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**Federal Office for Gender Equality FOGE**

# Sexual harassment in the workplace

Information for employees

## What is sexual harassment?

The term sexual harassment in the workplace covers any unwanted sexual or gender-based behaviour (sexual harassment) that violates an individual's dignity. Harassment can take place during working hours or outside of them, for example at company events and other work-related activities. Perpetrators can be employees, people working for partner firms or company clients.

Sexual harassment comes in the form of words, gestures or deeds. Specific examples are:

- lewd or suggestive remarks about an employee's outward appearance,
- sexist comments or jokes about employees' sexual characteristics and behaviour, sexual orientation or gender identity or expression,
- showing, displaying or sharing of pornographic or sexist content in the workplace,
- employees receiving unwanted invitations with explicit intent or unwanted emails, texts or social media messages or calls with derogatory or obscene jokes, banter, pictures, videos with sexual or sexist content,
- unwelcome physical contact,
- stalking at or outside of work,
- sexual advances involving the promise of job benefits or the threat of adverse consequences,
- romantic relationships which exist in the workplace but which can degenerate into sexual harassment,
- sexual assault, coercion or rape.

There is a simple rule to help decide whether observed conduct is harmless flirtation, a budding relationship between work colleagues or a case of sexual harassment: What is important is not the intention of the perpetrator but how their behaviour is perceived by the other party, i.e. whether the behaviour is welcome or not. Sexual harassment has nothing to do with a relaxed working atmosphere, eroticism or flirting. Harassing behaviour is always unwanted and infringes the affected person's personal boundaries.

### **Prohibited by law**

Sexual harassment is illegal, and employers have a legal duty to protect and intervene in this regard, which is stipulated in various legal provisions.

- Article 4 and Article 5 paragraph 3 Gender Equality Act
- Article 6 and Article 2 EmpA Ordinance 3
- Article 328 Code of Obligations

### **The right to defend oneself**

Employees have the right to defend themselves and seek help regardless of their job or how long they have been working in the company. They should be aware that victims are not responsible for what has happened to them.

## Direct intervention and recording events:

### Direct intervention

Victims can try to stop the perpetrator immediately. It should be made clear that this behaviour is unwelcome, will not be tolerated and that instead the perpetrator should behave correctly.

### Notifying the company

Employees can also notify their superiors or the HR staff officer or lodge a complaint with them. It should be noted that the above are duty-bound to investigate the case and to take appropriate protection measures. This ensures that people lodging a complaint and witnesses are protected against dismissal throughout the entire procedure (within the company and before a court) and for up to six months after completion of the procedure.

### Asking for help

If employees first wish to discuss the matter in a confidential setting, they need to find out if there is a contact person within the company who can provide support and inform victims about their options going forward. Help can also be sought from external advice centres or at the advice website [www.belaestigt.ch/i-need-advice](http://www.belaestigt.ch/i-need-advice).

The addresses of these advice centres can be found at: [www.ebg.admin.ch/en/sexual-harassment-in-the-workplace](http://www.ebg.admin.ch/en/sexual-harassment-in-the-workplace). These can also provide support if a company undertakes little or nothing to protect employees from sexual harassment and when victims are considering taking legal action.

Employees can also turn to the cantonal labour inspectorate for advice but also to report workplace issues.

## How to support harassed colleagues ?

- Not joining in the laughter if someone makes a sexist joke or comment.
- Talking to the victim when sexual harassment is suspected.
- Encouraging the victim to take action to defend themselves.
- Going with the victim to talk to a contact person in your company or an external advice centre.
- Not doing anything against the victim's will.
- If possible, make superiors aware of the sexualised work environment.
- Where possible, agree to be a witness.
- Argue in favour of adopting measures to prevent sexual harassment in the company.

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