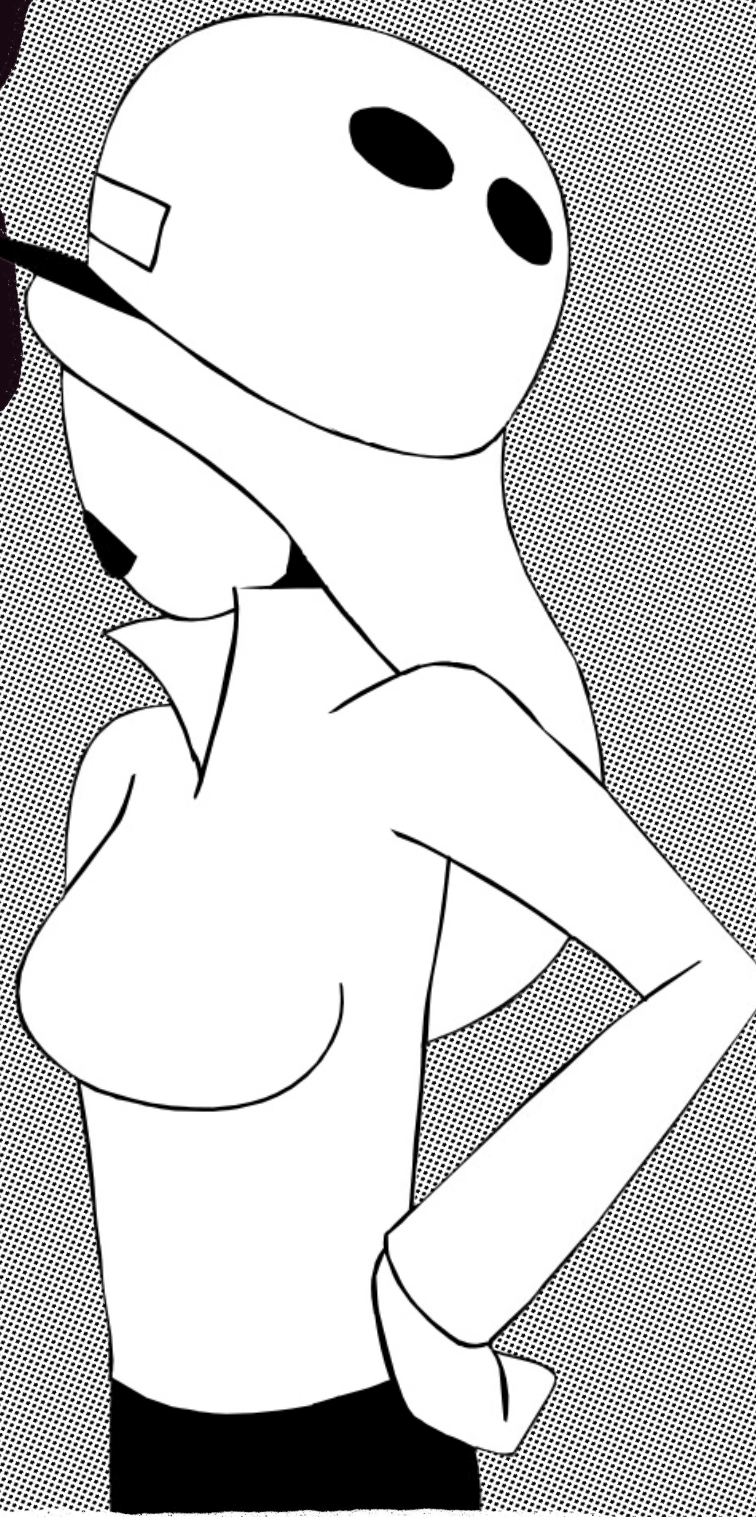


Tools for the prevention of sexual and gender harassment in the workplace

Fact Sheet ① for the management

Measures and
recommendations



EQUALITY.CH

Schweizerische Konferenz der Gleichstellungsbeauftragten SKG
Conférence suisse des délégués à l'égalité CSDÉ
Conferenza Svizzera delle/dei delegate/ alla parità CSP



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Eidgenössisches Departement des Innern EDI
Eidgenössisches Büro für die Gleichstellung von Frau und Mann EBG
Finanzhilfen nach dem Gleichstellungsgesetz

A clear position of the management board is the best prevention. Good prevention benefits all those involved. The employees will appreciate your commitment.

It is your responsibility as management to take preventive measures against sexual and gender harassment in the workplace and to determine the appropriate procedures. This Fact Sheet will support you in this.

Tasks and duties

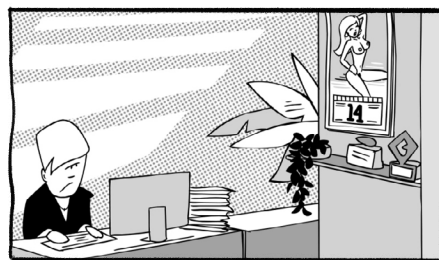
Since the working climate impacts the motivation, performance, attendance, turnover rate of staff and the image of a company/organization, a good working environment is crucial for business. Therefore, it is your responsibility to protect your employees from workplace discrimination and, in general, it is your responsibility to protect your employees against attacks on their personal integrity.

At the same time, you are obliged to take preventive measures against sexual and gender harassment in the workplace. If you do not comply with these obligations, you run the risk of being obliged to pay compensation.



Article 328 paragraph 1 Swiss Code of Obligations

«Within the employment relationship, the employer must acknowledge and safeguard the employee's personality rights, have due regard for his health and ensure that proper moral standards are maintained. In particular, he must ensure that employees are not sexually harassed and that any victim of sexual harassment suffers no further adverse consequences.»



Article 6 paragraph 1 Employment Act

«Employers are obliged to take all the measures required to protect the health of their employees that experience has shown to be necessary, that may be used in accordance with the state of the art and which are appropriate to the conditions in the workplace. They must also take all the measures required to protect the personal integrity of their employees.»

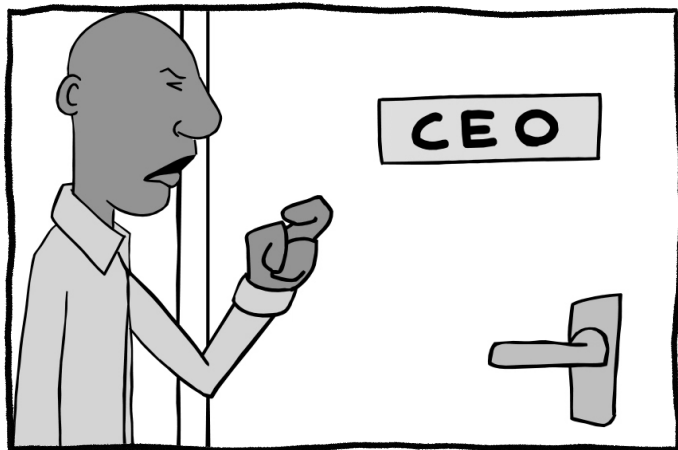


Article 5 paragraph 3 Gender Equality Act

«In the case of discrimination through sexual harassment, the court or the administrative authority may also award the person concerned compensation, unless the employer proves that it took measures that have been proven in practice to be necessary and adequate to prevent sexual harassment and which it could reasonably have been expected to take. The compensation must be fixed by taking all the circumstances into account and is calculated on the basis of the average Swiss salary.»

It is in your interest to comply with these legal obligations and to take preventive measures, because this will protect you and your employees.

What measures can you take?



We recommend the following preventive measures:

① Drafting of internal regulations or internal directives

that specify the firmly opposed position of your company / organization with regard to sexual and gender harassment, the corresponding preventive measures as well as the appropriate procedure.

You can use the other Fact Sheets or the templates at www.harcelementsexuel.ch as a guideline for the preparation of these internal documents.

You can also refer to the documents of the State Secretariat for Economic Affairs (SECO): [text modules for a directive on the protection of personal integrity in the workplace](#) (available in German, French and Italian only).

② Drafting of a policy statement

to which you refer at regular intervals, for example once a year.

This policy statement must contain at least the following points:

- Explicit prohibition of sexual and gender harassment in the workplace
- Definition with concrete examples
- Support services for harassed persons
- Assurance that any taken measures will not result in disadvantage for harassed persons
- Sanctions that harassing persons are likely to face

You can use Fact Sheet 3 for all employees - *Policy Statement and General Information on Sexual and Gender Harassment at Work* and adapt it to your company / organization. Distribute it regularly to your employees and hand it out to employees who newly joined the company.

③ **Appointing one or more contacts**

or an external contact point to which harassed employees can turn to for confidential advice and support.

Task of a contact

A contact or confidant gives advice, supports and accompanies harassed persons. He or she is professionally obliged to maintain confidentiality and does only act with the consent of the person concerned.

Ensure that the contact has absolved the necessary training and is able to establish a relationship of trust with the person seeking advice. Also, a discreet and neutral place, where the contact can conduct the consultations in private, is available.

If possible, there should be at least two contacts:

- If possible, designate two persons of different genders for this task.

The contacts can be from within the company/ organization or be external:

- Whether you choose someone from within or outside your company / organization depends on the structure of your company / organization, in particular its size, culture as well as the staff structure. Do not hesitate to seek help and support from expert agencies such as gender equality offices.

Keep the following in mind when designating an internal contact

- Choose individuals who do not hold human resources functions and are not superiors, in order to avoid role conflicts and to ensure the confidentiality of the advice given.
- The contacts should be individuals the employees appreciate and consider trustworthy and impartial.
- Make sure that the contacts have undergone specific training, which will be at your expense. Either the human resources department or internal or external experts can be in charge for conducting these trainings.
- Do not select internal contacts if the size of your company/ organization will lead to possible conflicts of interest, but in that case, preferably, designate external contacts.

Keep the following in mind when designating an external contact:

- External contacts are usually well trained and more independent and impartial than internal contacts. For further information on experts on this subject, you can refer to www.harcelementsexuel.ch or to a cantonal or municipal gender equality office.
- You could also collaborate with companies or organizations in the region and jointly designate contacts.

Contacts replace neither superiors nor the management board. The latter must act immediately, if a person reports an incident of harassment or if they suspect an incident has occurred. Contacts are not responsible for advising the management, the human resources department or superiors, unless they are themselves targets of sexual or gender harassment.

④ Train Human Resources (HR) and other managers

You need to remember that it is not the measures themselves, which prevent sexual harassment, but the way they are implemented. If HR and the management do not react in case they become aware of harassing behaviour, your company may well be criticized for failing to comply with its duty to protect its employees and runs the risk of becoming liable for compensation.

- Organize an awareness event for your HR department and other managers about gender, homophobic, transphobic and other preconceptions and their consequences.
- Organize a training or an awareness event for your HR department and other managers specifically on the subject of sexual and gender harassment in the workplace. It should include the following points: definition of sexual and gender harassment, its manifestations, legal framework, roles and duties of the responsible ones, early detection of signs, health and economic consequences, procedures and sanction measures as well as communication recommendations.
- In a first step, you can distribute Fact Sheet 2 and 3 and show the two Films. Later you can take further accompanying and supporting measures.

⑤ Regularly inform staff about measures taken

- Combine written and oral communication for optimal impact.
- Organize a presentation of the measures taken for all employees, taking into account in particular part-time workers.
- Point out and distribute the policy statement to every new employee or at staff meetings. Regularly remind the HR department and supervisors of their tasks and duties in this context.
- You can make it compulsory for all employees to read the Fact Sheets and watch the Films as a mean to achieve their objectives in the staff evaluation.



Any questions? Any need for support or further information?

The cantonal and municipal gender equality offices and specialist units as well as other expert agencies have extensive knowledge and experience in providing advice on sexual harassment and sexism in the workplace.

Useful addresses in your canton/city

www.equality.ch/f/Membres

Websites

www.harcelementsexuel.ch
www.non-c-non.ch
www.leg.ch
www.ladragueautravail.ch

Publications

Mobbing et autres formes de harcèlement - Protection de l'intégrité personnelle au travail

2016, Secrétariat d'Etat à l'économie SECO

Qui a peur du harcèlement sexuel? Des femmes témoignent.

Ducret, V., 2010, Georg éditeur.

Liste de contrôle Harcèlement sexuel sur le lieu de travail

2008, Secrétariat d'Etat à l'économie SECO

Rien de plus payant qu'une bonne ambiance au travail!

2008, Secrétariat d'Etat à l'économie SECO, Bureau fédéral de l'égalité entre femmes et hommes BFEG

Sexual Harassment in the Workplace Information for employers

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

Sexual Harassment in the Workplace. A guide for employees

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

Risque et ampleur du harcèlement sexuel sur le lieu de travail.

Une enquête représentative en Suisse alémanique et en Suisse romande

2008, Bureau Bass, Secrétariat d'Etat à l'économie SECO, Bureau fédéral de l'égalité entre femmes et hommes BFEG

Pour une entreprise sans harcèlement sexuel: un guide pratique.

Ducret, V., 2008, 2^e édition. Georg éditeur.

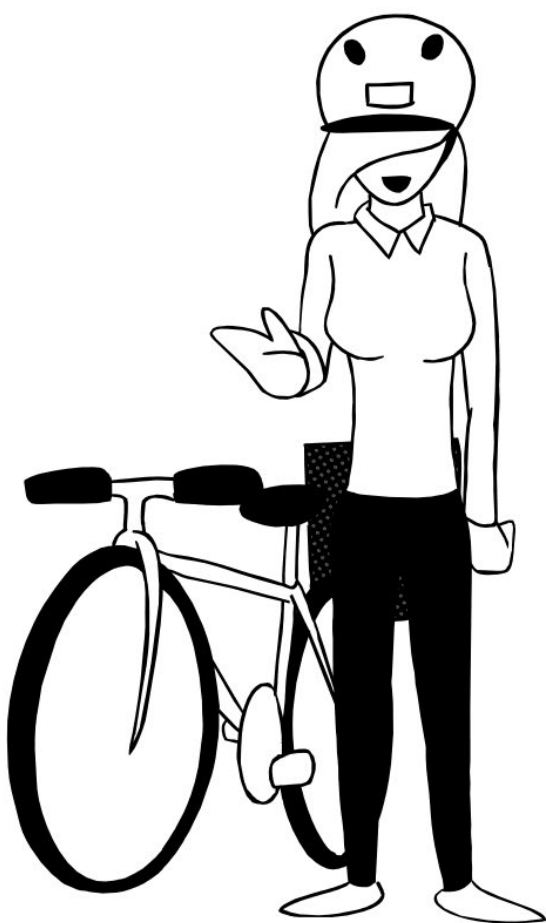


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