

No means no!

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On December 28, 2023, Law 14.786 was enacted in Brazil, introducing the “No Means No” protocol for preventing harassment and violence against women in venues such as nightclubs, dance halls, and other enclosed spaces hosting musical performances and shows, where alcoholic beverages are sold.

The Law defines harassment as any physical or verbal insistence experienced by a woman after she has expressed her disagreement to the interaction. Violence, on the other hand, is defined as the use of force resulting in injury, death, or loss, within the meaning of the criminal law.

In addition to other important aspects, such as the provision that victims’ accounts must be respected, the new legislation also gives guidance to establishments on how to handle situations involving harassment and violence against women, through mandatory measures to preserve victims’ dignity, honor, privacy, and physical and psychological integrity. Key among these is the protection of the victim by the venue’s staff (which must include at least one person trained to inform the woman of her rights), with immediate separation of the aggressor from the victim. To give a practical example, this measure could be implemented by ensuring that the victim is accompanied by a person of her choice to her transportation, if she decides to leave the venue. Other measures, including preservation of the scene, access to images (if cameras are used at the venue), and other practices designed to facilitate reporting, investigation and prosecution, are brought to deal with incidents of both harassment and violence.

The Law disappoints/fails in limiting the protocol to venues selling alcoholic beverages, and in expressly excluding places used for religious worship or events from legal protection. These limitations reflect an assumption that alcohol is the sole trigger for disrespect towards women, and that spiritual venues are immune to such risks. However, harassment and violence against women can occur in any setting, with or without the presence of alcohol, music, or entertainment, including, frequently, in the workplace – and not just during corporate parties or happy hours.

Over time, the “No Means No” slogan has been adopted by companies from various sectors, not just as a best practice but as part of their codes of conduct, internal policies, awareness training, and prevention of harassment and other forms of violence against women. This attitude reflects businesses’ understanding that promoting a culture of respect is the best way to ensure an environment free from sexual harassment. Now “No Means No” is part of the law.

Affective relationships arising in the workplace are a reality that can no longer be ignored. This is why the principles of “No Means No” are especially important. Educating employees about the need for consent to any flirtation, compliment, or personal (or sexual) message or invitation is crucial: without consent, not only can such conduct constitute harassment, but it can also result in liability for employers, in the form of lawsuits claiming for moral

damages and, in more extreme cases, negative media exposure. Although cases of actual physical violence may be rarer, the “No Means No – Women’s Safety” protocol and protective measures under Law 14.786 can and should be extended beyond the specific venues mentioned in the Law 14.786, as a means of promoting a broader culture of respect and safety for women, wherever they are.

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