Abstract of the Equal Treatment Act\(^1\) (as from 15, June 2015)

**What is sexual harassment?**

**Sexual Harassment**

§ 8 Federal Equal Treatment Act

(1) Discrimination on the grounds of sex in an employment or training relationship is also present if the employee:

1. Is directly sexually harassed by the employer’s respective representative,

2. Is discriminated against in situations where the employer’s representative intentionally or negligently fails to take appropriate action in reaction to a case of sexual harassment committed by third parties,

3. Is sexually harassed by third parties.

(2) Sexual harassment is present if a person performs actions related to the sexual sphere which are degrading or intended to be degrading, are unwanted, inappropriate, degrading, insulting, or offensive to the person at which the actions are aimed, and:

1. Create or are intended to create an intimidating, hostile, or humiliating work environment for the person affected

2. Take the affected person’s rejection or acceptance of sexual behavior by a representative of the employer or a colleague as a basis for a decision, either explicitly or tacitly, that has consequences for the affected person’s access to training or continuing education, employment, continued employment, promotion, or remuneration, or any other decision regarding the employment or training relationship

(3) Ordering someone to sexually harass somebody else also constitutes an instance of discrimination.

*This text is only for information purposes and therefore not legally binding.*

\(^1\) Stand: 15.01.2018 (German), Quelle: RIS, Bundesrecht konsolidiert,  
[https://www.ris.bka.gv.at/Ergebnis.wxe?Abfrage=Bundesnormen&Kundmachungsorgan=&Index=&Titel=b-  
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