

A leaflet produced by  
LES RENCONTRES PROFESSIONNELLES DE DANSES  
Geneva

# HARAS SMENT

## WHAT ARE WE TALKING ABOUT AND WHERE TO FIND HELP?

- As a victim
- As a witness
- As an employee and/or employer

# SEXUAL HARASSMENT

According to a report by the Federal Council, between 5% and 40% of employees are victims of sexual harassment during their professional lives. As stated in these statistics, women\* and LGBTQIA+ individuals are particularly exposed to this risk (Sexual Harassment in Switzerland: Extent and Evolution, Report by the Federal Council, 27 April 2022, p. 10).

## WHAT IS SEXUAL HARASSMENT?

Sexual harassment is defined as «any unwanted behaviour of a sexual or sexist nature that undermines the dignity of a person in their workplace». It can include threats, blackmail or promises of benefits, sexist remarks, jokes, sexually explicit rumours, leering looks, inappropriate facial expressions or gestures, unwanted invitations or propositions, unwanted physical contact, sexual assaults, attempted rape, or rape.



## WHAT DOES THE LAW SAY?

In the context of work relationships, these behaviours are prohibited by law (Art. 4 and 5 LEg, Art. 328 CO, and Art. 6 LTr), and everyone has the right to request immediate cessation or reparation for protection. In the most serious cases, financial compensation can also be sought. Depending on the acts committed, a criminal complaint can also be filed.



Unlike psychological harassment, repetitive behaviour is not necessary to qualify an act as «sexual harassment.» A single serious act, such as unwanted physical contact, can already constitute sexual harassment.

Hostile behaviours related to the professional sphere sometimes occur outside the workplace. This can include text messages sent outside working hours or acts during events organised by the employer, such as: periods of residencies and creation, tours, auditions, in hotels, during festive occasions, or during free time.

Harassment can occur in hierarchical or non-hierarchical relationships. It can come from superiors or subordinates, colleagues, members of the extended team, or individuals hired by a partner organisation.



## IS IT FLIRTING OR SEXUAL HARASSMENT?

It is important to distinguish between flirting and sexual harassment. The difference lies in consent: flirting is consensual, while sexual harassment is not. It is not the intention of the harasser that is decisive, but the way in which their behaviour is experienced by the person concerned, whether it is perceived as desired or unwanted.

\*All people identifying as women.

# PSYCHOLOGICAL HARASSMENT

## WHAT IS PSYCHOLOGICAL HARASSMENT?

The terms *moral harassment*, *psychological harassment*, or *mobbing* are synonymous. They refer to «a series of hostile statements and/or actions, frequently repeated over a fairly long period of time, by which one or more people seek to isolate, marginalise, or even exclude a person from their workplace».

## WHAT ARE THE CONCRETE MANIFESTATIONS OF PSYCHOLOGICAL HARASSMENT?

Behaviours can take many forms and include words, gestures, or attitudes.

**Generally, the purpose is to destabilise the victim, for instance by:**

- preventing them from expressing themselves, ignoring their presence and only addressing others.
- withholding information, overloading them with work or taking work away from them; excessively controlling their work or taking away their tools (phone, computer), pushing them to make mistakes.
- mocking, insulting or spreading rumours about them, or making derogatory remarks about their physical appearance or private life.
- threatening them with physical violence or shouting at them.



## WHAT DOES THE LAW SAY?

In the context of work relationships, these behaviours are prohibited by law (Art. 4 and 5 LEg, Art. 328 CO, and Art. 6 LTr), and everyone has the right to request immediate cessation or reparation for protection. In the most serious cases, financial compensation can also be sought. Depending on the acts committed, a criminal complaint can also be lodged.



**Mobbing** generally occurs over a certain period (several months), and the acts need to occur with a certain frequency. One or two isolated acts are not

sufficient. However, the acts need not be particularly severe in nature. Thus, certain isolated acts may seem insignificant and bearable to external witnesses. In reality, it is the cumulative effect of these acts that is unacceptable and causes a destabilisation of the personality.

Harassment does not necessarily require a hierarchical relationship. Not only can it occur between employees and managers, between colleagues, but it can also be carried out by individuals hired by another organisation.

Psychological harassment and sexual harassment differ but are closely related: the power dynamics underlying them have a proven impact on the victim's health and often highlight an inappropriate working climate. Additionally, it is common for one form to transform into the other.

# EMPLOYERS\*:

## YOU HAVE A DUTY TO PROTECT PEOPLE WORKING UNDER YOUR RESPONSIBILITY!

\*association and foundation committees, project leaders, choreographers, hierarchical superiors, training managers, etc.

The field of dance is an excessively competitive and precarious environment. Carrying out an artistic project is no excuse to exercise unhealthy domination, whether it be physical or psychological. Bodies - and sometimes nudity - are at the heart of the work, making boundaries even more difficult to discern. However, the physical proximity that this implies in no way justifies inappropriate words or gestures.



### WHAT DOES THE LAW SAY?

Employers, whether individuals or voluntary committees of associations or foundations, have a legal obligation to protect their employees (art. 6 LTr and 328 CO).

### HOW TO CREATE A HEALTHY WORKING ENVIRONMENT?

The employer should take preventive measures to raise awareness among all staff regarding these issues. This can be achieved through training courses, as well as encouraging open discussions during meetings, gatherings, rehearsals, classes, etc. The employer should also establish a clear and comprehensive system that includes an organisational chart, internal guidelines, the appointment of an external person of trust, the implementation of sanctions in proven harassment cases, and measures to support the victims. It is considered good practice to incorporate this

internal directive in the written employment contract and attach it as an appendix.

### WHAT TO DO IN CASES OF SUSPECTED HARASSMENT?

In the event of suspected harassment, any report brought to the attention of the employer must be taken seriously. The employer must take immediate measures to protect the victim, put an end to the harassment, and clarify the facts.

The organisation must investigate to understand the situation. To do this, it may appoint an external person to conduct an internal investigation. The victim will be heard during this investigation, as will the alleged perpetrator of the harassment and any possible witnesses. In cases of proven harassment, and depending on the gravity of the acts, the perpetrator will be sanctioned by the employer (warning, dismissal, etc.).



A person of trust is an individual specifically trained to provide support to individuals facing distress at work, including cases of discrimination, violence, sexual harassment and psychological harassment. If the person of trust is an internal employee, it is important that they do not hold a hierarchical or supervisory/subordinate role.

# EMPLOYEES:

## YOU HAVE THE RIGHT AND DESERVE TO WORK IN A HEALTHY PROFESSIONAL ENVIRONMENT OF RESPECT AND TRUST

No one should violate your personal boundaries. You are legally entitled to enforce them! Once an attitude, remark, contact or gesture is perceived as invasive, uncomfortable, or unfair, it can be considered inappropriate.

### I THINK I'M A VICTIM OF SEXUAL AND/OR PSYCHOLOGICAL HARASSMENT, WHAT CAN I DO?

Awareness is rarely instantaneous. It is usually a complex process that takes time. Take your sentiments of discomfort seriously. Trust your feelings! The most important thing is not to stay alone and seek support.

1. Do not stay alone.
2. Talk to trusted individuals: people present during the incidents, friends, family, doctors.
3. If possible, make a precise written record of the events, describing the behaviour and the context, noting the dates and times, people present, and your feelings. If necessary, take screenshots. This may be requested as evidence during a procedure.

4. As far as possible, ask the person to stop their behaviour and talk about your feelings, orally or in writing: «I am not comfortable, I want this to stop,» «When you say/do this, I feel...».
5. Identify and seek help from professionals:
  - Internally: your HR manager, your superiors (artistic and/or administrative management), the official employer (member of the association or foundation committee). Note that these people are obligated to take action and do not guarantee confidentiality.
  - Externally: the trust person appointed by your employer, who ensures anonymity and confidentiality. If the company is subsidised by the City of Geneva, it is required to provide you with leaflet #3 from the sexual harassment prevention kit, which includes the name of this person. If the harassment occurred in premises such as theaters or schools, inquire about the existence of a trust person. Other possible external resources include professional associations, support structures, unions, etc. (see last page of the leaflet).

# WITNESS: CONTRIBUTE TO IMPROVING THE LIVES OF VICTIMS AND YOUR WORKING ENVIRONMENT

## I AM A WITNESS TO A SITUATION, WHAT SHOULD I DO?

A working environment is shaped by the collective efforts of team members. It is therefore important to be vigilant and supportive in the face of inappropriate behaviour and language. For example, speaking up immediately when witnessing inappropriate remarks directed at colleagues, following up with them to check on their well-being, and reporting any unacceptable behaviour are all actions taken in solidarity. Do not stay alone and reach out to supportive allies or individuals who have also witnessed such incidents. Find out if your organisation has a designated person of trust.

## WHERE TO FIND HELP?

**Safe spaces culture** / Clinique du travail  
+41 (0)26 321 15 30  
cellule-ressource@cliniquedutravail.ch

**Syndicat SSRS** / Mme Anne Papilloud  
+41 (0)76 588 29 63

**FRAS** / Mme Cécile Pache  
+41 (0)78 707 18 20  
cecile.pache@cpconseil.ch, personne de  
confiance pour les théâtres membres

**Association Viol-Secours**  
+41 (0)22 345 20 20 (permanence)

## RESOURCES

Arts\_Sainement / Association 360/ Association  
vaudoise de danse contemporaine /  
Association Viol-Secours / Bureau de l'égalité  
vaudoise / Bureau fédéral de l'égalité entre  
femmes et hommes / Bureau de promotion  
de l'égalité et de prévention des violences  
du Canton de Genève / Danse Suisse /  
F-information / Le 2<sup>ème</sup> Observatoire / Le  
Bureau des Compagnies - Le Grütli / Les  
Rencontres professionnelles de danses -  
Genève / Ordre des avocats de Genève /  
Pouvoir judiciaire (assistance juridique :  
financement pour procédure judiciaire) /  
ScèneSuisse / We can dance it  
Carnet rose (Festival Les Créatives) / Kit de  
prévention du harcèlement sexuel (Bureau  
Equality.ch) / Instagram whistle\_whileyouwork/  
ladrageautravail.ch / leg.ch / nobody100.com /  
non-c-non.ch / profa.org / seco.admin.ch

## TRAINING

«Moi? Harceler ?! Si on ne peut plus  
rigoler...» (e-learning, equality.ch) / Le 2<sup>ème</sup>  
Observatoire / Office cantonal de l'inspection  
et des relations du travail (OCIRT) / We can  
dance it / AVDC & RP danses

**A leaflet produced by Rencontres professionnelles de danses - Genève (RP danses)**

**In collaboration with** the Association vaudoise de danse contemporaine (AVDC) **and in partnership with** Action Intermittence, Arts-Sainement, Association Viol-Secours, le Bureau de promotion de l'égalité et de prévention des violences (BPEV), la Clinique du travail, Danse Transition, la Fédération du réseau artistique et culturel - Genève (FRACG), la Fédération romande des arts de la scène (FRAS), la Fédération genevoise des musiques de création (FGMC), la Fédération suisse des écoles de danse (FSED), Le Grütli - Centre de production et de diffusion des Arts vivants, Les Compagnies Vaudoises, le Pavillon de la Danse - ADC, la Faïtière genevoise des producteur·ice·x·s de théâtre indépendant et professionnel (TIGRE), la Cellule d'écoute Safe spaces culture, le Syndicat suisse-romand du spectacle (SSRS), Visarte Genève, We can dance it, Reso - Réseau Danse Suisse.

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