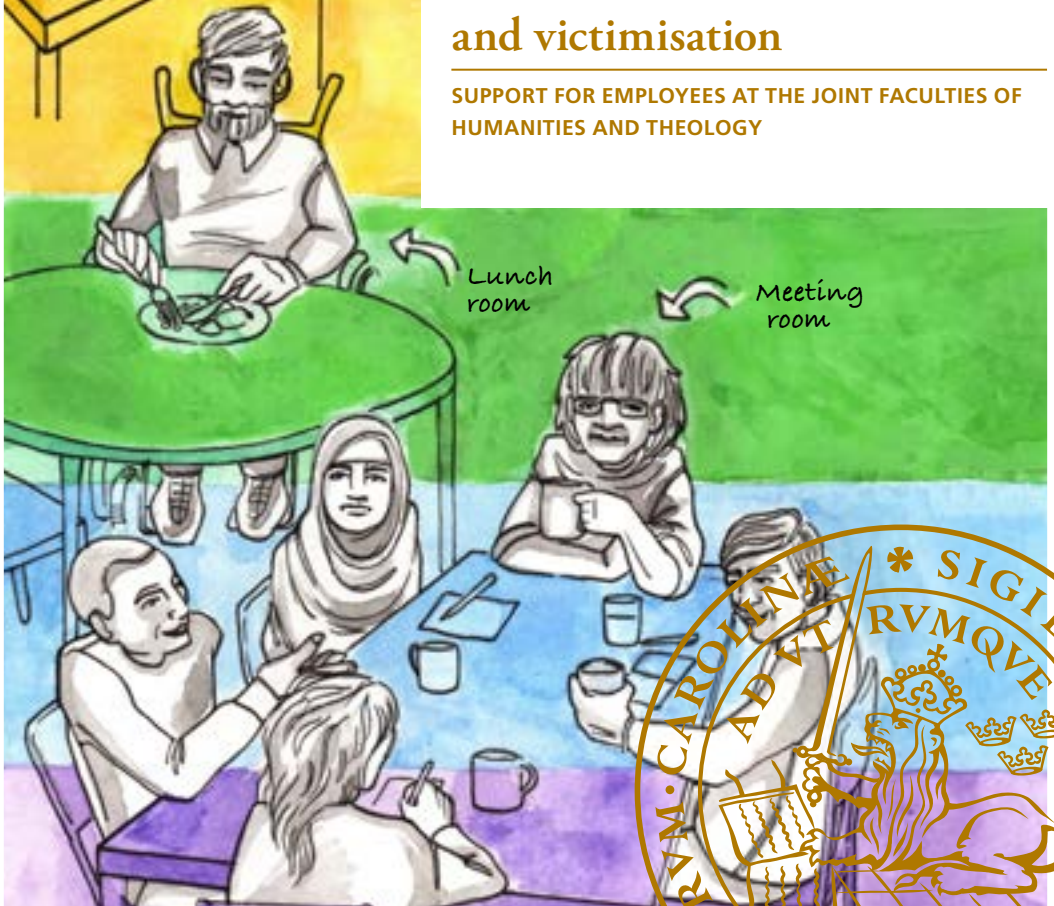




Discrimination, harassment and victimisation

SUPPORT FOR EMPLOYEES AT THE JOINT FACULTIES OF
HUMANITIES AND THEOLOGY



INTRODUCTION

This guide is intended for employees at the Joint Faculties of Humanities and Theology. The guide contains:

General information on

- what discrimination, harassment and victimisation are
- what the University's obligations are
- how to work preventatively against discrimination, harassment and victimisation

Information for employees

- what you can do if you experience discrimination, harassment or victimisation
- what you can do if you are made aware of discrimination, harassment or victimisation
- what is at risk for the alleged perpetrator of discrimination, harassment and/or victimisation

Information for directors

- what you can do if you experience discrimination, harassment or victimisation
- what you can do if you are made aware of someone being subjected to discrimination, harassment or victimisation and what the investigation process looks like
- where you can turn for support in handling the matter and where you can find further information

WHAT ARE DISCRIMINATION, HARASSMENT AND VICTIMISATION?

What does the Discrimination Act say?

The Discrimination Act covers six different forms of discrimination:

- direct discrimination
- indirect discrimination
- inadequate accessibility
- instructions to discriminate
- harassment
- sexual harassment

Lund University is obliged to investigate these, both as an education provider and as an employer.

For the Discrimination Act to be invoked, the incident must be linked to one of the seven grounds for discrimination that are prohibited by the Discrimination Act, which are listed as follows:

- gender
- transgender identity or expression
- ethnicity
- religion or other belief
- disability
- sexual orientation
- age

WHAT IS DISCRIMINATION?

Below is a brief summary of the six different forms of discrimination (of which harassment and sexual harassment are two forms of discrimination).

Direct discrimination is when someone is disadvantaged by being treated less favourably than someone in a comparable situation, and if this disadvantage is associated with any of the grounds of discrimination.

Indirect discrimination is when someone is disadvantaged by the application of a provision, criterion or procedure that appears neutral but that may put certain people at a particular disadvantage.

Inadequate accessibility is when a person with a disability is disadvantaged compared to a person without this disability, through a failure on the part of the organisation to take reasonable measures to address this.

Instructions to discriminate occur when a person in a position of responsibility gives orders or instructions to discriminate against someone in a way covered in the paragraphs above.





WHAT IS HARASSMENT?

According to the Discrimination Act, harassment is behaviour that violates a person's dignity and that is associated with one of the grounds for discrimination. This can take the form of direct address, email contact or text messages. An example is if a manager comments on an employee in a derogatory, generalising or ridiculing manner associated with any of the grounds for discrimination, for example, religion, age or ethnicity.

WHAT IS SEXUAL HARASSMENT?

According to the Discrimination Act, sexual harassment is behaviour of a sexual nature that violates someone's dignity. For example, it can refer to inappropriate staring, unwelcome physical contact, jokes, jargon, images or sexual innuendo either in private or in front of an entire group.

WHAT IS VICTIMISATION?

Victimisation can be equated to bullying. According to the Swedish Work Environment Authority's provisions on organisational and social work environment (AFS 2015:4), victimisation is defined as "Actions directed against one or more employees in an abusive manner, which could lead to ill health or their being placed outside the community of the workplace". It can take the form of freezing out the victim, threats, mistreatment, insults, and withholding information. Victimisation does not need to be associated with any of the seven grounds of discrimination.

It is always the person who feels victimised that determines what is offensive or victimising. However, an investigation can demonstrate that this was not the case according to the law.

PREVENTIVE WORK

All universities and higher education institutions are obliged to work preventatively against all forms of discrimination including harassment, as well as working preventatively against victimisation. Among other things, the work involves establishing procedures for how these matters are to be handled. For example, for directors this could entail annual investigations to assess the work environment and work climate.

Examples of measures:

- establish procedures, improve current procedures
- improve the interfaces within the departments
- investigate what the workload is like
- investigate the risks of discrimination, retaliation and other obstacles for equal rights and opportunities as well as adjusting procedures to reduce the risk of discrimination
- discuss the definition of victimisation
- carry out an independent review of the workplace climate and how members of staff relate to one another and how they would like it to be

The Division of Human Resources, the HR officer and the work environment coordinator at the faculties are happy to provide assistance.



INFORMATION AND SUPPORT FOR EMPLOYEES

As an employee, what do you do if you feel you have been subjected to discrimination, harassment and/or victimisation?

CHECK LIST

Speak up. Inform the accused that you experience the treatment as discriminatory or victimising and ask them to stop.

Take notes. Write down what has happened. Write down what was said, how it made you feel and note the time and place. This can be of significance later on and for a potential investigation. .

Do not delay in telling someone.

Tell a colleague or someone you trust what has happened.

Report the incident to your director. The director then has the responsibility to ensure that the incident is investigated and measures taken. If it is your director who is the harasser, report the incident to your director's director, your union or directly to the DO (Equality Ombudsman).

You have the right to help and support. Your director has the obligation to investigate what has happened, that is, to gather sufficient information and knowledge about the situation. You can also contact the HR manager, the

Last resort. If you are dissatisfied with the University's investigation, you can always turn to the Equality Ombudsman (DO).

You have the right to remain anonymous and the right to stop an investigation at any point during the process. However, it is good to know that the director cannot take things further if you would like to remain anonymous, they can only put in place general preventive measures.



As an employee, what do you do if you are made aware of someone who feels they have been subjected to harassment or victimisation?

If you become aware of someone who feels they have been subjected to harassment, sexual harassment or victimisation, or if you see behaviour that could be considered harassment or victimisation, you have the obligation to inform your director so that an investigation can be initiated.

It is prohibited for you to be mistreated, punished or met with reprisals for reporting that you or another person may have been subjected to discrimination, harassment or victimisation.

WHAT IS AT RISK FOR THE ACCUSED

The accused will be called to a meeting that is to take place impartially. The person has the right to contact their union prior to the meeting and to have a union representative or health and safety representative accompany them.

If harassment or victimisation is found to be present

The accused will be reprimanded and called to a corrective action discussion that may result in labour law sanctions. The sanctions are decided on by the Lund University Staff Disciplinary Board (PAN) or, in the case of professors, the Government Disciplinary Board for Higher Officials (SAN).

INFORMATION AND SUPPORT FOR DIRECTORS

As a director, what do you do if you feel you have been subjected to discrimination, harassment and/or victimisation?

If you have been subjected to discrimination, harassment and/or victimisation, it is your director who is responsible for ensuring that an investigation takes place.

As a director, what are you obliged to do if you are made aware of someone feeling they have been subjected to discrimination, harassment or victimisation?

Lund University is obliged to investigate, both as an education provider and as an employer.

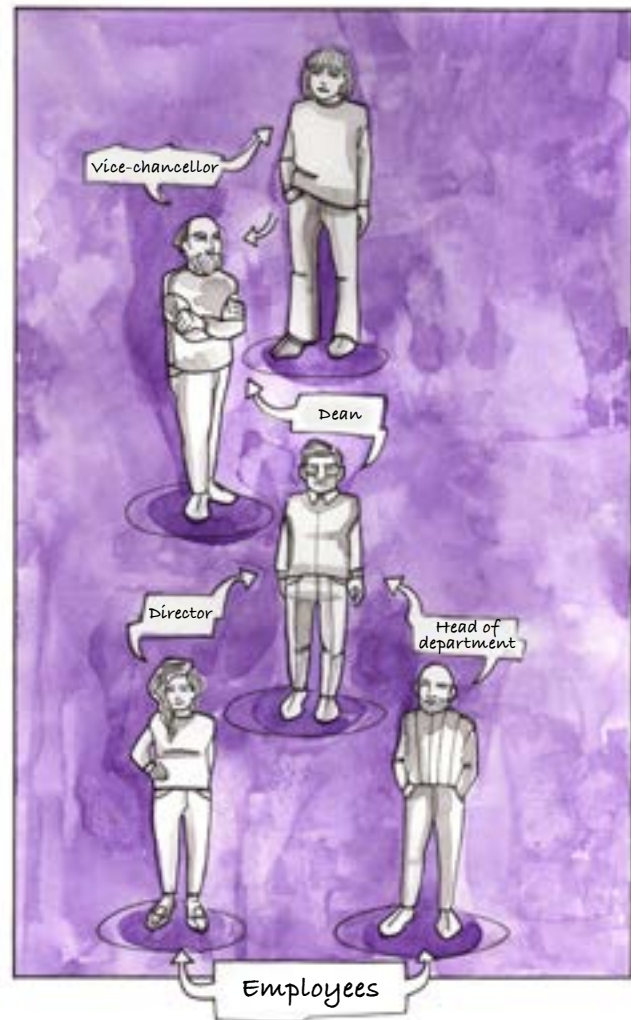
As a director, you have a responsibility delegated from the vice-chancellor and, in accordance with the work environment and discrimination acts, you are to work on preventing and eliminating discrimination, harassment, sexual harassment and victimisation from taking place in your workplace.

Inform your staff that they have a responsibility to report if someone turns to them and tells them that they feel they have been subjected to harassment or victimisation. Also inform them about who they can turn to.



1. **Start an investigation.** Take the person's experience seriously. Investigate what has happened, and ensure you gather enough information and knowledge about the situation. The investigation is to take place discreetly and promptly. The incident should also be analysed and this analysis is to be carried out by someone impartial in the matter.
2. **Take measures.** If harassment and/or victimisation is proven, put a stop to it by explaining how to correct the behaviour and also put preventative measures in place.
3. **Follow up.** Check if the measures have been sufficient and that they have had the desired effect. Draw conclusions for the future on preventive work.

Continuous documentation of the investigation and measures is an important basis for following upon the impact of the measures. There is university-wide support material with more information on processing and investigation. See more on page 11 under the heading *Where can I find more information?*



WHO CAN I TURN TO FOR SUPPORT?

Support person/body for you as an employee

Director
HR manager
Health and safety representative
Unions
Occupational Health Service
Equality Ombudsman (DO)

Support person/body for you as a director

Director
HR manager
Legal Division
Union organisations
Occupational Health Service
Equality Ombudsman (DO)



WHERE CAN I FIND MORE INFORMATION?

The information and links below can be found at: www.ht.lu.se/en/equal-opportunities-employees

General information

Discrimination Act

The Swedish Work Environment Authority's information on victimisation

The Ordinance (2001:526) on the responsibility of public authorities for the implementation of the disability policy

Information on the Equality Ombudsman website that focuses on discrimination against students, however, the basic principles can also be applied to staff members and employees.

Lund University's website on discrimination

Lund University's website on victimisation

Directors

Support for directors in the form of *Handling and investigating cases of harassment and sexual harassment*

Support for directors in the form of *Managing victimisation*

Respect, tolerance and consideration are to apply in all relations. This concerns all categories of people active at the University: students, teaching staff, researchers and administrative staff. Everyone has a shared responsibility for treating people around them with respect and for striving to create a good work environment in all contexts, whether in the lecture halls, the corridors, on social media or in the common rooms.



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