

Racism

The “Racism” fact sheet provides an overview of the topic of racism and racist discrimination. You will learn what is perceived to be racism and what to do if problems arise in this regard. Preventive measures will also be outlined.



If you suspect, see or learn that a learner in your company is being subjected to racist behaviour or behaving in a racist manner themselves, you are required by law to intervene.

- Talk to the person affected.
- Protect the learner who is being harassed. You may want to temporarily relocate their place of work so that they are separated from the (alleged) harassing person until you are sure what actually happened. In the event of a permanent transfer, both the affected persons and the perpetrators must be transferred. If only those affected are relocated, this sends out the wrong signal.
- Do not make decisions over the head of the learner. Talk with them about what needs to be done.
- If a learner behaves in a racist or discriminatory manner towards other learner or employees, talk to them. If necessary, draw up a written agreement setting out the consequences of a violation of this agreement.
- You should also protect the person accused of behaving in a racist manner. The accusation could be wrong. Do not disclose any names until you are exactly sure what happened.
- If your company has a policy on racism, check what steps you should take. Otherwise, seek advice from experts.

Definition of racism

Racism covers any act that degrades or discriminates against people on the basis of racialized (external) characteristics, such as their origin, skin colour, name or language. This means that they are denied equal rights, discriminated against, humiliated, insulted, threatened or their physical integrity is put in danger.

Racism refers to all forms of racist discrimination and its impact on individuals or groups. It is not the intention behind an action or statement that is decisive, but its effect.

Individual experiences with racism are different – there is no single experience of racism. In addition, experiences of racism often overlap with other forms of discrimination (so-called multiple discrimination), which impacts the life options of those affected in different ways.

Racism manifests itself:

- in prejudices, stereotypes, hostility or aggression
- in racist-motivated crimes (hate crimes); these include, for example, attacks on the physical integrity or property of persons or institutions
- in verbal and written statements and provocation that stirs up violence, hatred or discrimination (hate speech)
- in forms of institutional, structural and direct or indirect discrimination

Racist discrimination can occur intentionally, but often also unintentionally.

Direct discrimination is:

- if a regulation or measure explicitly allows discriminatory unequal treatment (e.g. if a person is maliciously not hired on account of their national origin and this is also reported).

Indirect discrimination is:

- if a regulation or measure is formulated in a neutral way and does not contain any obvious discrimination, but in its practical application it has the effect that members of a particular group are regularly disadvantaged (e.g. a «neutral» ban on wearing religious symbols, but that this disproportionately affects Muslims who wear headscarves because headscarves are very visible compared to a necklace with a cross).

Structural discrimination is:

- discrimination against individual groups in the organisation of society (e.g. studies show that people with names that do not sound Swiss have more difficulty finding a job).
- making the privileging individual groups or disadvantaging other groups appear «normal» and preordained.

Institutional discrimination is:

- if internal rules, habits and procedures within an institution lead to members of certain minorities being regularly (and often also unconsciously) disadvantaged by the institution (e.g. through predefined assessment patterns for language skills in job applications or through unconscious expectations on the part of employers).

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Special responsibility of the host company

As a vocational trainer, you have a **special responsibility** towards your learners because young people in training are more dependent on the relationship than adult employees. They are particularly vulnerable and need more attention and protection. The Employment Act requires that learners must be protected against health hazards and negative influences until they turn 18 (EmpA Art. 29, para. 1 and 2, Art. 32). Analogous to the protection of personality rights in Art. 328 of the Swiss Code of Obligations, this also includes protection against racist remarks, racist harassment or racist discrimination.

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What actions can you take as a vocational trainer in specific cases?

As a vocational trainer, you can contribute to a climate free of racism and discrimination. Show **respect and appreciation** to all learners. Be observant and address racist comments and actions in day-to-day work. Support the learners and take them seriously if they feel discriminated against.

If you suspect or hear that a learner is being discriminated against or that they are discriminating against someone else, talk to that person. Once you are sure that they have in fact been exposed to racist or discriminatory comments or actions, discuss the next steps with the affected person.

Take the affected person seriously

Whether an action or remark is perceived as racist or discriminatory is entirely up to the affected person. You should therefore take learners seriously who complain about harassment that may seem harmless to you. Each group develops its own tone of voice and has established manners. If a new person joins the group – for example, a learner at the start of their apprenticeship – they may find common behaviour patterns or comments discriminatory. Do not dismiss the learner who complains by saying that things have always been this way. Have the courage to question even entrenched patterns and, if necessary, put a stop to them.

Protect the affected person

Discuss the situation, support the learner and provide them with addresses of specialised consultation services. However, never do anything that is against the will of the affected person. You could put them in danger.

If a learner acts in a racist manner, you must intervene

Make it clear to that person that **racist and discriminatory behaviour or comments** will not be tolerated. You should also point out that such actions or remarks may be **punishable by law**. If the learner nevertheless continues to act in a discriminatory manner, draw up a written agreement with them. This lists what the learner should refrain from doing and what **consequences** they will face if they fail to comply (transfer to another department, termination of the apprenticeship contract, and, in serious cases, criminal charges).

Sometimes innocent people are accused of having discriminated against learners

It is conceivable that a learner may complain about discrimination in order to gain an advantage or to distract attention from a problem – for example, if their work performance is being criticized. Accusations should therefore be carefully examined and not disseminated before they are proven to be justified. As long as the suspected discrimination has not been corroborated, the accused person must also be protected.

Seek information and advice

As a vocational trainer, you may be afraid of appearing overly sensitive. It takes courage to react and intervene, but it is all part of your leadership and training responsibility. If your company has a policy on racism, check what steps you should take. Accompany the trainee to the specialists **in the company's internal or external points of contact**. If your company does not have a specific procedure, you should seek advice from external experts.

Equal opportunities in the recruitment of learners

It is often difficult for young people with a migrant background to find an apprenticeship. They are exposed to discriminatory prejudices just as much as their adult compatriots, even if they have lived in Switzerland since birth. Studies show that they are perceived as having a lower capacity for work and limited chances of success, often even unconsciously. These young people have to assert themselves more; they are more used to fighting for their place than other people. It is important that the host company is aware of these mechanisms and tries to counteract them.

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Zero tolerance for discrimination

A company must not tolerate racism and discrimination at the workplace. The climate at work is disrupted wherever boundaries are crossed. A poorer work performance, lack of motivation to work and absences due to illness can be the consequences. If legal action is taken, one can expect damage to the company's image.

It is difficult for the affected person to deal with discrimination. They are marginalised and discriminated against for something they cannot change. If they defend themselves, they make themselves vulnerable and open to attack. Which is why it is important to act correctly and support the person.

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Preventive measures

Make it clear within the company that racist and discriminatory comments and actions will not be tolerated. Demonstrate that you support those who are affected and punish those who discriminate. Raise awareness among employees. Inform them about the different forms of racism and racial discrimination and the legal basis for these. As a company, establish internal procedures for dealing with racist acts and comments (communicate the relevant contact persons or bodies, etc.).

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Legal situation

The Federal Constitution guarantees equal rights for all people living in Switzerland:

“No person may be discriminated against, in particular on grounds of origin, race, gender, age, language, social position, way of life, religious, ideological or political convictions, or because of a physical, mental or psychological disability.” (SC Art. 8 para. 2). The Federal Constitution regulates the relationship between the state and the individual and is therefore particularly binding for public schools or public-law employers.

In the relationship between private individuals, the protection of the employee's personality rights is particularly relevant (EmpA Art. 29 and 32 and CO Art. 328): Employers are obliged to protect their employees, including against racist discrimination or harassment. If a person is dismissed for defending themselves against racist discrimination in the workplace, this constitutes unfair dismissal (CO Art. 336).

Since 1995, any public or serious forms of racial discrimination have been a criminal offence liable to public prosecution under Art. 261 bis of the SCC . Since 2020, sexual orientation has also been included in addition to the existing protected characteristics “race, ethnicity and religion”.

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Legal basis

EmpA Art. 29, para. 1 and 2, Art. 32, Employment Act (Federal Act of 13 March 1964 on Employment in Industry, Trade and Commerce, SR 822.11)

SCC Art. 261 para. 2, criminal law provision against discrimination and incitement to hatred (Swiss Criminal Code of 21 December 1937, SR 311.0)

CO Art. 328, protection of the employee’s personality rights and Art. 336, wrongful termination (Federal Act on the Amendment of the Swiss Civil Code – Part Five: The Code of Obligations, SR 220)

CC Art. 28, Protection of personality rights (Swiss Civil Code, SR 210)

FC Art. 8, (Federal Constitution of the Swiss Confederation of 18 April 1999, SR 101)

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

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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.

→ frb.admin.ch

Specialist authority for combating racism (FRB) of the FDHA (Federal Department of Home Affairs). Information and publications on the subject

→ opferhilfe-schweiz.ch/en

Addresses of the victim support consultation services in Switzerland. Information on who can claim victim support.

→ network-racism.ch/en

Counselling network for victims of racism. 23 cantonal consultation services are affiliated to the counselling network. It is coordinated by the FCR and humanrights.ch.

→ reportonlin Racism.ch

Reporting platform for online racist hate speech.

→ rechtsratgeber-rassismus.admin.ch

A legal guide for incidents of racial discrimination from the FCR.

→ gra.ch

Website of the GRA Foundation Against Racism and Anti-Semitism.

→ gewerkschaftsjugend.ch

Youth Commission of the Swiss Trade Union Federation. Learners' rights from A to Z.

→ rassismus-in-zahlen.admin.ch

Racism in figures: key points at a glance

→ notoracism.ch/glossar

Glossary for racism-sensitive language.



Further literature

→ notoracism.ch

Rahel El-Maawi, Mani Owzar, Tilo Bur, Sherin Attoun, No to Racism, Grundlagen für eine rassismuskritische Schulkultur, 1st edition 2022, hep Verlag AG

→ edi.admin.ch

Theodora Peter, Specialist authority for combating racism (FRB), summary of the basic study: Struktureller Rassismus in der Schweiz, Bern, March 2023

→ exitracism.de

Tupoka Ogette, exit RACISM, rassismuskritisch denken lernen, 9th edition 2018, Unrast Verlag

→ diaphanes.net

Anisha Imhasly, Rohit Jain, Manuel Krebs, Tarek Naguib, Shirana Shahbazi, Handbuch neue Schweiz, 2021 Diaphanes Verlag

→ transcript-verlag.de

Patricia Purtschert, Kolonialität und Geschlecht im 20. Jahrhundert: Eine Geschichte der weißen Schweiz, 1st edition 2019, transcript Verlag

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This and other fact sheets can be found at:

→ vocationaleducation.ch/factsheets

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