



## La Manufacture, Haute école des arts de la scène

# PREVENTION AND SANCTION DIRECTIVE OF SEXUAL AND PSYCHOLOGICAL HARASSMENT IN THE RELATIONSHIPS OF WORK AND STUDIES WITHIN THE INSTITUTION

### 1. INTRODUCTION

The direction of the Manufacture acknowledges that sexual or psychological harassment is a reality in the workplace and causes harm to those who suffer from it. The effects of such practices are detrimental to the working environment and the efficiency of the institution as a whole.

### 2. GENERAL PRINCIPLES

The Manufacture, as an employer and as an educational institution, ensures the protection of the personality and dignity of all staff and students. Each member of the staff and every student has the right to proper and respectful treatment from superiors, colleagues and guest teachers. The physical and psychological integrity of each person must be respected.

Consequently, the Manufacture does not tolerate any form of violation of personal rights and harassment, including sexual and psychological harassment, and the direction guarantees the existence and implementation of an institutional mechanism to support these principles.

The purpose of this Annex is therefore to prevent and sanction harassment of any kind and to provide individuals who feel they are being victimized by inappropriate behaviour or harassment with the following services aimed at providing relevant information on how to react, to defend oneself and to launch a complaint procedure if necessary.

### 3. DEFINITIONS

- Sexual harassment is unwelcome behaviour of a sexual nature, or based on membership to one sex which violates dignity or physical or mental integrity of a person in the workplace. It manifests itself, for example, through staring, insistent looking, sexist or coarse language, exposure of pornographic material, embarrassing invitations, embarrassing touching, or advances accompanied by promises of benefits or threats.
- Psychological harassment/mobbing is a set of hostile words or actions, repeated frequently and persistently, whereby one or more persons seek to harm or violate the dignity or the mental or physical integrity of a person in its workplace. It is manifested, for example, by reprimanding a person in a way that is not in accordance with the law, ignoring or isolating, gossiping about, slandering, letting without work, or giving the person unnecessary or humiliating tasks.

### 4. SCOPE OF APPLICATION

This Annex applies to all staff (regular and temporary), as well as to all students of the Manufacture. It is forwarded to all the permanent staff, to all guest teachers and to all students as soon as they enter the school.

Although the above definitions generally relate to the relationship between employer and employee, the direction of the Manufacture intends to apply them equally in teacher-student relations. The present appendix is thus both an instruction from the employer for its employees (regular or temporary) and a directive for students.



## 5. CODE OF CONDUCT

The direction commits to:

- prevent harassment by appropriate means, such as information or training;
- make available the information published by the public authorities active in this field;
- have an external prevention and mediation unit;
- not for this reason to dismiss complainants or to transfer them against their will;
- support the victim of harassment in her or his request for reparation;
- punish the harasser in proportion to the seriousness of the damage caused.

Those with hierarchical responsibilities commit to:

- behave appropriately and respectfully towards subordinates and colleagues;
- uphold the present regulations;
- intervene without delay to put an end to improper actions.

All staff commit to:

- conduct themselves responsibly in terms of the quality of working relations, in particular by avoiding inappropriate, ambiguous or disrespectful behaviour;
- react immediately if she or he is a victim of or witness to such behaviours.

Students commit to:

- behave responsibly, including avoiding inappropriate, ambiguous or disrespectful behavior;
- react immediately if they are victims or witnesses of such behavior.

## 6. INSTITUTIONAL MECHANISM

### A. For the staff of the Manufacture

In the event of perceived harassment, the person concerned has several courses of action available such as:

- calling on your immediate supervisor or the school direction.
- call on the external prevention and mediation antenna (<https://permanence-rps.ch>):
  - Marc Rosset : [rosset@cpmr.ch](mailto:rosset@cpmr.ch) - + 41 21 601 58 09.
  - Chantal Pasquier : [pasquier@dailles15.ch](mailto:pasquier@dailles15.ch) - + 41 79 233 71 80
- lodge a complaint with his or her superior and, if necessary, with the school direction.

Contact with external persons of trust shall be treated confidentially. If the hierarchical superior or the direction of the school considers the lodging of a complaint to be appropriate, they may forward the file to the external antenna which will follow up the case.

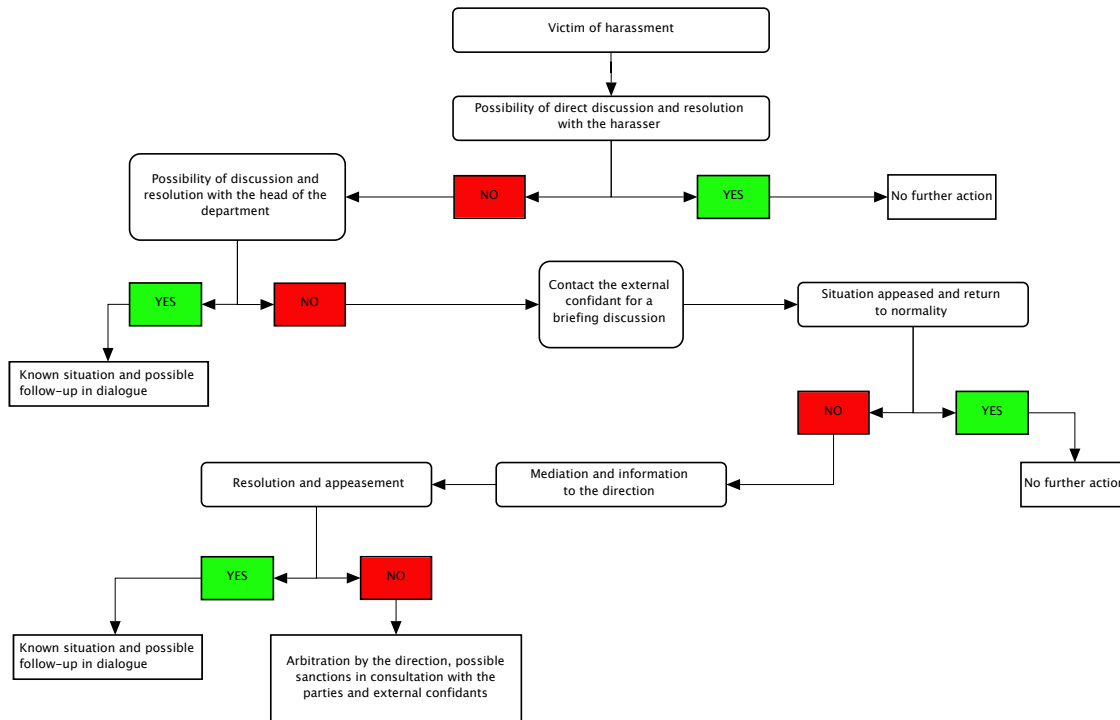
### B. For students

In the event of perceived harassment, the person concerned has several means of action available such as:

- reaching out to any member of staff or the school direction.
- call upon external confidants designated by the direction of the Manufacture:
  - Patrick Mangold : [patrick@patrickmangold.ch](mailto:patrick@patrickmangold.ch) - + 41 79 414 83 64
  - Joëlle Sanchez : [joelle.sanchez@sajconseil.ch](mailto:joelle.sanchez@sajconseil.ch) - + 41 78 792 08 12
  - Audrey Ravenswaay (bilingual eng/fra) : [ar@legal-mediation.ch](mailto:ar@legal-mediation.ch) - + 41 79 420 72 80
- file a complaint with the school direction.

Contact with external confidants is treated confidentially (the confidant and student concerned will nevertheless discuss the possibility of forwarding to the direction and/or the head of the department the relevant information for the resolution of the problem). If the head of the department or the direction of the school considers the lodging of a complaint to be appropriate, they may forward the file to the external antenna which will follow up the case.

C. Possible course of action in case of harassment, for students



7. LEGAL REFERENCES

- The Civil Code (art. 28 ff.), which prohibits behaviour that is detrimental to personal dignity.
- The Code of Obligations (Art. 328 para. 1) and the Federal Labour Act (Art. 6 para. 1 LT, Art. 2 para. 1 OLT), which prohibits conduct that is harmful to the personality.
- The Federal Act on Equality between Women and Men, which prohibits sexual harassment in the workplace on grounds of discrimination on grounds of sex (art. 4). The employer may be ordered to pay compensation (art. 5, para. 3).
- The Criminal Code, which prohibits, inter alia, bodily injury (art. 122 ff.), assault (art. 126), slander (art. 174), insult (art. 177), threats (art. 180), sexual coercion (art. 189), abuse of distress (art. 193) and sexual harassment (art. 198).

8. ADOPTION AND ENFORCEMENT

This Directive is adopted by the direction of the Manufacture on 18 December 2019. It enters into force on 1 January 2020.

An update of the Directive is adopted by the direction of the Manufacture on 11 May 2023.