

# Sexual and gender-related harassment

Here's what you can do about it!



**Sexual and gender-related harassment** is *prohibited* under the Equal Treatment Act in the **workplace** and in **access to services**.

### What is sexual harassment?

Sexualised behaviour that is unwanted by the affected person, violates their dignity and creates a hostile environment:

- **Physical assaults:** Kisses, “accidental” physical contact, to the point of sexual violence ...
- **Gestures and looks:** persistent staring at certain body parts, sexualised gestures ...
- **Words:** Comments about appearance, “jokes”, questions or messages with sexual content, unwanted “declarations of love” ...
- **Images:** pornographic posters or photos sent via WhatsApp messages ...

### What is gender-related harassment?

Behaviour that violates someone’s dignity based on their *gender, marital status or caring and nursing duties*:

- Anti-women, anti-male, anti-trans and inter-hostile remarks or “jokes”
- Insistent or insulting questions about marital status or family planning
- Hurtful comments about people who apply for parental or carer’s leave
- Repeated, involuntary “outing” of other people as inter, trans or non-binary or questioning their gender identity

“The bouncer of a club checked us out with an intrusive look and said to us: ‘Girls, if you give me your phone numbers, I’ll let you in.’ This situation was very unpleasant for us because the other guests noticed.”

“My boss often told me about very private matters and repeatedly tried to get close to me. For me, he really crossed a line when he asked me for a talk, and then he grabbed my hand and tried to kiss me.”

“My apprentice trainer calls me a ‘wimp’ and a ‘loser’. At the same time, he is very interested in my sexual habits and has touched me often. I’m completely intimidated and start my work day every day with a stomach ache.”

“My driving instructor keeps making sexist jokes and racist remarks about my hijab, even though I tell him that I think it’s inappropriate. He also speaks negatively about women’s ability to drive.”

## Legal consequences

When **employers** become aware of harassment, they are obliged to take corrective action and create a non-discriminatory environment. You can find more information on this in our guide “Corrective measures against sexual harassment” [Abhilfe gegen sexuelle Belästigung].

The legal consequence of harassment or inadequate corrective measures is compensation for the costs incurred and the violation of dignity. This amounts to at least €1,000.

## Legal options



- **Intervention** by the Ombud of Equal Treatment with the harasser and /or employer, negotiation of a solution (compensation, apologies, training for employees / managers, therapy ...)
- Examination of the case by the **Equal Treatment Commission**: This is free of charge.
- **Lawsuits**: Due to the risk of cost, we recommend getting legal protection, for example from the Chamber of Labour.
- In the event of serious assaults, in particular physical assaults and violence, **criminal charges** can be filed at the same time.

Here's what you can do:

## Document the situation!

- Write down what happened when and where, and who said what.
- Document the situation as soon as possible!
- Save evidence, such as WhatsApp messages. They can be helpful later on.

## Get advice!

- The Ombud for Equal Treatment provides free, independent and confidential advice. Together, we will discuss how to proceed and which legal steps could be appropriate.
- Of course, you can bring someone you trust to the consultation.
- If you would like advice in a language you are familiar with, we can provide translation.



Call us free of charge: **0800 206 119**



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**[gleichbehandlungsanwaltschaft.gv.at/english](https://gleichbehandlungsanwaltschaft.gv.at/english)**



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