

WHAT CAN YOU DO IN CASE OF SEXUALISED HARASSMENT, DISCRIMINATION AND VIOLENCE IN THE WORKPLACE?

INFORMATION
AND ASSISTANCE

bff:  make it work!



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Are you being sexually harassed in your workplace by colleagues, superiors, customers, clients or other persons?

Are you feeling uncertain, confused, annoyed and/or ashamed and you don't know what to do?

You are not the only one experiencing this. Unfortunately, sexualised harassment and sexualised violence in the workplace are still often part of everyday working life. Studies have shown that at least one in four women experiences sexualised harassment in the workplace over the course of her working life.

Many of those affected suffer in silence and endure the harassment and assaults without receiving support from colleagues or superiors.

IT IS IMPORTANT FOR YOU TO KNOW:



- It is not your fault.
- You have rights in your workplace.
- You can defend yourself against harassment at work.
- You can get support.

This booklet offers information about your rights at work, what you can do to protect yourself and where you can find help.

WHAT IS SEXUALISED HARASSMENT IN THE WORKPLACE?

Are you unsure whether behaviour you are experiencing constitutes sexualised harassment in the workplace?

Your doubts are understandable: sexualised assaults and discrimination in the workplace are emotionally charged, shame-ridden and taboo topics. This makes it particularly difficult for those affected to talk about them.

Harassment often seems incidental at first, and tends to begin well before physical assaults. Some assaults involve the use of words, others leering or gestures; some innuendos are ambiguous, others are openly sexual. These attacks always happen against your will, without your consent, and can leave you with feeling uneasy.

These can be situations, such as:

- You hear sexist jokes all the time.
- Colleagues, customers and/or superiors make inappropriate comments on your appearance and body.
- You are being stared at suggestively.
- A colleague touches your buttocks or chest, supposedly accidentally, when passing by.

IT IS IMPORTANT FOR ALL SEXUAL TRANSGRESSIONS:



- **Your feeling is decisive. If you feel that your boundaries have been violated or the behaviour you are experiencing was not okay, your feeling is right.**
- **You are never to blame for intrusive behaviour!**

- You feel that your superior comes too close to you physically or verbally during conversations.
- There are sexist pictures in your workplace.
- You are asked to do things you don't want to do, for example: *"Sit on my lap!", "Give me a massage!"*
- Your superior threatens you with professional disadvantages if you refuse and/or reject (sexual) solicitation.
- You are promised a promotion if you agree to engage in a sexual relationship at work.

Who is affected by sexualised harassment in the workplace?

Sexualised harassment, discrimination and violence at work **can affect any employee**, regardless of appearance, behaviour, age, origin, marital status or professional position.

Who harasses in the workplace?

Individuals that harass people could include superiors, colleagues, customers, business partners or other persons you have to deal with in your daily work. **Studies have shown that in the vast majority of cases it is men who harass.**

Women and, for example, trans* people, queer, bisexual, lesbian or gay people, people with disabilities and/or people who experience racism are particularly at risk of sexualised harassment and violence in the workplace.

CONSEQUENCES OF SEXUALISED HARASSMENT FOR THOSE AFFECTED

Sexualised assaults in the workplace can have a variety of serious consequences. As an affected person you may find yourself in a difficult situation and feel that you are exposed to high levels of stress. The continuing violence and discrimination can be a threat to your health and professional future.

Social consequences

You may feel insecure, powerless and helpless in your everyday life. The harassment could have consequences for your self-esteem, and might adversely affect your self-confidence. You may feel the need to withdraw further and further. The experience may affect your personal life, for example, your relationship, and create conflicts.

Health consequences

You may be struggling with psychological strain and stress. You may become ill or feel ill, or you may feel unwell mentally. For example, you may

suffer more often from headaches or indigestion; you no longer sleep well, tend to forget things more, become anxious or are more easily scared than before the incidents began. Your quality of life may decrease significantly.

Professional consequences

Perhaps the incident keeps cropping up in your thoughts over and over again, and you may feel a surge of anxiety that it could happen again. As a result, you may, for example, not perform as well as you used to. Perhaps you try to avoid the harasser in order to protect yourself, which can make some work processes more difficult. You may be considering a transfer or handing in your resignation, or have already done so. The stressful situation in your workplace may result in you dropping out of your vocational training and/or ending your career. It is possible that your financial situation worsens, or that you face financial difficulties.

YOU HAVE RIGHTS! EMPLOYERS HAVE DUTIES!

Workplace bullying and harassment is prohibited by law. If you are affected, you have the right to be protected against bullying and harassment, and to defend yourself against sexual harassment at work.

What is important for you in this context?

- The German General Law on Equal Treatment (AGG) prohibits sexual harassment in the workplace. Your right to a non-violent workplace is enshrined in the AGG.
- In the event of certain types of sexualised assaults in the workplace, additional criminal law aspects may apply.

It is important for you to know your rights at work. At the same time, you should bear in mind that formal complaints procedures and legal proceedings can be difficult and stressful for those affected. It might therefore be appropriate for you to seek emotional and professional support and contact a counselling centre and, if necessary, a specialised lawyer.

The most important legal regulations:

General Law on Equal Treatment (AGG)

The General Law on Equal Treatment prohibits sexual harassment in the workplace. The AGG sets out clear obligations for employers and rights for employees. In the AGG, sexualised harassment, violence and discrimination are collectively referred to as "sexual harassment in the workplace". The law defines sexual harassment as verbal, non-verbal and physical assaults, and not only refers to the intention of the harasser, but also to the subjective feeling of the harassed person.

According to the AGG, **employers are obliged**, among other things, to:

§ ... set up an official complaints office. In doing so, the employer should also appoint a contact person to provide confidential initial counselling for those affected.

§ ... support those affected by sexualised harassment and to stop the harassment..

§ ... preventively protect employees from sexualised harassment and to prevent discriminatory behaviour in the workplace.

§ ... take effective measures against the person accused, in the event of sexualised harassment, up to and including transfer or dismissal, in order to put an end to the harassment.

§ ... ensure that the person affected is not disadvantaged when exercising his/her rights.

According to the AGG, **employees have the right**, among other things:

§ ... to complain to their employer. Employers must investigate the complaint and stop the harassment.

§ ... under certain conditions, and at best only in consultation with a lawyer, to remain outside their workplace and continue to receive a salary.

§ ... to claim damages for the sexual harassment, which may include, by way of example, treatment costs incurred or to be incurred as a result of the sexual harassment. It should be noted, however, that these claims must be asserted (or asserted on their merits with regard to the costs still to be incurred) within a period of two months after the harassment.

The AGG contains further legal possibilities and legal rights which you can only enforce against your employer, not against the person who has committed the harassment. It therefore makes sense to seek advice on labour law to check what options you have in your given situation.

CRIMINAL LAW

Sexualised assaults in the workplace may, under certain circumstances, also be classified as criminal offences.

These include libel, bodily harm, stalking and sexual assault. Offences against sexual self-determination, such as sexual assault, rape (under section 177 of the German Criminal Code) and sexual harassment (under section 184i of the Criminal Code) are particularly relevant in this context.

Criminal charges are brought directly against the perpetrator. Criminal proceedings are independent of a company grievance procedure or labour court proceedings against your employer.



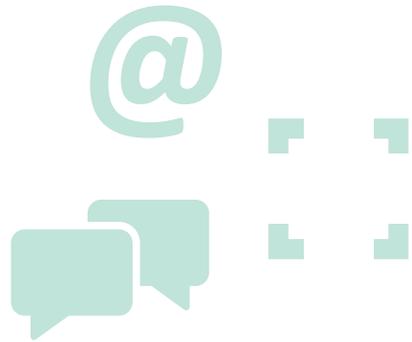
IT IS IMPORTANT FOR YOU TO KNOW:

You do not have to file a criminal complaint if you do not want to. If you are considering filing such a complaint, it is always a good idea to seek professional advice to relieve some of the burden and get initial information on criminal procedures. It should be noted, however, that some criminal offences can only be prosecuted by request of the person affected – and this request must be made within three months from the offence.



WHAT CAN YOU DO IF YOU ARE AFFECTED BY SEXUALISED HARASSMENT IN THE WORKPLACE??

- Take your feelings seriously and pay attention to how you feel and how you felt about the incident: Do you feel uncomfortable? Do you feel that your boundaries have been violated? Trust your feelings, you have good reasons for this and do not need to justify yourself.
- It is a good idea to talk about the experience with people close to you whom you trust. In this way you can get support and find relief.
- If it is possible for you, make it clear to the harasser that you will not tolerate the harassing behaviour. You can also do this after the incident occurred. If necessary, take a trusted witness with you to support you.
- Document the incidents. These notes can also be used as evidence in the case of legal proceedings. If necessary, save emails, chat histories, photos and other documents in a protected place.
- Check whether there is a contact person providing confidential counselling in your company/ institution whom you would like to approach. This person could give you supportive advice, whereby disciplinary actions do not necessarily need to be taken for the person harassing you.



- You may exercise your right of complaint. As a result, your employer can take measures to protect you. **Please note: Confidentiality no longer applies in this case!** It is therefore best to find out about the exact procedure and form of the grievance procedure before submitting a complaint in order to prepare yourself for this process. In this case, the specialised counselling centres are your point of contact. They will support you in taking a decision. **Confidentiality does apply.**
- It is reasonable to contact a specialised lawyer when considering legal steps against your employer. Find out in advance what costs you will incur or what kind of financial support is available.
- Contact a counselling centre in your area: they can give you support and information about your rights. The counsellors will assist you with professional guidance and help you to clarify the situation and assess your legal options.

WHERE CAN I FIND HELP?

If you are experiencing, or have experienced, sexualised harassment, discrimination and/or violence at work, you can get professional and confidential assistance from a specialised counselling centre. The staff will be on your side and advise you on how you can deal with the situation. No action will be taken unless you want it to.

Do not hesitate to contact a specialised counselling centre if you have questions or need support.

The addresses of these counselling centres and further information can be found on the homepage of the bff.

www.frauen-gegen-gewalt.de

HERE YOU CAN FIND ASSISTANCE CLOSE TO WHERE YOU LIVE: