

Employees at French Cleaning Company Win Sexual Harassment Case

By ALISSA J. RUBIN and ELIAN PELTIER

PARIS — Five immigrant workers won a significant sexual harassment and discrimination case on Friday against one of France's largest cleaning companies, but up to the moment they read the decision, they hardly thought they had a chance.

The four women and one man who brought the case worked at the busy Gare du Nord train station in Paris for little more than the minimum wage cleaning the Eurostar, Thalys and other long-distance rail carriers.

"We were considered like trash, but now, other women also have to speak out," said one of the workers, Houria Dahmani, minutes after hearing the court's decision in a nondescript building in the north of Paris. "We worked with fear, with anxiety, it's time to change that."

"It's a big victory for us, for all the employees," Ms. Dahmani, 56, added. "There is justice in France, even for us."

Although the amounts of money awarded were small by American standards, few sexual harassment cases in France are adjudicated at all, particularly against such a large company, said Marilyn Baldeck, a lawyer for the European Association Against Violence Against Women at Work, which helped the workers in the long legal process.

The court concurred that the four women had been sexually harassed by a man who was their "team leader" at H. Reinier, a subsidiary of ONET, one of France's largest cleaning companies. The harassment started with uncomfortable kisses and inappropriate touching but became more intrusive.

"He would come up behind me in the bathroom when I was leaning over to clean and rub himself against me," said Karima Emtir, another of the plaintiffs, bursting into tears a few days before the award as she described in an interview the treatment she had endured.

The harassment escalated, the women said, after they supported their co-worker, Rachid Lakhali, a whistle-blower who accused one of his superiors of a kickback scheme and was fired twice — once after he had been reinstated. Mr. Lakhali's discrimination case against the company was heard along with the women's; he also won damages.

H. Reinier's lawyer, Virginie Monteil, said that the company had not decided whether to appeal but had done an audit and was beginning a training program for salaried employees and managers in "risk prevention."

When asked why the audit did not mention sexual harassment, Ms. Monteil said the company was dealing with broader "psychosocial issues."

The case is also noteworthy because Mr. Lakhali had spoken up on behalf of the women and testified for them. He was given the largest monetary award, essentially creating a precedent for rewarding someone who testified in support of those who allege harassment.

"What you won is very significant," Ms. Baldeck told the women and Mr. Lakhali at a meeting after the decision was released. "It sends a strong message to all the women who talked to me, but who were too afraid to file a complaint."

Ms. Baldeck said in an interview that she had spoken with six other female employees who suffered similar treatment.

Ms. Emtir, one of the plaintiffs, said her co-workers did not join the case because they feared reprisals, including losing their jobs, which although poorly paid helped them to make ends meet. One, though, recently changed her mind and filed a complaint, said lawyers involved in the case.

The four women each won 20,000 euros (about \$23,000) for sexual harassment and 10,000 euros (about \$11,500) for discrimination. Mr. Lakhali, 47, won 100,000 euros (\$116,000).

"It's not about the money," Mr. Lakhali said. "We don't care about the money. It's about the justice system acknowledging that there was discrimination, there was sexual harassment."

Like Mr. Lakhali, Ms. Emtir, who is 49, was also fired. Both sought to get their jobs back, but the court did not order them to be reinstated.

The French labor court judges wrote that the measures taken so far by H. Reinier "to protect the four employees were nonexistent" and that the preventive measures were "wholly insufficient." Further, the court said, when the women reported the sexual harassment, they were "systematically sanctioned for it."

The company declined for several years even to move the man who was accused of the harassment to a different location. Ms. Monteil, the company's lawyer, said that from H. Reinier's point of view, it had to "put everyone on an equal footing."

That decision meant that the women had to see their harasser every day when they went to work, fearing always that he would touch them or follow them into a train bathroom, shut the door and attack them sexually.

Maud Beckers, the women's lawyer, said before the decision was issued that if the company was found to be responsible for the environment of sexual harassment and threats against employees who complained, the company should "clean house" and fire those who were accused as well as the directors who allowed the pernicious behavior.

As of Friday, the man named as responsible for the harassment in the court decision, Mbarek Bachchikh, was still working for the company, according to Ms. Monteil, the company's lawyer.

SNCF, France's national railroad, continued to use the company for cleaning services even after questions about sexual harassment and criminal activities were raised. A company communications official said on Friday that SNCF "welcomed the decision."

The official added that because the case involved internal matters of a subcontractor, she would not offer any other comment.

All four women were longtime employees of H. Reinier and had worked cleaning trains at one or more of the company's sites in Paris for years. Ms. Emtir was a 17-year veteran of the company when she was fired in 2015. Three of the women are Algerian and one is Moroccan, as is Mr. Lakhali.

The escalation of the sexual advances began in 2012, Ms. Emtir and Ms. Dahmani said in an interview, after Mr. Lakhali told management that a union delegate had required people he hired as cleaners to pay him one to two months salary, about 2,000 euros (\$2,200), in exchange for a job contract.

After Mr. Lakhali's complaint, the women said, the delegate tried to get Mr. Lakhali fired by forcing employees to sign a petition saying he was a poor worker and a liar, among other things. When the four women refused to sign the petition because, they said, they knew it was not true, the sexual harassment intensified.

The kickback accusations are the subject of a separate, criminal case along with the sexual harassment charges. Sexual harassment can be adjudicated in both civil and criminal proceedings.

With the court's decision in hand, two of the women and Mr. Lakhali went to the Gare du Nord on Friday with their heads held high. Ms. Dahmani smiled at her daughter, who had come with her. "It's good to walk into the station without being ashamed," she said.

Follow Alissa J. Rubin [@Alissanyt](#) and Elian Peltier [@ElianPeltier](#) on Twitter.

Correction: November 11, 2017

This article has been revised to reflect the following correction: An earlier version of this article misstated the relationship between SNCF, France's national railroad, and one of France's largest cleaning companies. The cleaning company was a subcontractor, not a subsidiary.



From left, Karima Emtir, Houria Dahmani and Rachid Lakhali, plaintiffs in a sexual harassment and discrimination case in France, at the Gare du Nord train station in Paris on Thursday. Dmitry Kostyukov for The New York Times