to help in a number of tasks, where he/she could share his/her skills and "experience": organisation of events, proofreading of articles or administrative files, etc. He/she is however little sought after, sometimes feels like a "has been", and often feels suspicious of others. In summary, he/she hears the phrase "why don't you really retire (well deserved)?" rather loudly, even if it is not actually said. What can each of the protagonists (retiree and laboratory) do?

**Answer 7**: This is an example of an age stereotype. Just because you are old, it doesn't mean you should retire completely. The laboratory must welcome its retired members, and think about the place it reserves for them when they decide to remain active. In return, retirees must agree to leave the main roles to their younger colleagues, and offer to help without imposing themselves.

**Situation 8**: A member of the laboratory has, at this time, very serious personal or professional constraints/difficulties (return from maternity leave, family obligations, sickness/disability, significant administrative responsibilities, etc.). He/she has the impression that he/she is no longer asked to participate in scientific projects, taking on responsibilities, or organising conferences, and is taking it badly. However, the nearby group adopts this position in order to protect the person, until the moment when he/she is no longer available. Is the person right? What can each of the protagonists do (member in difficulty, nearby group)?

**Answer 8**: This is an example of a stereotype, which affirms that we must protect members in a difficult professional or personal situation, by avoiding asking them too much, and without really asking their opinion. On the contrary, the two protagonists must engage in a real dialogue. The members concerned can then describe their constraints and express their expectations; the group listens to them, suggests planning options (adaptation of meeting times, for example) and allows them to decide what they want to do.

**Situation 9:** I have been asked to be on an awards panel. I have worked with one of the candidates, but I think I can be objective in my assessment. I therefore do not intend to mention the conflict of interest, which might cast doubt on my support, especially since I am the most qualified person to defend the candidate's case. Am I wrong?



**Answer 9:** Any conflict of interest situation must be mentioned. In this case, only the president of the panel will be able to decide whether there is a conflict or not. This will avoid discrediting the winner, as well as the entire award process.

**Situation 10:** An important scientific result comes from the collaboration between two authors, one of whom is much better known than the other. Following and fuelling a stereotyping, the scientific community attributes all the benefits of the result to the most famous author, to the detriment of the other. What can be done to counter this stereotyping? How is one to handle the situation when the co-authors are in a relationship?

**Answer 10:** Priority should be given to inviting the lesser-known or unknown author to seminars and conferences. If he/she is a speaker, everyone will then address their questions to him/her, even if the more famous co-author is present (who should abstain from answering if he/she is not asked). When we talk about this result to those around them, we should mention all the authors, without being limited to the most famous of them.

The renowned co-author should also be aware of the shadow cast on his/her lesser-known colleague; if this is not the case, those around him/her should make him/her aware of the situation. If invited, he/she can propose his/her lesser-known co-author in his/her place, explaining why. If he/she decides to accept the invitation, he/she should explicitly mention the role of his/her colleague during his/her presentation, and explain the points where the latter has had the most important contribution. Finally, if he/she is asked for a letter of recommendation, he/she should, again, explicitly describe the role of his/her co-author in the results obtained.

The lesser-known co-author should not remain passive, and should dare to talk about and publicise this result, without deviation or excessive modesty. When submitting applications or drafting projects, they should attribute the results obtained to themselves, using the first person plural to include their co-author, whom they should not forget to mention.

The situation is more delicate in the case of a couple: the approach previously suggested to the best-known partner can then be assimilated, from the outside, to a conflict of interest. Nevertheless, the community can still play its part, as suggested.

# Intimacy, sexual harassment

**Situation 11:** How can I express a romantic attraction to a colleague, without creating a feeling of discomfort that might affect the person and his or her working conditions?

**Answer 11:** It is best to share your feelings outside of the workplace. It is important to behave positively and respectfully, allowing the possibility of refusal, and to be able to listen and to respect this. In addition, it should be noted that repeated solicitations and requests that were neither wanted nor accepted can amount to harassment.

**Situation 12:** How does sexual harassment manifest itself? How do you judge that a behaviour is considered sexist or sexual harassment, and that the limits have been exceeded, whether in the laboratory or during a conference?

**Answer 12:** The University of Paris has issued a guideline on this subject⁵. Sexual harassment can occur verbally or non-verbally. There is no need for a hierarchical relationship. Silence is enough to show one's non-consent.

The most commonly referred to sexual harassment situation is the use of any form of severe pressure for the real or apparent purpose of obtaining an act of a sexual nature. However, by way of example, the following behaviour can also be assimilated to harassment: questioning others about their intimacy and confiding in them about their own sex life; comment on the other person's physique, dress or behaviour; look insistently; continually impose one's presence.

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<sup>&</sup>lt;sup>5</sup> Guide available on the University's website as well as the description of a specific procedure: https://u-paris.fr/lutte-contre-le-harcelement-sexiste-et-sexuel/



**Situation 13:** At conferences, it is sometimes difficult to find a place to work. My hotel room often becomes a workspace. How can I invite a colleague or a student to work in my room without ambiguity?

**Answer 13:** Despite all likely good intentions, this situation is prone to be considered as sexual harassment, and therefore must be avoided. An alternative would be to choose a more neutral place, such as a study room or a coffee shop.

## Supervision

**Situation 14:** I am supervising the thesis of someone with whom I have, or would like to initiate, a romantic relationship. What problems could arise? Is it appropriate to continue this supervision?

**Answer**<sup>6</sup> **14:** The supervisee/supervisor relationship is, by nature, asymmetrical. The supervisor benefits from a position of authority and the confidence of the supervisee. He/she also has an important role at the start of the supervisee's career. Intimate supervisee/supervisor relationships are therefore strongly discouraged: they constitute a conflict of interest, and must therefore be declared to the departments of the Doctoral School and IRIF. The supervisor should neither initiate nor encourage them. In the case of existing intimate relationships, and in order to protect the supervisor, IRIF asks the supervisor to step aside from the thesis in favour of a colleague, and ensure that the contract is well maintained.

**Situation 15:** My thesis supervisor's attitude makes me uncomfortable. His/her communication is ambiguous and lacks empathy. I'm never sure if he/she is criticising me or not, and he/she never gives me a clear lead to help me improve. I feel very affected, and am beginning to doubt my abilities. What should I do?

**Answer 15:** The supervisee/supervisor relationship is based on a complex alchemy. Trust and transparency are important. If explaining your feelings does not work or seems too difficult for you, consider going through an intermediary such as one of the members of the doctoral student monitoring committee, the prevention assistant, or laboratory management. If you cannot improve the situation, you may need to consider changing your supervisor. Finally, you should know that setting goals that are impossible to achieve without providing the slightest help can be considered as moral harassment.

**Situation 16:** I have the impression that my supervisor does not treat all of his/her doctoral students equally, and that I am often excluded from certain projects and collaborations, unlike the other doctoral students.

**Answer 16:** Differentiating between doctoral students can create a feeling of isolation or exclusion in them. Even if all the doctoral students of the same supervisor do not have the same research topics and do not need the same supervision time, it is essential to behave towards them in a fair manner, and to offer them, as much as possible, the same opportunities. If the differences in treatment between doctoral students prove to be legitimate, it is then important for the supervisor to explain this to everyone. As a doctoral student, if you do not understand this situation, or if it makes you suffer, do not hesitate to speak about this as soon as possible to your thesis supervisor, or to an intermediary.

# International openness, understanding of the language

**Situation 17:** The integration of my non-French speaking doctoral students is made difficult due to the language problem: in the laboratory and all around me, communication is mainly in French. Can I ask that we speak English by default?

<sup>&</sup>lt;sup>6</sup> Response inspired by the recommendations of 08/07/2020 of the INS2I CS: https://www.cnrs.fr/comitenational/cs/recommandations/15-16\_avril\_2019/Rcommandation-CS-CNRS\_Parite.pdf



Answer 17: Before recruiting or inviting a non-French speaker, you have to imagine your future environment, and not hesitate to let him or her know. The laboratory environment is French-speaking, and expressing oneself in French is a right in France, even if everyone in the laboratory makes efforts on the language used to communicate. You must first indicate the free French courses available at the University and at the CNRS. You then have to try to communicate at least in English, if only for the essential points; most of us already do this in the context of our conferences or assignments. If we think there are going to be significant potential difficulties due to the language, we must inform the future recruit.

**Situation 18a:** Being of foreign origin, when I make an substantive comment on a work in French (for example, the organisation or the content of a presentation, report, request for funding, etc.), my French and my accent are often picked on, or I am told that in France we do things differently, without giving me any meaningful answers. What should I do?

**Situation 18b:** Colleagues systematically exclude non-French-speaking visitors from conversations, maintaining their conversation in French, including when it concerns these same visitors. How should I react, since speaking French is also an essential right?

**Answer 18a-b:** If we find that we don't get a substantive reply from our colleagues to our comments, for whatever reason, we must bring it to their attention and insist on having an answer. If, despite this, the situation persists, it is recommended that laboratory management or one of the contacts suggested in the charter be contacted.

Furthermore, as research is multicultural by nature, it is important to include all those present as much as possible at an event/meeting, etc. This particularly depends on the language used to converse. As a francophone, it is important to be vigilant about this. One course of action would be to continue the conversation in English yourself, or to request this, because this will always be easier for the visitor (non-French speaker).

**Situation 19a:** I have to write an email which may concern non-French speaking members of the laboratory but I don't have the time or the capacity to translate it into English, what should I do?

**Situation 19b:** My level in French does not allow me to understand emails, yet some contain important information and are only written in French. What should I do?

**Answer 19a-b:** If you send an email that may concern non-French speaking members, it is advisable to send it either in English or in French with an English translation. In the event that translating the entire message is too long or too difficult, it is recommended as a minimum to translate the title, and include a very short summary of the content in English at the beginning of the message.

For non-French speakers, there are also automatic translation tools, which, although not perfect, enable a quick idea of the content and importance of the subject<sup>7</sup>. It is also quite natural to ask a French speaker, for example the author of the email or a colleague, to clarify the ambiguous points of the email.

# Articles of law

This section groups together the applicable laws, so that everyone can understand the legal definitions of the terms mentioned in the charter.

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<sup>&</sup>lt;sup>7</sup> The laboratory intranet has a page dedicated to these tools: https://www.irif.fr/intranet/translate



### Sexist act

# Article 6 bis of law n ° 83-634 of July 13, 1983 on the rights and obligations of civil servants (extract)

No distinction, direct or indirect, can be made between civil servants on the basis of their sex.

No civil servant must be subjected to sexist acts, defined as any act related to the sex of a person, the object or effect of which is to undermine their dignity or to create an intimidating, hostile, degrading, humiliating, or offensive environment.

### Sexual harassment

### Article 222-3 of the Penal Code

I. - Sexual harassment is the act of repeatedly imposing on a person words or behaviour of a sexual or sexist nature that offends his or her dignity by reason of their degrading or humiliating character, or creating against the person an intimidating, hostile, or offensive situation.

The offence also consists of:

- 1. When these comments or behaviours are imposed on the same victim by several people, in a concerted manner or at the instigation of one of them, even though each of them has not acted repeatedly
- 2. When these words or behaviours are imposed on the same victim, successively, by several people who, even in the absence of concertation, know that these remarks or behaviours characterise a repetition
- II. Assimilated sexual harassment is the use, even if not repeated, of any form of serious pressure for the real or apparent purpose of obtaining an act of a sexual nature, whether it is sought for the benefit of the perpetrator of said actions, or for the benefit of a third party.
- III. The acts detailed in I and II are punishable by two years' imprisonment and a €30,000 fine.

These penalties are increased to three years of imprisonment and a €45,000 fine if the offences are committed:

- 1. By persons abusing the authority conferred upon them by their official position
- 2. Against a minor under 15 years of age
- 3. Against a person whose particular vulnerability due to age, illness, infirmity, physical or mental disability, or a state of pregnancy, is apparent or known to the perpetrator
- 4. Against a person whose particular vulnerability or dependence resulting from the precariousness of his or her economic or social situation is apparent or known to the perpetrator
- 5. By several persons acting as perpetrator or accomplice
- 6. By the use of an online public communication service or by means of a digital or electronic medium
- 7. While a minor was present and attended
- 8. By an ascendant or by any other person having a de jure or de facto authority over the victim

### Moral harassment

#### Article 222-33-2 of the Penal Code

The harassment of others by repeated remarks or behaviour whose purpose or effect is a deterioration of working conditions which may affect their rights and dignity, impair their physical or



mental health, or jeopardise their professional future, is punishable by two years' imprisonment and a fine of €30,000.

### Discrimination

### **Article 225-1 of the Penal Code (extract)**

Any distinction made between natural persons on the basis of their origin, sex, family status, pregnancy, physical appearance, particular vulnerability resulting from their economic situation, whether apparent or known to the perpetrator, surname, place of residence, state of health, loss of autonomy, disability, genetic characteristics, customs, sexual orientation, gender identity, age, political opinions, trade union activities, ability to express themselves in a language other than French, or their belonging or not belonging, real or supposed, to an ethnic group, nation, alleged race, or specific religion.

#### Article 225-1-1 of the Penal Code

Discrimination means any distinction made between persons because they have been subject to or refused to be subject to sexual harassment as defined in Article 222-33, or have testified to such facts, even, in the case mentioned in the same article, if the remarks or behaviour were not repeated.