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Sexual harassment in the workplace

A guide for employers





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Introduction

Sexual harassment in the workplace can create a toxic work environment, impair a company's performance, demotivate affected employees and even make them ill. This brochure makes recommendations for how employers can prevent sexual harassment in the workplace and achieve a non-discriminatory work environment. This brochure shows:

- what constitutes sexual harassment and the different forms it can take,
- the current legal situation and the responsibility of employers towards their employees,
- what to do to prevent sexual harassment occurring in the company,
- how to proceed if sexual harassment does occur or is suspected.

The QR code at the end of the brochure is linked to a checklist enabling employers to assess how well their company is doing to prevent sexual harassment.

Tried and tested resources to help companies undertake the necessary steps to protect their employees from sexual harassment are available at the following website:

www.ebg.admin.ch/en/sexual-harassment-in-the-workplace

Relevant authorities

- The cantonal labour inspectorate can help provide answers.
- The State Secretariat for Economic Affairs (SECO) is responsible for government employees and federal enterprises.

Please note: This brochure is not designed to cover legislation in detail. If in doubt, please refer to the specific legislation.





What is sexual harassment?


The term sexual harassment in the workplace covers any sexual or gender-based behaviour (sexual harassment) that is unwanted by one party and violates an individual's dignity.


Harassment can take place during working hours or outside of them, for example at company events, business trips 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 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.

What is sexism?

Sexism is defined as any gender-based discrimination. It is sexist to ridicule a person or expose them to lewd remarks due to their outward appearance, their sexual orientation, gender identity or expression.



Legal duties

It is the responsibility of employers to ensure that employees are able to carry out their work in an acceptable working environment. Employers are also responsible for preserving the dignity of employees and protecting them from discrimination in the workplace.

Under the Swiss Code of Obligations¹ and the Employment Act, employers are legally bound to protect their employees. The Gender Equality Act places particular emphasis on the prohibition of discrimination and defines sexual harassment not only as a violation of human dignity but as discriminatory behaviour.

¹ Employment relationships under public law, however, are governed by the respective employment laws and ordinances.



Article 328 Swiss Code of Obligations

«Within the employment relationship, employers must acknowledge and safeguard employees' personality rights, have due regard for their health and ensure that moral standards are maintained. In particular, they 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 (Article 2 EmpA Ordinance 3)

«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.»

The guidance document covering Ordinance 3 to the Employment Act deals specifically with whether a particular incident is a case of sexual harassment. It draws on Article 2 of Ordinance 3 to the Employment Act.

Article 4 Gender Equality Act

«Any harassing behaviour of a sexual nature or other behaviour related to the person's gender 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.»

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.»

Protection against sexual harassment is part of the duty of care that an employer or manager owes to their staff. They can also be held responsible for harassment perpetrated by temporary staff, persons outside of the company such as visitors, clients, patients, suppliers or business partners.



Facts and figures

Sexual harassment in the workplace can affect everyone, regardless of their gender, age, civil status, physical appearance, education or professional position. A representative study² carried out in 2024 found that 44% of the women interviewed had experienced sexual harassment at some point in their working life. Among men this percentage was 17%.

In the 12 months preceding the study, around a third of respondents (30.3%) had been affected by sexual harassment; 34.5% of women and 26.5% of men. These results highlight how common this phenomenon is, as it affects many women and many men and takes place in many companies.

Age has a particular influence among women. In the previous twelve months alone, a third of young women aged between 16 and 25 experienced sexual harassment in the workplace.

² Liechti L., & Iseli S. (2024): Study on sexual harassment in the workplace, commissioned by the Federal Office for Gender Equality FOGE and the State Secretariat for Economic Affairs SECO, Bern: Büro BASS.

Why does sexual harassment occur?

An environment where inappropriate behaviour is tolerated, where there is little intervention against derogatory or hurtful remarks or an overall lenient approach towards harassing behaviour can encourage sexual harassment in the workplace. Sexual harassment is therefore not only a question of individual character traits but also an expression of a working environment that tolerates the abuse of power or does not punish it clearly enough. Eroticism, attraction or even love play a minor role.

People are sensitive and vulnerable about sexuality, and this fact is exploited.

What are the common forms of sexual harassment?

Women and men are confronted with insinuating, denigrating comments, jokes and innuendo. Women often also experience situations such as wolf-whistling, leering and unwanted physical contact. Men are more likely to mention being sent nude photos or pornographic material.


Consequences of sexual harassment

Consequences for the company

Sexual harassment has a negative impact on the company, hampers good teamwork and reduces productivity. People working in an atmosphere of insecurity and mistrust do not perform well. Absenteeism and sick leave are rife.



Sexual harassment often leads to resignations and dismissals. A high staff turnover is costly, and the company loses the experience of those who leave. At a time when it is hard to find qualified staff, this can have far-reaching consequences for the company.



Should a court find that sexual harassment has taken place, employers are faced with further costs: lawyers' and court fees, compensation of up to six months' wages as well as any other reparation or indemnity claims. The media often seize on court cases dealing with sexual harassment, which can be detrimental to a company's image.

Consequences for victims

Victims of sexual harassment often feel extremely insecure and undermined, which has an impact on their motivation to work. Their performance diminishes and they often resign from their job without giving a reason. They feel helpless, ashamed, lack concentration and are afraid it might happen again, resulting in a loss of self-confidence.

Health problems often arise if the harassment is not stopped: victims may have difficulty sleeping and suffer from exhaustion and head and stomach aches. The victim feels insecure in their position at work and the demanding situation has an effect on family life and social relationships as well.



Prevention helps prevent sexual harassment

Employers are responsible for preventing sexual harassment in the workplace in order to fulfil their legal obligations. This duty forms part of a comprehensive approach to psychosocial risks in the workplace.

Employers must therefore take a firm stand for a harassment-free environment. In particular, employers should have zero tolerance of sexual harassment in their company and intervene if it comes to their attention that sexist content is circulating in the workplace or if employees become the target of humiliating and hurtful comments and jokes, thus leaving no doubt about the company's attitude towards such behaviour.

Both the Gender Equality Act and the Employment Act require employers to take measures to prevent sexual harassment. It is in the employer's interest to act in line with this legal requirement:

- The likelihood of incidents in their company is reduced.
- Preventive measures protect both employees and the company.
- Should sexual harassment nevertheless occur, companies that can prove they have taken appropriate preventive steps may be treated more leniently in court.



A policy document

The basis for the prevention of sexual harassment in a company is a policy document, for example company regulations which contain (as a minimum) the following components and whose contents should be demonstrably known to employees:

- **Policy statement**
Employers or managers must take a firm stand against sexual harassment, making it clear that it will not be tolerated in the company (zero tolerance).
- **Definition**
The document should contain a definition of sexual harassment in the workplace. However, it is important that this abstract notion is expressed in tangible form. The best way of doing this is to cite examples relevant to everyday work in the company or sector that employees will understand.
- **Providing protection and support for victims**
Employers should encourage employees to stand up against sexual harassment and to intervene whenever they witness such behaviour. Employees should be made aware of the support victims can receive from the company in the event of sexual harassment and that they need not worry about reprisals or losing their job. They should know whom they can turn to for information, help and advice.
- **Sanctions**
Employers make their zero tolerance of sexual harassment clear by stating that perpetrators will face sanctions.

The policy with these four key points should be available in writing. It might take the form of a memo, a leaflet or a document in a manual accessible to all employees (in electronic or paper form). Other information can be added as required (useful addresses, internal advisers or external counselling services and background information, etc.).



Informing employees

All employees must be aware of the policy contents, which employers can choose to give in writing or verbally, depending on the company culture. To be most effective, information should be provided in both forms. Presenting the information verbally gives you the opportunity to express your firm stance. The advantage of written material is that it can be given to all employees, including new ones, and that it can be reused.

Verbally...

Employers can give verbal information at an event for all employees. As this is a sensitive topic, such presentations need to be well-prepared, and it may be useful to call on external help. There is a plethora of professionals with many years' experience in this field, who can help plan, present and facilitate the event.

A plenary meeting has the advantage of giving the information to all employees at the same time. A company with many part-time employees should plan the timing of the event carefully or hold it several times to ensure that all employees receive the information.

Discussions held regularly with employees to set targets or review skills can also create an opportunity to provide information about sexual harassment in the workplace and hand over a copy of the company's policy.



... or in writing

If the policy is available in written form, employers must ensure that it is distributed to all employees. The «Sexual harassment in the workplace. A guide for employees» brochure provides further information. This can be handed out in addition to the company policy document. Large companies provide their own brochure on sexual harassment in the workplace or agree on regulations governing company procedures for dealing with sexual harassment. Examples of documents can be found at:
www.ebg.admin.ch/en/sexual-harassment-in-the-workplace.

The form an employer chooses for informing its employees is of secondary importance; the main goal is to take a firm, clear stand so that all employees understand that sexual harassment will not be tolerated in the company.

Embedding long-term awareness

A single event on sexual harassment or a once-off distribution of the policy is not enough. Employees should be informed at regular intervals. This can be done in numerous ways, such as distributing the written documents once a year with employees' pay statements or by referring to them in staff circulars. A memo can be displayed in a prominent position on the notice board, or perhaps the company has manuals or its own intranet to which all employees have access. However information is provided it should be easily accessible without employees having to ask specifically for it. By handing over a copy of the policy on respectful behaviour, new employees can be informed about the company's regulations and expectations.



Preconceptions

Preconceptions about sexual harassment in the workplace are still common, also in the workplace itself. Preconceptions help play down a situation, placing the blame on one person due to their gender or background, for example. Below are some common preconceptions and an explanation of how they arise.

Preconception 1
Sexual harassment is provoked by the victim's behaviour or clothing.

The opposite is true: women who become the target of sexual harassment often dress inconspicuously and are reserved. The above preconception tries to make the victim responsible for the inappropriate behaviour towards them.

In the workplace it can be useful to explain expectations with regard to clothing for safety reasons, public image or when dealing with clients. An objective and respectfully formulated dress code or specific guidelines can help avoid misunderstandings.

Preconception 2
Everyone likes to be complimented on their looks or physical appearance.

Maybe. But if the person concerned explicitly or implicitly demonstrates that such remarks are unwelcome, they should not be made.

Preconception 3
Different countries have different customs.

The boundaries of what is acceptable between genders are not the same across all cultures. What is the same in all cultures, and what is really important, is whether the person concerned feels harassed and whether they perceive the behaviour as an attack on their sexual integrity. These personal boundaries must be respected.



Where victims can go for help

Preventive measures include making sure that victims of harassment know exactly where they can get information, advice and help. Employers must ensure that employees know who to turn to in an emergency. One or more contact persons (in or outside of the company) should be designated who can provide help and advice.

What can the contact person do to help?

At the very least, the contact person should assume the following tasks:

- Listen to the person who has suffered or witnessed harassment or is seeking advice, believe them and reassure them that their statement will be treated confidentially and that any further action will be taken only with their consent.
- Let the person know what their options are. Encourage them to defend themselves by making their boundaries clear to the perpetrator. If the harassment continues, they should indicate in writing what further steps will be taken and make an official report.
- Be aware of further steps that can be taken and their consequences. Discuss the situation with the victim and come to a decision as to which option is most appropriate in their particular case.
- If the victim is not in a position to stop the harassment or tries to do so but is unsuccessful, the contact person can initiate a discussion with the perpetrator or their superiors. This should only be done with the victim's consent.

Profile of contact persons

A contact should be someone with integrity who is open and discreet. Ideally, they have access to a calm space in which they can take calls and offer advice without disturbance. It is essential that they acquire legal and specialist knowledge about sexual harassment in the workplace. They provide victims with the assurance that their complaint will be handled confidentially. Internal contact persons must not work in HR and/or hold a managerial role. The contact person can also be a specialist from outside the company.



The person appointed as the contact person for cases of sexual harassment should in summary meet the following requirements:

- Find out about appropriate, tailor-made training or courses on subjects such as the protection of personal integrity in the workplace and gender equality.
- The person should be perceived by employees as trustworthy.
- They are bound to secrecy and can handle sensitive information responsibly.
- In order to avoid a conflict of interest, there is no direct hierarchical relationship with the person concerned. They should not work in HR or handle personnel files.



Appointing an internal contact person

If an employer decides that an internal contact person is the best solution, they need to look for a suitable person within the company. Employers or managers know their workforce and are best placed to decide who fits the profile and who will be able to perform this task after undergoing appropriate training. As women are more likely to experience sexual harassment, it can be an advantage to have at least one female contact person. Ideally there should be both a female and a male contact person.

In larger companies, contact persons are often members of the staff council. Smaller companies will inevitably have a narrower choice of people who could act as a contact person. Because personal bias cannot be excluded, this option is not recommended, and preference should be given to an external contact.


Contact persons need training

Acting as a contact is no easy task. Preparation and specialised training are always necessary, involving training costs for the employer. These are however an investment in a work environment where employees feel valued and show respect towards one another. The investment pays off in the long term.

Training internal contact persons

In large companies, the HR department will either organise training or hire specialists from outside the company to train contact persons. Such an approach is too onerous for small and medium-sized companies who may find the following advice useful:

- Employers can find out whether there are courses available to the public in their region that train employees to act as contact persons for sexual harassment (large educational institutions, trade unions, gender equality offices or victim support centres).

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- Employers can ask any large companies in the region whether they offer internal training which their contact person could attend.
 - There may be other companies nearby interested in sharing the costs of a joint training programme.
 - Employer organisations can be approached for help. Employers who are members of a local or regional trade union or professional or trade association can make use of their training programmes.

External contact persons and organisations

An external solution is also possible:

- External specialists could take on the role of contact person. They have experience in dealing with sexual harassment in the workplace. Using an external specialist will, however, incur extra costs. Addresses of external specialists can be found here:
www.ebg.admin.ch/en/sexual-harassment-in-the-workplace.
- In urban areas, counselling services can advise and support victims of sexual harassment. These services are mostly public and available to anyone seeking advice. Information can also be provided by local or regional social services, cantonal and municipal offices for gender equality, victim support centres, employment advice centres for women and conciliation boards.

What to do if sexual harassment occurs

There are a number of options if a complaint of sexual harassment is lodged within a company. Employers will probably first try to resolve the problem internally, either informally or via formal procedures. But allegations of discrimination may well end up in court.

Options for internal procedure:

Informal solutions


Appointing a contact person is a key step towards avoiding a formal investigation. In many cases, the contact person can help victims defend themselves against harassing behaviour. This is an informal procedure, which the superior will probably never even be aware of. However, not all problems in the workplace can be solved in this way. Employers should therefore consider what to do when sexual harassment cannot be stopped through informal measures.

A formal internal procedure

A formal complaint made by the person concerned, either verbally or in writing, or notification from witnesses, means that managers and HR are obliged to stop the harassing behaviour, to investigate the incident and lastly to take appropriate measures (sanctions, follow-up care, increased prevention, etc).

Investigation

The facts of the case may not be completely clear and need further clarification. Investigation of the case becomes necessary. This investigation should be started and completed without delay as part of the employer's duty of care. An internal or external specialist can be appointed to carry out the investigation. A written record must be made of the entire procedure.



It is worth noting that an internal investigation constitutes clarification under employment law and is not subject to the principles of a criminal procedure. From an employment law perspective, it is important that the accusations are sufficiently investigated to ensure that any decision to sanction the perpetrator is not taken lightly or without a compelling reason.

An internal investigation must include the following four steps:

- Hearing of the person concerned or the person making the complaint,
- hearing of the alleged perpetrator,
- interviewing any witnesses and
- compiling an investigation report.

Avoiding prejudice and rumours

An ongoing investigation usually involves several people, and the case becomes the subject of discussion among employees. This is particularly true in small companies where everyone knows one another. A brief, objective statement should therefore be issued to inform staff that an investigation is underway and that they will be informed when it is over. In this way employers can prevent prejudices being formed that could affect both the person making the complaint, the witnesses and the alleged perpetrator.

Employers should consider who needs to receive this information. In large companies or administrative bodies, it can be sufficient and appropriate to inform only the section or organisational unit concerned.

After the investigation

Once the investigation has been completed and it has been decided that sexual harassment did indeed take place, the following consequences arise:

- Introduction of increased preventive measures within the company.
- All measures must once again be presented to the workforce in an appropriate manner.

Regulations are useful

Employers understandably assume there is no sexual harassment in their company. A company policy document is in itself an important signal. However, written regulations on how to deal with sexual harassment are helpful to both employers and employees and have the advantage of already containing the procedures to follow should an incident occur. Many such regulations already exist and can be used as a basis by companies for drafting their own version with less effort.


Guidelines and examples can be found at www.ebg.admin.ch/en/sexual-harassment-in-the-workplace.

External procedure:

Conciliation procedure

If the problem cannot be resolved internally, under the Gender Equality Act employees can call on the cantonal conciliation board. All cantons offer this service. Employees can call on the conciliation board if they suspect the Gender Equality Act has been violated. This also applies to cases of sexual harassment.





The conciliation board will try to work out an agreement between the two parties. Their task is purely one of mediation. If no agreement can be reached, the complaining party must file a claim in court within three months. The conciliation board does not charge for its services.

Court case

Under Article 5 of the Gender Equality Act, victims of harassment can ask the court to rule that discrimination has taken place (in the form of sexual harassment), that it should cease and not continue in the future. Employers may be required to pay compensation and damages. Article 10 of the Gender Equality Act also provides for protection against dismissal. This applies throughout the duration of internal proceedings as well as for proceedings pending before a conciliation board or court and ends six months after proceedings have concluded. Proceedings can also be initiated after the complainant has left the company in question.

Useful addresses

Information for employees

The Federal Office for Gender Equality FOGE and the State Secretariat for Economic Affairs SECO have published a brochure for employees entitled «Sexual harassment in the workplace. A guide for employees.» This can be ordered, also in large numbers, from the Federal Office for Construction and Logistics BBL. The brochure is available in English (Order number: 301.922.e), German (301.922.d), French (301.922.f.) and Italian (301.922.i).

Please place orders at: www.bundespublikationen.admin.ch.

Memos and regulations

For further information and examples of memos and regulations, please consult the website managed by the Federal Office for Gender Equality (FOGE):

www.ebg.admin.ch/en/sexual-harassment-in-the-workplace

Useful addresses

Information on conciliation boards, advice centres, specialists, and training courses for contact persons can also be found on the following website:

www.ebg.admin.ch/en/sexual-harassment-in-the-workplace

The addresses of the cantonal labour inspectorates can be found at www.iva-ch.ch.

Prevention starts with taking a clear stance.

Company management sets the tone: this checklist provides a tool to prevent and address sexual harassment in your company.



Consult the checklist now –
via the QR code!

SECO | Labour Directorate

Working Conditions – *Health protection in the workplace*

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