

## APPENDIX 11

### Template of clause to include in live performance contracts

When there exists a **coactivity** relationship with a natural or legal person (particularly in the case of transfer of rights contracts, co-production, co-direction, residency, etc.), **companies shall take all the necessary measures** to ensure that the rules and measures **against harassment and sexual and gender-based misconducts** applicable in their workplace are **applied to their structures and staff, irrespective of their status, and to natural persons** (*cf. article 18.6 relative to coactivity of the 21 September 2022 agreement of the CCNEAC<sup>1</sup> on the prevention and punishment of sexual violence and gender-based misconduct in the workplace*).

#### Article xx – RISK PREVENTION, COMBATING VIOLENCE AND HARASSMENT AT WORK

In accordance with the provisions of the Labour Code regarding “prevention coordination” (Articles R. 4511-5 et seq.), the rules applicable particularly for combating sexual violence and gender-based or discriminatory misconduct are those of the workplace. When the supervisor of one of the co-contracting companies is informed of the behaviour of an employee of another employer, a civil servant, or any natural person participating in a project, which is liable to present a serious and immediate violation of the integrity, health, or safety of the staff and/or the public present in the workplace, they shall alert the employer of the employee, civil servant, or natural person at fault as soon as possible. Employers shall act jointly and diligently to protect the alleged victim.

**If you have a workplace policy<sup>2</sup>:** it should be noted that the workplace policy is applicable to any person who is required to work or intervene in the workplace(s), and in particular the persons referred to in the above paragraph. In this respect, article ... [*Mandatory article to include in your workplace policy*] provides for the denial of access to and/or exclusion from the workplace of any person whose behaviour is liable to cause a serious and immediate violation of the integrity, health, or safety of the staff and/or the public present in the workplace.

**If you don't have a workplace policy:** in the event of behaviour by an employee, a civil servant, or any natural person participating in a project harming the integrity, health, or safety of the staff and/or the public present in the workplace, both parties undertake to discuss, without delay or within a reasonable period of time and in good faith, the consequences of this behaviour on the continued participation of the concerned employee, civil servant or natural person. In particular, the following are considered as behaviours liable to harm the integrity, health, or safety of persons: behaviours, oral or written statements liable to be classified as criminal, to represent a serious misconduct under the provisions of the Labour Code, or in opposition to the company's code of ethics appended to this contract when it exists, or susceptible to harm its image or that of a third party, whether it is a natural or legal person.

<sup>1</sup> *National collective agreement of artistic and cultural enterprises*

<sup>2</sup> Regarding workplace policies, we advise that they:

- be applicable to any person who is required to work or intervene in the workplace(s);
- penalise behaviours or actions susceptible to be committed both inside and outside the workplace(s), if they are closely linked to the presence or intervention of the targeted person;
- provide for, among possible sanctions, exclusion or denied access to the workplace(s);
- be brought to the attention of the co-contractor from the very first exchanges in view of a contract.

The employee, civil servant, or natural person at fault and their employer may be interviewed as part of an internal investigation conducted by the employer of the alleged victim, as part of the company's plan to combat violence and harassment at work.

In accordance with Article 18.6 of the National collective agreement for artistic and cultural enterprises (CCNEAC), an information sheet on the prevention of sexual and gender-based violence is attached to this contract.