Harassment

If you see or hear about a learner being harassed in your company, or if they themselves are harassing others, you must intervene. This fact sheet provides you with an overview of the topic. You will learn the definition of harassment and how to react as a vocational trainer in your day-to-day work.

Definition of harassment

Harassment is when a person or group is repeatedly and systematically bullied, mobbed, excluded or ignored over a longer period of time (indicators: approximately once a week for at least six months). A clear distinction must be made between the terms harassment and conflicts, because conflicts arise wherever people interact with each other. Conflicts are therefore inevitable and commonplace – especially when it comes to managing employees. However, if serious and persistent conflicts are not identified and resolved at an early stage, they can develop into harassment. But beware: not every argument or criticism is actually a deliberate case of harassment.

Harassment can take many forms, include:

- Shaming, derogatory remarks, teasing
- Shouting and scolding loudly
- Ignoring someone, treating them as if they are not there
- Refusing contact
- Dismissive looks or gestures
- Withholding information
- Assignment of humiliating or pointless tasks or work
- Spreading rumours, saying bad things about someone

The following are examples of behaviour that do not count as harassment:

- Clear and honest expectations regarding performance or conduct behaviour from superiors
- Objectively justified criticism

This list is not exhaustive. It is not always easy to judge if and to what extent something constitutes harassment. The incidents have to be analysed in the overall context.

Harassment can affect anyone, including learners. Harassment takes place among employees, but also between superiors and employees. Vocational trainers or learners can also be harassed from outside, for example by those in charge of branch courses, by teachers at the VET school or by the learner's legal representative.

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Consequences of harassment

Impact on the affected person

Harassment can have a serious impact on the physical and mental health as well as on the social and professional life of the affected person. The consequences can be long-lasting – on both a personal or professional level.

Harassment can also have a negative impact on the climate at work , as it creates an atmosphere of mistrust and insecurity. This in turn can affect collaboration and make communication more difficult.

There follows an overview of the possible consequences of harassment:

On a personal level

Psychological consequences:
- Anxiety and panic attacks
- Depression
- Guilt and self-doubt

Physical consequences:
- Difficulty sleeping
- Headaches
- Gastrointestinal complaints
- Cardiovascular problems

Social consequences:
- Clear and honest expectations regarding performance or conduct behaviour from superiors
- Objectively justified criticism

On a professional level

- Poor performance at work
- Increased absences
- Career barriers
- Change of workplace
- Notice of termination

On a company level

- More frequent conflicts
- Poorer quality due to reduced commitment and motivation
- Loss of productivity due to more frequent redundancies and absences
- Damage to the company's reputation

Preventing harassment

Pursuant to Article 328 of the Swiss Code of Obligations and Article 6 of the Swiss Employment Act, employers have a duty of care towards their employees. They must proactively create a working environment that is free of harassment or situations where harassment could potentially occur. At the first signs of any harassment or conflicts that could lead to harassment, the person in charge has to intervene as soon as possible.

You should therefore take precautions to prevent harassment in the first place. Make it clear that harassment will not be tolerated in your company and has consequences. Raise awareness of the issue within the company. You can also try to create a respectful and appreciative working environment. An open approach to conflicts and a constructive feedback culture encourages dialogue and helps you address tensions at an early stage and work together to find solutions. All of this helps to create an environment in which harassment has no place. During their vocational education and training, learners are given feedback on their educational level every six months in a training report.

This supplements the many talks between vocational trainers and learners. Talks and training reports help to identify problems at an early stage so that any necessary action can then be taken.

General procedure in the event of harassment

Look for ways to defuse situations
In the case of under-age learners, inform their parents or legal guardians. In the event of a permanent transfer, it should be noted that both the affected person and the perpetrator have to be transferred. If only the affected person is relocated, this sends out the wrong signal and could even make the harassment worse. If necessary, you could also consider reshuffling the team.

Seek external assistance
Bring in external assistance if necessary. This could be a specialist unit or an internal consultation service that provides professional support throughout the process and helps you find a solution. Keep a careful record of all important steps and talks in minutes or in a memo. This documentation is important for transparency and makes it easier to explain the case clearly should further measures become necessary.

You also have to protect the person accused of harassment
But remember, there may also be situations in which an innocent person is accused of harassment. This might happen , for example, if someone sees an everyday conflict as harassment or deliberately accuses someone of harassment. It is therefore important to investigate allegations of harassment impartially, neutrally and precisely. The person accused of harassment has to be properly protected until the situation has been fully sorted out.

What to do if a learner is harassed

Intervene as quickly as possible if you suspect harassment
As a vocational trainer, it is your responsibility to act quickly and carefully in the event of harassment. Talk to the affected person. Let them know that you are taking the incident seriously and want to help them. However, make sure you remain neutral and do not judge anyone prematurely.

Try and talk to everyone involved
Analyse the situation by first conducting one-on-one meetings with everyone involved. Your aim should be to obtain an objective picture of the situation. Develop solutions together with those involved. Lay down clear and binding rules so that similar disputes can be avoided in the future.

How to react to harassment by a learner

Have a talk with the person accused of harassment , set clear limits and lay down binding rules
Have a private conversation with the person accused of harassment to find out how they see of the situation. Make it crystal clear that harassment will not be tolerated in the workplace and that you insist on people communicating and treating each other with respect. Point out the consequences if they continue to harass someone. This can be a written warning, a transfer to a different department or, in extreme cases, the termination of the apprenticeship contract. Work together to establish rules on how to treat each other with respect . Define clear behavioural standards and develop strategies that enable the person accused of harassment to develop positive behavioural alternatives. Keep things specific and realistic so that a real change is possible.

Legal basis

CO Art. 328, Swiss Code of Obligations (Federal Act of 30 March 1911 on the Amendment of the Swiss Civil Code – Part Five: Swiss Code of Obligations, SR 220)

EmpA Art. 6, Employment Act (Federal Act of 13 March 1964 on Employment in Industry, Commerce and Commerce, SR 822.11)

(Laws can be accessed with SR numbers at: → *fedlex.admin.ch*)

Important links

→ *vocationaleducation.ch/addresses*
List of cantonal VET offices. Point of contact for initial information and referral to specialist units.

→ *vocationaleducation.ch/glossary*
All important VET terms are described in short and informative texts.

→ *fachstelle-mobbing.ch*
Specialist Unit for Harassment

Further literature

→ *schulthess.com*
Bieli Belinda, Bullying aus Sicht des Schweizer Arbeitsrechts, Zurich/ St. Gallen, 2016, DIKE Verlag

→ *seco.admin.ch*
Labour Directorate – Arbeitsbedingungen, Mobbing und andere Belästigungen – Schutz der persönlichen Integrität am Arbeitsplatz, (only available in German) 2016, State Secretariat for Economic Affairs (SECO)

Compiled by lic. phil. Claudia Stam, Fachstelle Mobbing und Belästigung GmbH → *fachstelle-mobbing.ch*
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→ *vocationaleducation.ch/factsheets*

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