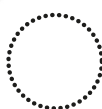
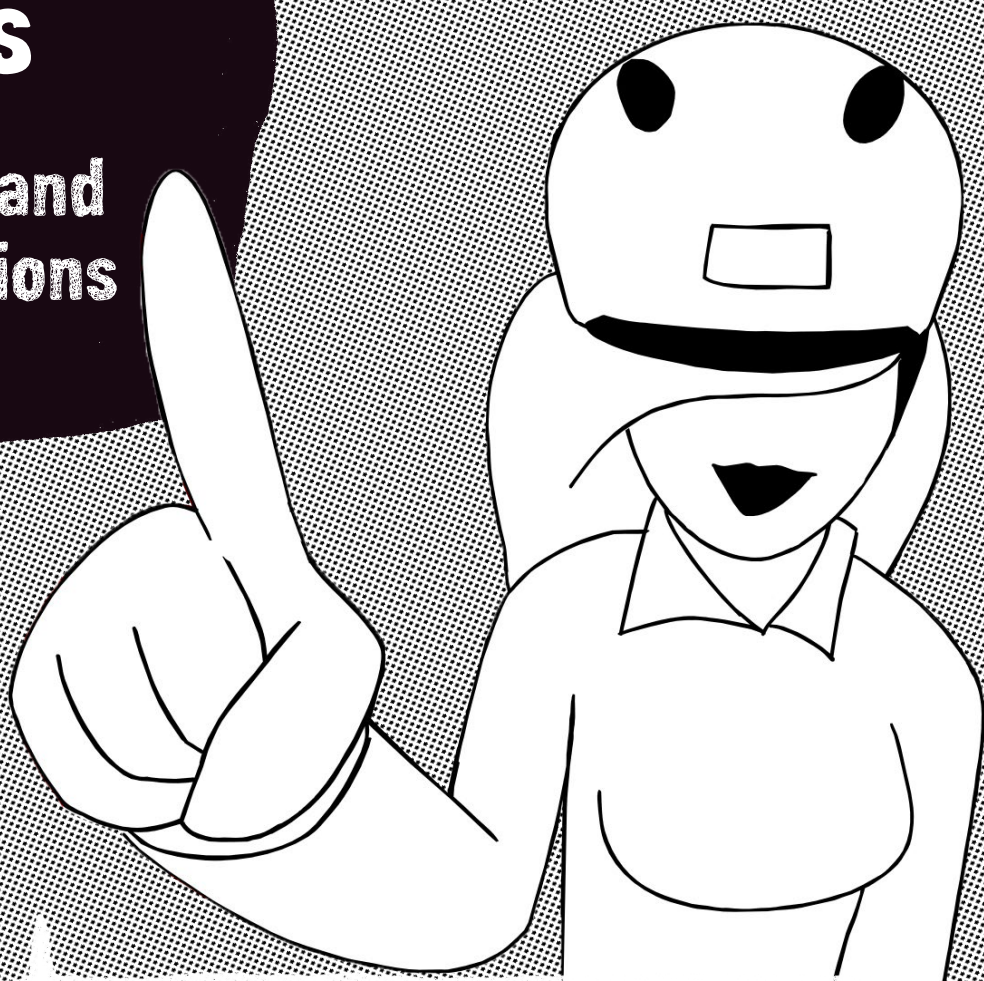


Tools for the prevention of sexual and gender harassment in the workplace

Fact Sheet ② for HR and managers

Tasks, duties and
recommendations
for action



EQUALITY.CH

Schweizerische Konferenz der Gleichstellungsbeauftragten SKG
Conférence suisse des délégués à l'égalité CSDÉ
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Schweizerische Eidgenossenschaft
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Eidgenössisches Departement des Innern EDI
Eidgenössisches Büro für die Gleichstellung von Frau und Mann EBG
Finanzhilfen nach dem Gleichstellungsgesetz

What are your responsibilities as HR or managers in case of sexual and gender harassment?



As you embody the employer, it is your legal obligation to protect the personal integrity of all employees. The way you act will set an example for everyone within the company.

The protection of all employees against sexual and gender harassment is part of the employer's duty of care.

Tasks and duties:

- Prevention
- Early detection of harassment
- Immediate and prudent action in case of suspicion or knowledge of a case
- Stop harassment immediately
- Investigate reported incidents carefully
- Impose sanctions if necessary
- Communicate clearly and carefully, also about the procedure of an investigation

The accused person also is entitled to protection in terms of his or her personal integrity.

These duties can be challenging. Do not hesitate to reach out for support at any time.

In order to prevent sexual and gender harassment in the workplace, it is important to uphold a constructive, respectful and positive working atmosphere by striving for a corporate culture that is open to equality and diversity.

It is also crucial to respond prudently to rumors or to uncertainties relating to a situation. Studies show that companies and organizations tend to act too late. However, early and systematic interventions make it possible to prevent future cases or at least reduce the risk of escalation, or to clarify a situation in the context of discussions.



How do you prevent sexual and gender harassment?

- Take a clear stand against sexual and gender harassment and remind everyone that in your company / organization there is a zero tolerance policy in place and that sanctions can be imposed if the rules are not followed. Invite all your employees to fight actively against sexual and gender harassment and to support those affected by it. Position yourself clearly as the responsible authority for protecting affected employees and one that takes information regarding sexual and gender harassment at work seriously. This will strengthen the relationship of trust.
 - Regularly inform all employees on the subject of sexual and gender harassment. Do not forget to include interns, trainees and temporary staff.
 - For example, distribute Fact Sheet 3 for all employees, *Policy statement and general information on sexual and gender harassment at work* or refer to the e-learning-tool *Me? Harassment?! It's no longer a laughing matter!* that is provided by the Canton of Geneva.
- Everyone must know who to turn to for information and help and what the term sexual and gender harassment means.
- Organize regular awareness-raising events to inform about this subject, for example, show Fact Sheet 3 and Film 1 from the materials.
 - Inform new recruits systematically by always handing out Fact Sheet 3.
 - Conduct (possibly anonymized) surveys/evaluation interviews with employees regularly, this may also provide a framework for reminding them of the main points relating to sexual and gender harassment in the workplace.
 - Draw attention to the e-learning tool *Me? Harassment?! It's no longer a laughing matter!*



How do you raise awareness among employees on this subject?

- It is important that all employees are aware of the definition of sexual and gender harassment in the workplace and are aware of the different forms harassment may take. You can refer to the legal framework, Fact Sheet 3 and Film 1.
- You should also raise employee awareness of gender, homophobic and trans-hostile prejudices so that all employees can recognize them and quickly put a stop to them.

Possible indications of assaults

A harassing assault on the personal integrity of employees can have the following consequences:

- Loss of self-confidence
- Loss of motivation
- Increase in absences
- Physical and psychological problems that affect their performance and quality of work

Sexual and gender harassment not only has negative consequences for the persons directly affected, but affects also the quality of work, productivity and motivation of other employees.

Recognizing risk groups

Women, trainees, new recruits, part-time workers, queer people such as homosexuals, bisexuals, asexuals, trans people, non-binary people or people in precarious employment relationships and those with a to be renewed residence permit are according to studies particularly exposed to the risk of sexual and gender harassment at work. In addition to the groups mentioned above, young people also appear to be particularly exposed.

What actions should you take if you hear rumors, detect signs or receive complaints?

Be aware that sometimes one single person harasses several other people. It may also occur that several people harass one single person.

1 Take the harassed person's statements seriously and act quickly

It is crucial that you first talk to the person affected by sexual or gender harassment. Conduct this interview in a non-judgmental manner with regard to the incidents described. Be appreciative and supportive of the person. Under no circumstances may the person concerned suffer any disadvantages because of the intervention or the measures taken. The harassed person may only be transferred (even temporarily) at his/her express request.

2 Clarify confidentiality before contact is established

You have a duty to act, if a specific incident is reported to you, i.e. you can no longer guarantee confidentiality to the people concerned by the information received. If there are only rumors, indications or complaints from other people than the ones concerned by the incidents, you must first clarify who has suggested the information to you before contacting the persons actually affected by it. If the report was made by a confidant you can assume that the person concerned has expressly released him or her from the duty of confidentiality. In case of unclear rumors or indications, it is on the other hand advisable to remind the staff of the task of confidants. They are under a strict duty of confidentiality and will only contact managers or HR with the consent of those concerned.

3 Ask for advice

If you are confronted with an incident and you have no clue what to do now or have other specific questions, please contact a gender equality office www.equality.ch/d/Mitglieder or any other internal or external specialist office that can advise you on which actions to take next.

④ Careful investigation of the incidents

After the interview with the person concerned, initiate in a timely manner a dialog with the accused person. He or she has the right to know that there have been accusations made against him or her. The accused person must be given the opportunity to comment on the reported incidents. When examining the facts, you are also obliged to respect the personal integrity of the accused person. In a further step, any witnesses may be questioned.

If you conclude after the interview with the harassed person that there is a clear case of sexual or gender harassment, it must be clearly communicated to the accused person during the initial interview that this behavior will not be tolerated and must stop immediately.

If the situation is not clear, you can commission an investigation by a specialized external agency. During the investigation, you can take interim measures to protect the harassed person. It is recommended that you inform your employees about the investigation.

The entire investigation procedure must be recorded in writing.

Both parties have the right of access to the files.

⑤ Impose appropriate sanctions,

depending on the seriousness of the case and the consequences for the harassed person, for example

- Asking the accused person to apologize to the person concerned, preferably in writing
- Reprimand the accused person
- Transfer the accused person to another position
- Terminate in due time or without notice depending on the severity of the case

Act appropriately against the accusing person in case of malicious unjustified accusations.

⑥ Take compensatory measures in favor of the harassed person, including

- Removal from the harassed person's file of negative performance appraisals or remarks made because of the harassment;
- Payment of compensation, e.g. for wage loss, which occurred as a result of the harassment;

Other possible measures are:

- Cancellation of a transfer;
- Facilitating access to further training.

⑦ Inform the staff appropriately about the case

It is advisable to provide any information in a short factual manner, if possible verbally. Also inform on the result of any internal or external investigation and the decisions taken thereof.

⑧ Take or strengthen preventive measures

The website www.sexuellebelästigung.ch of the Swiss Federal Office for Gender Equality (FOGE) provides information on the prevention of sexual harassment in the workplace and on how to deal with such cases.

Further information is also available on the websites of the municipal and cantonal gender equality offices



Any questions?

Specialized offices in your canton/city

www.equality.ch/d/Mitglieder

Websites

www.sexuellebelaestigung.ch
www.belaestigt.ch
www.non-c-non.ch
www.ladragueautravail.ch

Publications

Mobbing und andere Belästigungen – Schutz der persönlichen Integrität am Arbeitsplatz

2016, Staatssekretariat für Wirtschaft (SECO)

Ein gutes Betriebsklima zahlt sich aus!

2008, Staatssekretariat für Wirtschaft (SECO), Eidgenössisches Büro für die Gleichstellung von Frau und Mann (EBG)

Sexual Harassment in the Workplace Information for employers

2008, State Secreteriat for Economic Affairs (SECO), Federal Office for Gender Equality (FOGE)

Sexual Harassment in the Workplace. A guide for employees

2008, State Secreteriat for Economic Affairs (SECO), Federal Office for Gender Equality (FOGE)

Risiko und Verbreitung sexueller Belästigung am Arbeitsplatz.

Eine repräsentative Erhebung in der Deutschschweiz und in der Romandie

2008, Bureau Bass, Staatssekretariat für Wirtschaft (SECO), Eidgenössisches Büro für die Gleichstellung von Frau und Mann (EBG)

Sexuelle Belästigung – was tun? Ein Leitfaden für Betriebe

2003, Ducret, V., vdf Hochschulverlag

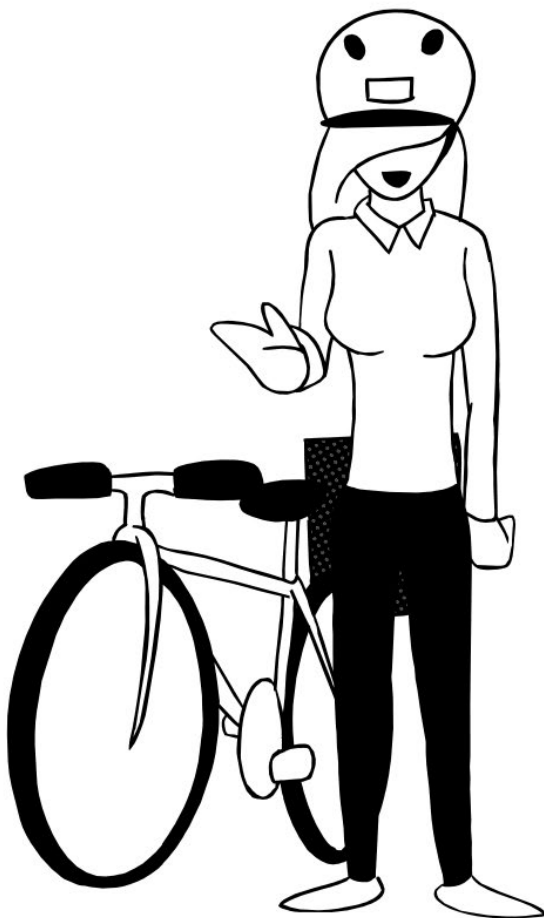


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