

A woman with dark hair and bangs is shown from the chest up, with her hands crossed in front of her face in a 'stop' gesture. She is wearing a dark-colored top. The background is a vibrant pink with large, stylized purple letters, including 'K' and 'O'. In the top right corner, the word 'UNIA' is written in white, bold, sans-serif capital letters.

**UNIA**

**Stop sexual  
harassment in  
the workplace**

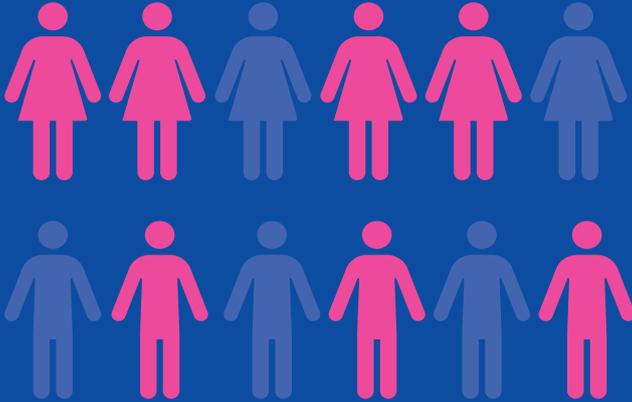
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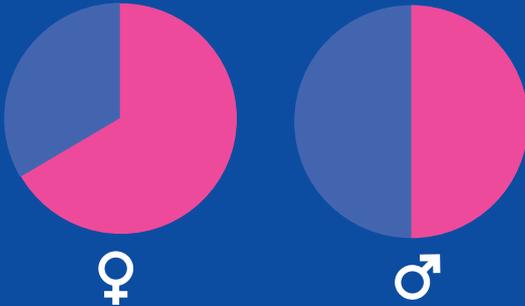
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|   |           |
|---|-----------|
| <b>Introduction</b>                             | <b>5</b>  |
| <b>Recognising and understanding harassment</b> | <b>10</b> |
| <b>Examples from working life</b>               | <b>14</b> |
| <b>Your rights</b>                              | <b>16</b> |
| <b>Taking action and defending yourself</b>     | <b>20</b> |
| <b>Other forms of discrimination</b>            | <b>30</b> |
| <b>Glossary</b>                                 | <b>36</b> |
| <b>Help and contact</b>                         | <b>38</b> |
| <b>Trade union secretariats</b>                 | <b>39</b> |



**Two out of three women and almost one in two men experience harassment at work.**



**Most employers are not fully aware of their obligations on this issue.**

### **Working without fear – respect at work**

Whether in the hospitality sector, in retail, in cleaning, or elsewhere: sexual harassment and sexualised violence in the workplace unfortunately occur all too often. Those who earn little and are under pressure are more likely to experience such situations.

Women – in particular migrants, young people, people with disabilities, LGBTQIA+ individuals, racialised people, and those without a regular residence status – are statistically more often affected by harassment and tend to report abuse less frequently. This is because they are more dependent on their work.

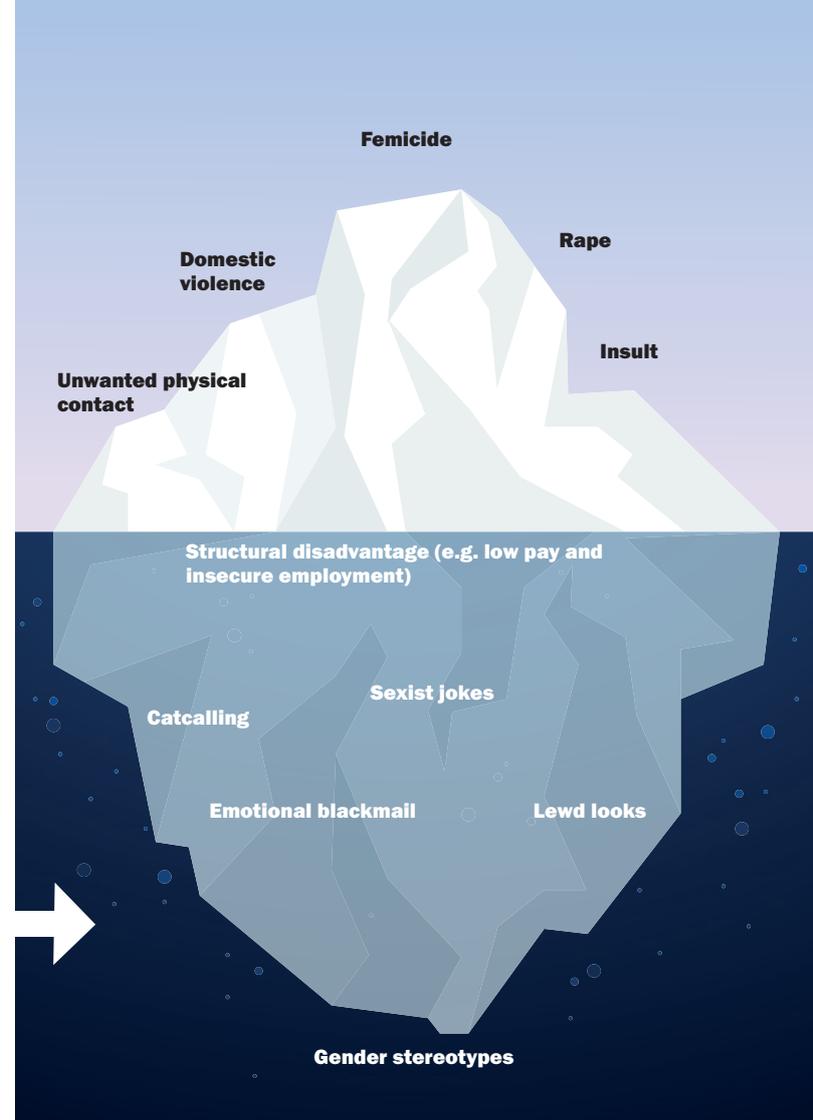
This brochure shows you how to recognise harassment, how you can defend yourself, and where to find help.

## INTRODUCTION

**Sexualised violence:** Sexualised violence occurs when a person experiences violence because of their gender and is subjected to unwanted sexual acts. It results from unequal power structures and is rooted in patriarchy.

**Sexual harassment in the workplace** is part of sexualised violence. This includes any unwanted behaviour in the workplace that is sexual or related to gender.

The iceberg model illustrates how visible and invisible forms of sexualised violence are connected



# Flirt



# Harassment



**The key difference is whether there is consent.**

### This is what harassment does to you

Harassment begins where your well-being ends. In other words, when behaviour makes you feel uneasy or crosses your personal boundaries.

Many people who experience harassment feel guilty. Or they play down what happened because they believe their employer would not protect them adequately.

Your colleagues also suffer when they have to witness it. This is because harassment is demoralising and poisons the working atmosphere.

#### **Typical excuses – and why they do not apply**

It does not matter what the person engaging in harassment intended. Sometimes the harasser does not know that his behaviour is prohibited. “That was just a joke” is a lazy excuse. If the behaviour was unwanted and you feel harassed, it is harassment.



### **Sexual harassment can seriously affect your health**

**Fear, sleep or eating disorders, depression, emotional exhaustion, physical pain or infections, and post-traumatic stress disorder (PTSD)**

## Forms of harassment

- Crude remarks or jokes about your appearance, your clothing, your sexuality, or your gender identity
- Stories with sexual content
- Leering looks or gestures, catcalling, insults, winking, obscene gestures
- Unwanted invitations, messages, or the showing of pornographic material
- Physical advances: stroking, pinching, touching
- Threats, persecution, and stalking (including online)
- Sexual assault, non-consensual sexual acts, attempted or completed rape

### **Harassment is not limited to physical assaults:**

- It also includes words, gestures, looks, and psychological violence.

## Who harasses?

Anyone can commit sexual harassment. However, in most cases – including towards other men – the perpetrators are men. For this reason, this guide generally refers to perpetrators as men.

### **These people may engage in harassment:**

- Employees, supervisors, or employers.
- Colleagues or employees from other companies.
- Customers or patients.

### **Any unwanted behaviour is harassment:**

- It is not your fault. Responsibility for sexual harassment always lies with the harasser. Clothing or behaviour are never a justification.
- Even a single act can constitute sexual harassment – it does not have to be repeated.
- It is still harassment even if you did not clearly express your rejection.



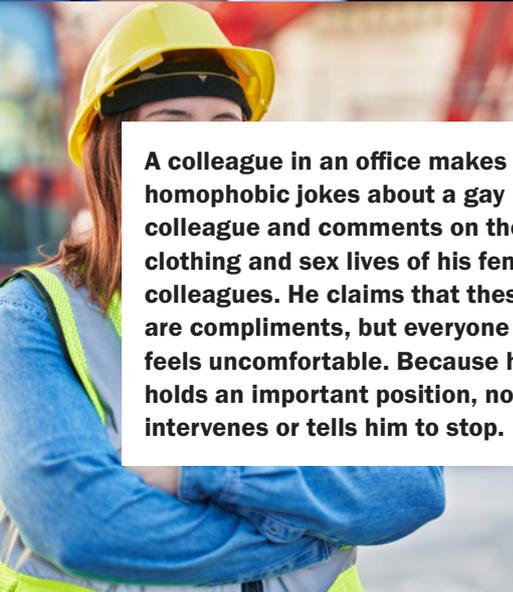
EXAMPLES FROM WORKING LIFE

**A restaurant patron makes comments about a server's body and stares at her cleavage. The behaviour makes the server feel uncomfortable, and she would prefer not to serve the patron any longer.**



EXAMPLES FROM WORKING LIFE

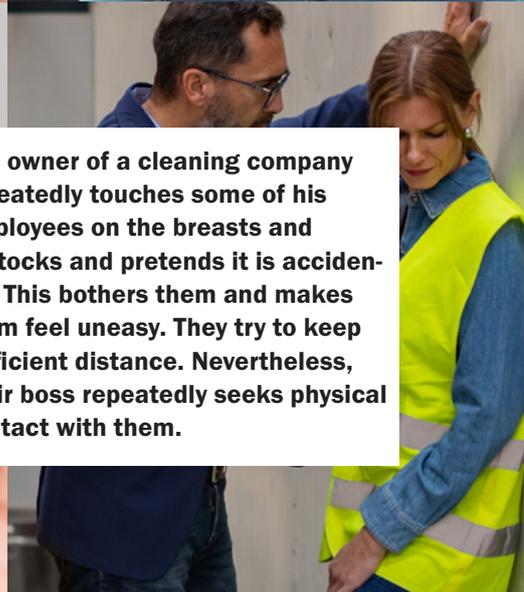
**Pictures of naked women are displayed in a company changing room and are visible to everyone. The men comment on them with lewd remarks. An employee feels disturbed by these images and the comments.**



**A colleague in an office makes homophobic jokes about a gay colleague and comments on the clothing and sex lives of his female colleagues. He claims that these are compliments, but everyone feels uncomfortable. Because he holds an important position, no one intervenes or tells him to stop.**



**The owner of a cleaning company repeatedly touches some of his employees on the breasts and buttocks and pretends it is accidental. This bothers them and makes them feel uneasy. They try to keep sufficient distance. Nevertheless, their boss repeatedly seeks physical contact with them.**



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## What does the law say?

### **Federal Constitution (FC), Article 8**

Women and men are equal.

### **Gender Equality Act (GEA), Articles 4 and 5**

Discrimination in the workplace through sexual harassment is a specific form of gender discrimination and is prohibited. The employer can be taken to court.

### **Code of Obligations (CO), Article 328**

Your employer is obliged to safeguard your personal integrity and protect you from illness, accidents, sexual harassment, and discrimination.

### **Labour Act (LA), Article 6**

Your employer must protect your health and your personal integrity.

### **Civil Code (CC), Articles 28 et seq. as well as Code of Obligations (CO), Articles 49 et seq.**

You can defend yourself against sexual harassment by bringing a civil claim against the harasser.

### **Criminal Code (CC), Article 187 et seq.**

The Criminal Code protects your sexual integrity. Under certain conditions, you can report a perpetrator to the criminal authorities – also in parallel with proceedings under equality law against the employer.

## **Harassment is prohibited**

**Your boss must protect you and take every report or complaint seriously; they must also ensure a workplace free from discrimination. From the moment the claim is filed until up to six months after the proceedings have concluded, you are protected against dismissal.**

## Responsibility of the employer

Your employer is legally obliged to protect you from sexual harassment. This means:

They must protect your personality in particular from sexual harassment and create a working environment in which sexual harassment has no place (Art. 328 of the Code of Obligations).

If an employer neglects their duty of care (Article 328 of the Code of Obligations) and/or violates the Gender Equality Act, they risk having to pay compensation, damages, and even satisfaction for non-material harm.

### Internal company procedures are necessary

The company must establish clear procedures to protect those affected as well as people who report harassment. According to a ruling by the Federal Supreme Court, persons of trust may not be in a hierarchical relationship with employees and must ensure confidentiality. In most cases, this means: The person of trust must operate outside the company.

## Against the harasser

Unia supports you in the workplace and in dealings with your employer. In addition, you can take direct legal action against the harasser – by bringing a claim for an injunction, a declaration that the conduct was unlawful, damages, or compensation for non-material harm. Depending on the situation, a criminal complaint may be possible (in accordance with Art. 28 et seq. of the Civil Code or Art. 187 et seq. of the Criminal Code).



**A criminal complaint must be filed within three months of the incident**

## I have experienced sexual harassment in the workplace. What can I do?

Talk about it! Sexual harassment may never be tolerated or trivialised: Anyone who experiences or observes it has the right to take action. The better you know your rights, the better you can protect yourself. By standing up for yourself, you help create a safer space for others. What you can do:

### First steps: document what happened and secure evidence

Keep all evidence such as letters, text messages, and emails. These records can help you later if you need to explain exactly what happened.

#### Write down all details of the harassment or bullying:

- **Date, time, place**
- **Possible witnesses**
- **Type of harassment and your reaction**



### Address the harasser

Make it clear to the harasser that you do not accept his behaviour. You can do this either immediately or afterwards, orally or in writing (e.g. by email or text message). You can proceed as follows:

- Describe what happened.  
For example: “Yesterday in the office you walked very close past me and touched me in the process.”
- Say how it made you feel.  
For example: “That really upset me.”
- Say what you expect.  
For example: “I expect you not to do this again in the future.”

Sexual harassment is a distressing and often deeply upsetting experience. It is normal to feel powerless afterwards or to be in shock – this is a typical reaction to a crisis situation.

## TAKING ACTION AND STANDING UP FOR YOURSELF

Do not blame yourself if you did not react in the way you would have liked. You are not to blame. It is always the other person's responsibility to obtain your consent and respect your boundaries.

There is no right way to react. For some people, a self-defence course such as "Wen-Do" can help them set and assert their own boundaries.

### Getting support – where and how

Many people affected feel partly responsible for what happened. **However you react, it is not your fault!** Talk to people you trust, your family, a medical or psychological professional, or your colleagues at work.



**If you are at risk of violence, you should not deal with harassment alone. Seek advice first.**

**ONLY  
YES  
MEANS  
YES**

**This is a feminist demand:  
Only if you clearly and enthusiastically express your consent can the other person be sure that you want to participate.**

## Help from specialist organisations

Specialists at **belaestigt.ch** support and advise you – also in foreign languages. People with an insecure residence status fear losing their residence permit if they stand up for themselves. There are specialised reporting centres such as **network-racism.ch** to address such multiple discrimination. You will find further useful addresses at the end of the brochure.

In some companies, there is a person of trust or a complaints office. There you can talk about your experiences. Make sure beforehand that the conversation will remain confidential.

**!** If you contact your superiors or the HR department, they are required to report the incident. You can then no longer decide yourself whether and when further measures will be taken.

## The law does not always mean justice – unfortunately

Sexual harassment occurs where power is unevenly distributed. This often makes it impossible for those affected to take legal action. Even during court proceedings, victims are sometimes not adequately supported or protected. The legal route does not help everyone equally, so you should think carefully about whether going to court is right for you. Before bringing a claim, be sure to seek advice.

Many cases of sexual harassment never reach court because an agreement is reached beforehand. As a result, only a small number of claims lead to a conviction of the perpetrator. Although we do not win every case, some perpetrators have already been convicted. It is difficult but possible. The more court proceedings there are, the more we will achieve: Your courage helps others.



## The trade union can help you

You can also defend yourself against sexual harassment with the support of the trade union.

### We support you with:

- informing you about your employment rights
- jointly planning the next steps
- drafting letters and assisting with conversations with your employer
- supporting the enforcement of workplace measures against sexual harassment
- providing information about claims and courts

We treat every case confidentially and take no action without your consent.



**Try to resolve the case out of court. Identify witnesses and ask whether they are willing to testify.**

## Acting as a witness

- **Do not laugh at sexist jokes and remarks. Say clearly: “This joke, remark, or behaviour is unacceptable.”**
- **Talk to the harassed person. For them, it is important to know that they are not alone.**
- **Support the harassed person and make yourself available as a witness.**
- **Make superiors aware of the harassment but do nothing against the wishes of the person affected.**
- **Get involved in preventive measures against sexual harassment in the workplace.**



**Witnesses are also protected against dismissal (Art. 10 GEA).**

## Prevention in the workplace

Employers are obliged to ensure a harassment-free workplace. Unia therefore calls for a clear zero-tolerance strategy towards all forms of harassment. For this to succeed, the company needs:

- Binding regulations or a charter that define harassment and set out sanctions.
- Clear action guidelines for dealing with bullying and sexual harassment. These are clearly communicated to staff.
- Clear deadlines to avoid excessively long procedures.
- Cooperation with external specialist organisations that support victims and ensure independent advice.
- Regular training for employees and managers at all hierarchical levels.
- A corporate culture of respect based on consent, equality, and mutual consideration.
- Embedding these principles in collective labour agreements (CLAs).



**Bullying and psychological violence**

Characteristics of bullying or psychological violence:

- Hostile actions and refusal to communicate that directly or indirectly target people.
- It happens repeatedly and systematically over a longer period of time.
- The victim is isolated, excluded, or removed from their workplace. As a result of the bullying, the person is placed in a position of inferiority.

In workplaces where nothing is done about sexual harassment, bullying also frequently occurs. You can defend yourself against this in a similar way to sexual harassment (see page 24). However, bullying is typically difficult to prove. Unia can support you.

**Multiple discrimination**

There are various forms of discrimination that a person may experience in the workplace and in everyday life. This includes discrimination on the grounds of:

- origin or residence status
- gender or sexual orientation
- disability
- age
- social status
- religious affiliation

When these factors come together in one person, this is referred to as multiple discrimination or intersectional discrimination. For example, in the case of a trans woman or a woman wearing a hijab.

People who experience multiple forms of discrimination are more likely to experience sexual harassment. All the more so if they have a low income or are under pressure.

**Racism in the workplace**

One in three employees has already experienced violence or discrimination, mostly for racial reasons and predominantly in the workplace or during training. Racism occurs in many different forms. Sometimes it is open and direct and sometimes more subtle and harder to recognise.

Racist stereotypes can have both negative and seemingly positive forms. However, even a statement intended as a “compliment” can be racist.

**Hostility towards LGBTQIA+ people in the workplace**

People from the LGBTQIA+ community are increasingly discriminated against and harassed at work because of their gender identity or sexual orientation. In addition, they experience sexual harassment in the workplace considerably more often than their heterosexual and cisgender colleagues.

**Hostility towards disabled people in the workplace**

Discrimination on the basis of a visible or invisible disability is referred to as hostility towards disabled people or ableism.

In the workplace, people with disabilities experience sexual harassment or are confronted with stereotypical assumptions about their disabilities. Unsolicited help can violate personal boundaries.

## EXAMPLES

**A non-binary person is repeatedly touched on the chest by their superior. He justifies himself by saying that he “only” wanted to know whether the person’s body was “more female or male”.**

**A colleague repeatedly receives messages with lewd content from a co-worker. Because she is bisexual, it is assumed that she is sexually promiscuous.**

**A person with a walking impairment is “helped” by a colleague without being asked. In doing so, the colleague touches their waist and hips without their consent.**

**An employee is repeatedly asked by colleagues whether women from her country of origin are “particularly passionate”. In doing so, the colleagues look at the woman in a lewd manner.**



**Ableism:** Discrimination against people with disabilities.

**Cis (adjective):** A person is cis if they identify with the biological sex assigned to them at birth.

**Discrimination:** If you experience disadvantages because of personal characteristics such as religion, skin colour, origin, gender identity, or sexual orientation, this constitutes discrimination.

**Heterosexual:** A heterosexual person is attracted to the opposite sex.

**Homophobia:** Homophobic people have a rejecting or hostile attitude towards LGBTQIA+ people. This attitude often manifests itself in derogatory remarks, mockery, or targeted discrimination.

**LGBTQIA+:** Lesbian, gay, bisexual, trans, queer, intersex, and asexual/agender. “+” stands for all other forms of gender identity or sexual orientation.

**Multiple discrimination:** A person may experience discrimination on the basis of several characteristics at the same time (e.g. as a woman and because of sexual orientation, origin, skin colour, religion, or disability).

**Non-binary:** A person who does not feel exclusively male or female and understands themselves as being outside these categories.

**Racialised person:** A person with experience of racism.

**Gay:** Originally a derogatory term that has been reclaimed by gay men for themselves. This term should be used with caution by heterosexual people.

**Trans:** A person who does not identify with the biological sex that was assigned to them at birth.

**Free legal advice in national and migration languages:**  
belaestigt.ch

**Additional information:**  
onlineopferberatung.ch  
sexuellebelaestigung.ch

**Cantonal victim support centres:**  
opferhilfe-schweiz.ch

**Federal Office for Gender Equality:**  
ebg.admin.ch,  
T 058 462 68 43

**Municipal and cantonal equality offices:**  
equality.ch

**Support and advice in cases of human trafficking:**  
plattform-menschenhandel.ch/  
brauchen-sie-hilfe

**Wen-Do self-defence courses:**  
for example at movendo.ch

**Violence in intimate relationships and discrimination:**  
violencequefaire.ch/de  
lgbtiq-helpline.ch  
network-racism.ch

**DIAC counselling centre for anti-Muslim racism** (in German and French):  
diac-permanence.ch

**I am a perpetrator – can I get help?**

It is important to break the taboo surrounding the admission of guilt and the acceptance of responsibility for wrongful and abusive behaviour. Violence is often an expression of desperation. Perpetrators of violence can overcome their excessive behaviour by learning to express themselves differently. In some regions, support services are available for perpetrators of violence.

**fvgs.ch**  
**Mannebüro Zürich: mannebuero.ch**

**Unia Aargau-Nordwestschweiz**  
T 0848 11 33 44  
ag-nws@unia.ch

**Unia Bern/Oberaargau-Emmental**  
T 031 385 22 22  
bern@unia.ch

**Unia Berner Oberland**  
T 033 225 30 20  
thun@unia.ch

**Unia Biel-Seeland/Solothurn**  
T 032 329 33 33  
biel@unia.ch

**Unia Fribourg**  
T 026 347 31 31  
fribourg@unia.ch

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geneve@unia.ch

**Unia Neuchâtel**  
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neuchatel@unia.ch

**Unia Oberwallis**  
T 027 948 12 80  
oberwallis@unia.ch

**Unia Ostschweiz-Graubünden**  
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ostschweiz-graubuenden@unia.ch

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valais@unia.ch

**Unia Vaud**  
T 0848 606 606  
vaud@unia.ch

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zentralschweiz@unia.ch

**Unia Zürich-Schaffhausen**  
T 0848 11 33 22  
zh-sh@unia.ch

**Sexual harassment and sexualised violence affect many people, especially women – including in the workplace. This brochure informs you about your rights and the obligations of employers. It explains how you can stand up for yourself and where to find support.**

**Together with Unia, you can stand up for yourself and work towards a respectful working environment.**

