

SAFE WORKING ENVIRONMENT

Anti-Harassment and Anti-Discrimination Policy for Applicants and Partner Institutions

MARCH 2023

1 Policy objectives, purpose and target groups

- a. This policy established by the Swiss Arts Council Pro Helvetia provides a framework for handling personal rights violations, discrimination and psychological and sexual harassment involving external stakeholders the Foundation directly supports, such as applicants and partner institutions in Switzerland and abroad. This policy also applies to all digital forms of personal rights violations, discrimination and psychological and sexual harassment.
- b. The policy sets out Pro Helvetia's basic funding conditions regarding personal rights violations, discrimination and psychological and sexual harassment. It also explains which sanctions the Foundation can impose if the policy is not complied with.
- c. The policy applies to all artists and institutions funded by Pro Helvetia that do not have an employment relationship with the Foundation.
- d. Based on the Foundation's current legal framework, the policy contains binding definitions of personal rights violations, discrimination and psychological and sexual harassment. It also sets out binding procedures that will be applied if a violation is reported.

2 Policy statement

- a. The Swiss Federal Constitution protects human dignity (Art. 7 SFC). As a publicly funded organisation, Pro Helvetia is obliged to create appropriate framework conditions to ensure that human dignity is protected.
- b. Pro Helvetia condemns all forms of personal rights violation, discrimination and psychological and sexual harassment in working environments and expects the same from its applicants and partner institutions. The Foundation assumes its institutional responsibility by defining clear rules, processes and actions in the event of personal rights violations, discrimination and psychological and sexual harassment.
- c. In doing so, Pro Helvetia adheres to the principle of the presumption of innocence in accordance with the Swiss Criminal Procedure Code (Art. 10 CPC).
- d. If applicants or partner institutions fail to comply with these guidelines in a specific case, Pro Helvetia has a right to enforce consequences regarding support, collaboration and funding.

3 Definitions

3.1 Personal rights violation

- a. A personal rights violation is any unlawful violation of personal rights, which in particular protect a person's physical and mental integrity, social standing, good reputation and privacy.
- b. Violations of personal rights recognised by the law and the courts include discrimination, psychological and sexual harassment, and bullying.

3.2 Discrimination

- a. The Swiss Federal Council lays down a ban on discrimination (Art. 8 SFC) within the context of equality before the law: '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.'
- b. Discrimination refers to remarks or action directed at members of certain social or cultural groups in a disparaging or discriminatory manner. The principle of equal treatment is violated when a person is treated in a derogatory and discriminatory manner simply because they belong to a particular group.
- c. Direct discrimination occurs where discriminatory unequal treatment is explicitly linked to one of the characteristics mentioned above. Indirect discrimination occurs where a neutral regulation or action is extremely disadvantageous to people to which certain characteristics apply (gender, origin, ethnicity, disability, etc.).
- d. Examples of conduct or actions that constitute discrimination include:
 - Unequal pay or unequal treatment in contractual agreements based on gender, origin, ethnicity, etc.
 - Unfair treatment of women because of pregnancy or maternity, etc.

3.3 Psychological harassment (bullying)

- a. Psychological harassment (bullying) is any negative or hostile behaviour by an individual or multiple people either directly or indirectly aimed at a third person. This means repeated, systematic behaviour that takes place over a period of time that involves attacking or humiliating an individual, isolating or marginalising them and progressively excluding them from their work environment.
- b. Examples of behaviour or actions that constitute psychological harassment (bullying) include:
 - Racist remarks or attacks based on skin colour, origin or religion.
 - Verbal or non-verbal homophobic and transphobic attacks.

3.4 Sexual harassment

- a. Sexual harassment is any unwanted conduct of a sexual nature, or any other conduct based on gender that violates the dignity of employees in the workplace, including but not limited to threats, promises of benefits, coercion or pressure of any kind in return for sexual favours.
- b. Examples of conduct or actions that constitute sexual harassment include:
 - Physical harassment such as unwanted physical contact, including inappropriate touching, physical violence and sexual assault
 - Work-related threats or rewards in return for sexual favours
 - Verbal harassment, such as lewd remarks, insinuations, and jokes, sexual advances, or unwanted invitations or messages containing sexual insinuations or content
 - Sharing of sexually explicit or suggestive material.

4 Pro Helvetia's funding conditions

4.1 Basics

- a. Pro Helvetia expects all individuals, groups of people, institutions and organisations that it supports to respect human dignity and the rights of third parties at all times when carrying out their professional activities in connection with Pro Helvetia funding.
- b. Compliance with this policy is a condition attached to receiving and using the funding.

- c. All applicants are informed about the policy during the application process. By ticking the boxes, they are confirming that they are aware of and will comply with the policy.

4.2 Institutions and organisations

- a. Pro Helvetia expects all institutions and organisations it supports to exercise their duty of care as an employer at all times, particularly with respect to protection against personal rights violations, discrimination and psychological and sexual harassment.
- b. As part of the application process, Pro Helvetia requires the following information from institutions and organisations (e.g., collectives) that it supports through annual or multi-year contracts, and this must be accessible to all employees:
 - Appointment of an internal person/internal persons of trust in the event of personal rights violations, discrimination, and psychological and sexual harassment.
 - Appointment of an external trusted party.
 - Policy on raising awareness and preventing personal rights violations, discrimination, and psychological and sexual harassment.
 - Description of what to do in the specific case.

If this information is not available when the contract is concluded, any missing information must be provided within three months. If the missing information is not provided, Pro Helvetia has a right to terminate the contract.

5 Procedure if Pro Helvetia's funding conditions are disregarded

5.1 Basics

- a. Pro Helvetia is committed to ensuring that the projects it takes on and supports can be undertaken in a safe and respectful working environment.
- b. Cases in which the funding conditions listed under 4.1 and 4.2 are not met can be reported to Pro Helvetia.
- c. It is not within the Foundation's remit to conduct criminal investigations or prosecute individuals.

5.2 Reporting instances of discrimination and harassment

Personal rights violations, discrimination and psychological and sexual harassment according to Art. 3 that take place in the context of a project supported by Pro Helvetia or in the context of an ongoing contractual agreement can be reported to the Foundation. To do so, please email: reportacase@prohelvetia.ch.

Reports go straight to an internal committee (see 5.4 c). Confidentiality is maintained.

5.3 Reviewing reported cases

- a. Pro Helvetia generally only responds to reports of personal rights violations, discrimination and psychological and sexual harassment if they took place in the course of an ongoing contractual or financial agreement with the Foundation and arose in a professional context.
- b. Any reported cases are dealt with jointly with any institutions or funding bodies involved in the funded project. As a rule, the party that is most involved in the project in organisational or financial terms takes on responsibility for further action.

5.4 Dealing with reported cases

- a. The internal committee treats reports to Pro Helvetia regarding non-compliance with the funding conditions based on personal rights violations, discrimination and psychological and sexual harassment confidentially. The Foundation suggests further steps, but no action is taken without first consulting the person who reported the case.
- b. Pro Helvetia guarantees that anyone who reports a case will not suffer any disadvantages in terms of support and funding.
- c. The internal committee is made up of three employees from the Directorate, Human Resources and Equal Opportunities. If necessary, other employees from these divisions will be consulted.
- d. If necessary, the Foundation can appoint external experts who will advise on how to proceed or will carry out an independent review.
- e. If legal proceedings are ongoing, Pro Helvetia will take this into account when reviewing the case and deciding on any consequences.
- f. Pro Helvetia aims to complete its handling of an incident within three months.

6 Actions regarding funding

- a. Pro Helvetia can take the following actions against persons or organisations accused of behaving in a discriminatory or harassing manner while the report received is under review:
 - New or pending applications will not be accepted or processed.
 - Discussions and negotiations about future projects will be suspended until the review process has been completed.
 - If applications from the organisation or person concerned were accepted before the report was received, Pro Helvetia will pay any costs incurred as a result of the project up to that point in time. All further payments are suspended from the time when the report is received until the case is closed.
- b. Pro Helvetia can take the following actions against organisations it funds that are accused of not meeting their duty of care as an employer with respect to personal rights violations, discrimination and psychological and sexual harassment:
 - Withdraw ongoing funding for a project either in whole or in part.
 - Request detailed information on actions taken to redress the existing grievance.
 - Pro Helvetia reserves the right to not consider any new applications from the applicant(s) supported until further notice.
 - If the actions taken are considered reasonable and expedient, Pro Helvetia will reinstate the funding relationship.