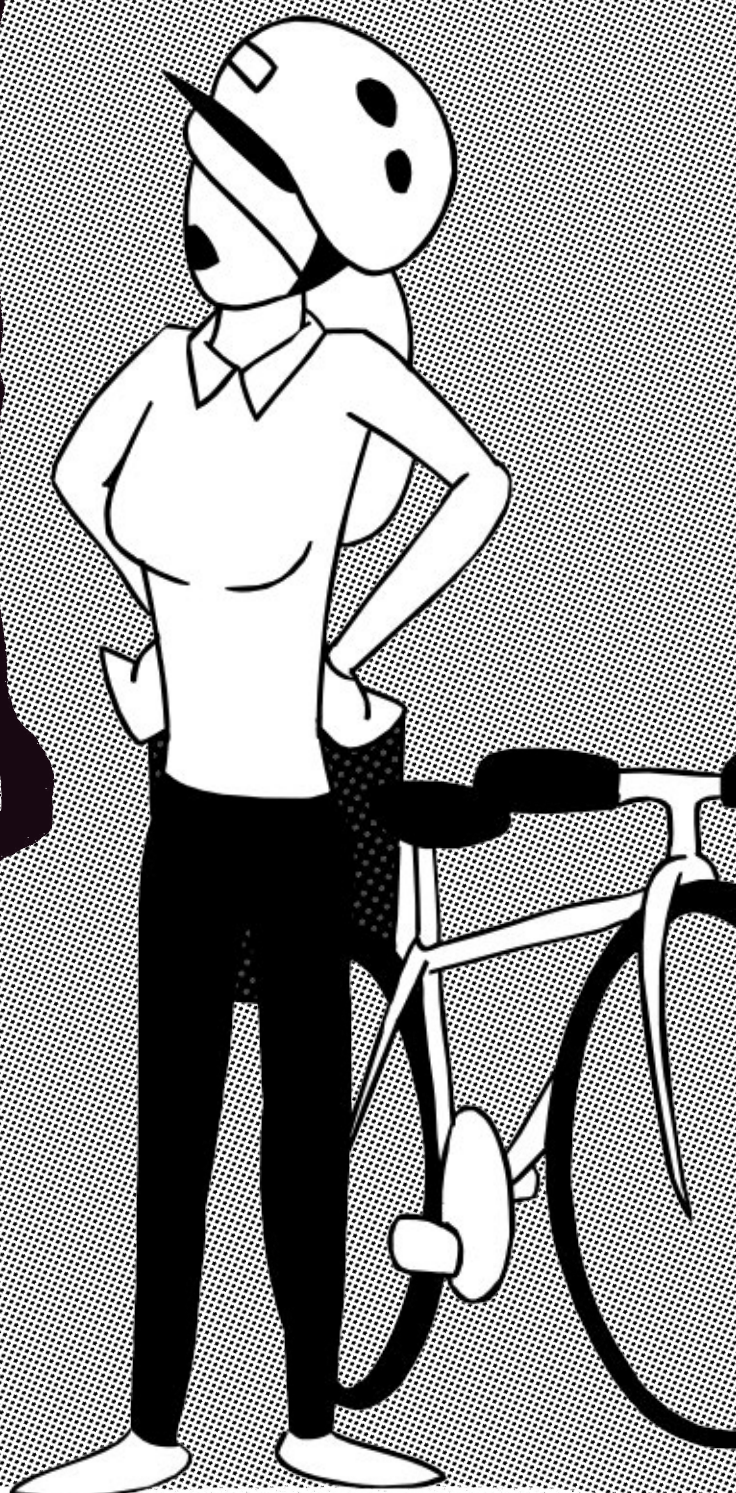


Tools for the prevention of sexual and gender harassment in the workplace

Fact Sheet ③ for all employees

Policy statement
and general information
on sexual and gender
harassment at work



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

STATEMENT OF PRINCIPLES

Sexual and gender harassment are prohibited in _____
and will by no means be tolerated.

All employees of _____
have the right to work in a respectful
environment without harassment.

Sexual and gender harassment is a serious form of gender discrimination and constitutes an attack on the integrity and dignity of the person.

Sexual and gender harassment may take the form of humiliating words, gestures or deeds. It can include suggestive looks, sending text messages and pictures of a sexual nature, making sexist jokes or ambiguous remarks about appearance or privacy, unwelcomed body contact and physical assault. The motivation of the harassing person is irrelevant and there is no intention to discriminate required.

The human resources department and superiors have the duty to intervene in the event of sexual and gender harassment, i.e. they have to stop the harassment, to investigate the matter and to take action.

The person concerned shall not face any disadvantages due to this intervention. If a case of sexual or gender harassment is confirmed, the harassing person must expect sanctions, which, depending on the severity of the case and the consequences for the harassed person, range from a warning to the dismissal.

If you are the target or witness of sexual or gender harassment or if you have any questions on this subject, you can contact your human resources department or your supervisor. They have the duty to react immediately, to stop the harassment and to investigate the case.

Should you wish for a confidential consultation, please approach a contact or a specialized office. The contact is professionally obliged to maintain confidentiality and does only act with the consent of the person concerned.

The management encourages you to talk about incidents you have experienced or observed and to take action. Regardless of whether you are the target of or a witness to sexual or gender harassment: We take you seriously and support you.

Contact

Name _____

Address _____

Email _____

Phone _____

What is sexual and gender harassment?

Sexual and gender harassment in the workplace covers any harassing behavior with a sexual undertone or based on gender that is unwanted by recipient and violates the recipient's dignity.

What types of sexual or gender harassment are there in the workplace?

Sexual or gender harassment can take the form of words, gestures or deeds, for example:

- Showing, displaying or sending texts messages and pictures of a sexual nature (also digital)
- Insinuating and suggestive remarks about the appearance of employees
- Gender remarks and jokes about sexual characteristics, sexual behavior, sexual orientation or gender identity or gender expression of employees
- Stalking employees at work or outside work
- Unwanted bodily contact
- Attempting to get close to an employee in order to obtain sexual favors often involving promises of advantage or threat of disadvantage
- Sexual offences such as sexual assault, coercion or rape

It is not mandatory that harassing behavior to be repeated to qualify as sexual or gender harassment. A single incident is sufficient.

Where and when can sexual or gender harassment occur?

- During work or at company events
- Outside the workplace, during leisure time, if it is caused by one or more persons from the professional environment or has an impact on the professional activity, especially if the harassed person is distressed to return to work after being harassed (for example, due to messages on social networks or on WhatsApp, jokes on company events)

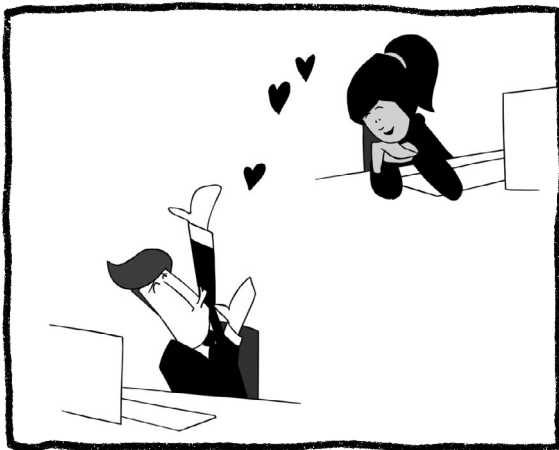
Who can be the target of sexual or gender harassment in the workplace?

- It can affect all employees of the company / organization, including interns, trainees and temporary workers
- Women are more often the target of sexual harassment than men
- Harassment can also take place from man to man or from woman to woman or be directed against queer people (trans people, non-binary people, lesbians, gays, bisexuals, asexuals)

Who can carry out sexual or gender harassment?

- All employees of the company / organization (colleagues or superiors), people working for partner firms, or the company's customers
- Individuals or groups

Flirt or sexual and gender harassment?



There is a simple rule for assessing whether it is a harmless flirt, an incipient love affair or a case of sexual and gender harassment: the key point is not the intention of the person carrying out the act, but how this behavior is received by the other party, i.e. whether it is welcomed or unwanted. Also, a harmless, consensual flirt or love relationship between two people can sometimes escalate and lead to a situation of sexual and gender harassment, especially if one of the two wants to end the relationship.

Often the harassing person has no real intention of entering into a relationship or flirt with the other person. The harassment is then rather a means to demonstrate and enforce one's own position of power.

What can you do if you experience sexual or gender harassment?

Various steps are possible. Choose those that best suit you and the situation:

- ① If possible, tell the harasser clearly that you do not like the behavior, that it disturbs you and that it is neither desired nor tolerated. Act quickly and decisively. Sometimes it is difficult to defend oneself. In that case, seek help quickly.
- ② It is recommended to record the events in writing. The following information should be written down:
 - Name of the harassing person or persons, date, time, place and type of harassment
 - Your reaction and your measures to stop the undesirable behavior
 - Possible witnesses of any situation and clarification of whether they would testify as a witness
- ③ Superiors, the human resources department or a designated contact are available at any time to advise you. They will listen to you and inform you about possible measures. But you must be aware: If you contact the human resources department or supervisors, they are obliged to react immediately to investigate the case and to stop the sexual or gender harassment. In this case, your information can no longer be kept confidential.
- ④ If you prefer your information to be treated confidentially and no information to be disclosed or action taken without your consent, you should approach the contact or any external specialized agencies, such as a municipal or cantonal gender equality office. There you can obtain advice on possible measures, including possible legal action.
- ⑤ If the investigations of your superiors lead to the imposition of disciplinary measures with regard to the harassing person, this must under no circumstances be detrimental to you. This is regulated by law. Furthermore, complaints made in good faith have no consequences, even if the allegations turn out to be not sufficiently substantiated.

False, unjustified allegations are rare. Nevertheless, they do occur. They can lead to sanctions.

What happens if you contact the human resources department or supervisors within the company / organization?

The HR department and supervisors will first talk to you and then to the accused person to check the facts.

- If it is a clear case of sexual or gender harassment, the accused person will be asked to stop his or her harassing behavior, and appropriate agreements will be made and sanctions imposed if necessary.
- If the situation is not clear, an (external) investigation can be commissioned. Interim measures can be taken to protect those affected. Colleagues are informed about the ongoing investigation. If the investigation concludes that a case of sexual or gender harassment does exist, sanctions are imposed on the accused person or persons.
- If the harassment can not be confirmed, no special measures are taken. However, this is only the case if the complaint was made in good faith. In contrast, sanctions can be imposed in the case of unjustified, malicious accusations. Regardless of whether harassment is sexual or gender or there is none confirmed, all colleagues are informed of the outcome of the investigation.

Remember that we do not tolerate sexual and gender harassment and we encourage you to talk about it, whether as a victim or as a witness. We support you and are there for you.

Contact

Name _____

Address _____

Email _____

Phone _____

**Gender Equality Office /
other agency**

Name _____

Address _____

Email _____

Phone _____

Legal framework



Gender Equality Act (GEA)

Art. 4 GEA

« Any harassing behaviour of a sexual nature or other behaviour related to the person's sex that adversely affects the dignity of women or men in the workplace is discriminatory. Such behaviour includes in particular threats, the promise of advantages, the use of coercion and the exertion of pressure in order to obtain favours of a sexual nature. »

Art. 5 para. 3 GEA

« 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. »

Employment Act (EA)

Art. 6 para. 1 EA

« 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. »

Swiss Code of Obligations (CO)

Art. 328 para. 1 CO

« 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. »

Swiss Criminal Code (CC)

Art. 198 CC

« Any person who causes offence by performing a sexual act in the presence of another who does not expect it, any person who sexually harasses another physically or through the use of indecent language, is liable on complaint to a fine »

Where can I get external help and information?

Useful addresses 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)

Checkliste Sexuelle Belästigung am Arbeitsplatz

2008, 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

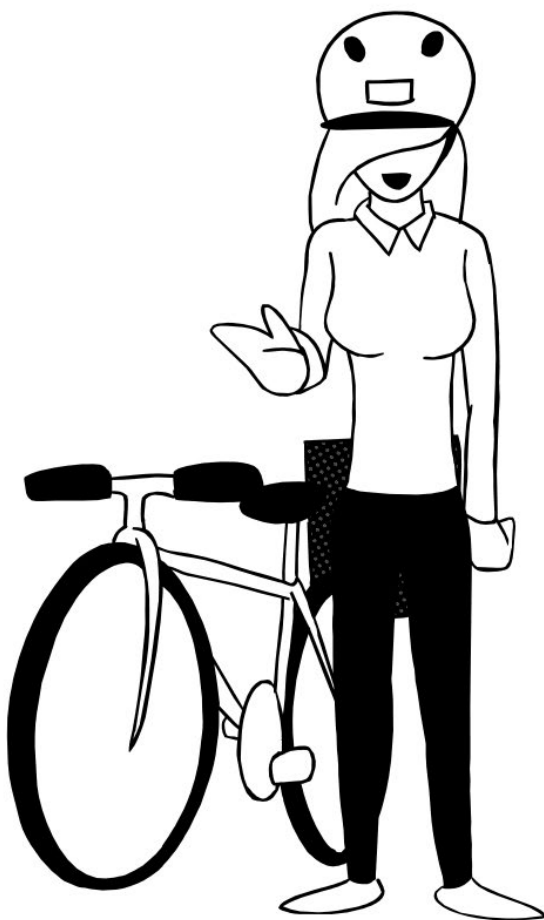


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