

Subject area: Equal opportunities/Equal treatment

Document type: Guidelines

Decision-maker: Vice-chancellor

Organisational unit: Division of Human Resources

Reference: Jenni Vahlström

Decision date: 07/05/2019

Effective as of: 01/06/2019

Valid until: Until further notice

To be updated by: 01/06/2023

Document(s) repealed: The vice-chancellor's decision from 30 January 2012 regarding guidelines in case of discrimination and harassment of employees in accordance with the Discrimination Act. SLU.ua.Fe.2012.1.0-44

Annex to: Vice-chancellor's decision from 7 May 2019

Guidelines in case of suspected harassment, sexual harassment of or reprisals against an employee

The Swedish University of Agricultural Sciences does not accept harassment, sexual harassment or reprisals in connection with any of the grounds of discrimination: sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age.

Purpose

The purpose of this document is to clarify the meaning of harassment, sexual harassment and reprisals in connection with the grounds of discrimination, as well as how SLU will handle such cases.

According to the Discrimination Act, who can be discriminated against in the workplace?

Discrimination is a term that involves many different dimensions of feelings, experiences, norms and legal frameworks. In this document, discrimination is defined in the same manner as in the Discrimination Act. This means that an employer may not discriminate those who:

- are employed at the workplace in question;
- ask about or apply for posts at SLU;
- apply for or do a placement;
- are available to perform work or are performing work as hired or borrowed labour at SLU.

The employer is also responsible for investigating discrimination between the parties mentioned above and subsequently taking measures.

If an employer delegates the right to make decisions regarding the parties mentioned above to another person, the person in question is also considered an employer.¹

If a student violates a co-worker, it is considered a work environment issue. See the guidelines concerning victimisation at SLU.

What constitutes harassment, sexual harassment and reprisals?

Harassment – conduct that violates a person’s dignity and is associated with one of the grounds of discrimination², e.g. ridicule or disparaging generalisations.

Sexual harassment – conduct of a sexual nature that violates someone’s dignity.³ For example, it can be groping or giving intrusive looks. It can also take the form of unsolicited compliments regarding appearance, allusions to sex or sexual jargon.

Reprisals – an employer may not subject an employee to reprisals because the employee has participated in an investigation under this Act, rejected or given in to harassment or sexual harassment on the part of the employer, or reported or called attention to the fact that the employer has acted contrary to the Discrimination Act.⁴ Examples of reprisals can be unjustified transfers, low pay raise ruled by subjectivity, exclusion from meetings or other information that usually includes the person in question.

Unwanted behaviour

The common factor for the actions mentioned above is that they are all unwanted and offensive. The victim of harassment always decides when a line has been crossed.

Unwanted behaviour is not always connected to any of the grounds of discrimination. In such cases, see the guidelines concerning victimisation at SLU.

Manager’s responsibility if someone is victimised

If an employer becomes aware that an employee considers that he or she has been subjected, in connection with work, to harassment, sexual harassment or reprisals,

¹ Discrimination Act (2008:567), Chapter 2, Section 1.

² Discrimination Act (2008:567), Chapter 1, Section 4

³ Discrimination Act (2008:567), Chapter 1, Section 4.

⁴ Discrimination Act (2008:567), Chapter 2, Section 18.

the employer is obliged to investigate this and take measures to end the harassment.⁵ In connection with work can for example be in the workplace, at a work party or during a business trip. The victim is not required to report the matter. You as a manager, or someone else who saw something or suspects that something has happened, can submit a report.

Investigate the event or claims

Talk individually with the victim, the person(s) who reportedly harassed them and possible witnesses. If there is a need for support discussions, contact occupational healthcare.

Ensure to document the investigation and your view on the matter. Decide whether the situation can be solved immediately at the department/division or if other measures need to be taken. Contact your HR specialist for support.

Follow up the situation after a measure has been taken to ensure that the harassment has stopped. If it turns out that it has continued, you must take further measures to stop it. It is important to document both the investigation and subsequent measures.

If you feel victimised

Primarily contact your immediate or another manager. If your manager has harassed you or subjected you to reprisals, you can contact their manager, an HR specialist or a health and safety representative. Doctoral students can also turn to the doctoral student ombudsman.

If the employer does not investigate the matter or take any measures, you can contact your trade union. If you are not a member of a trade union, or if they cannot represent you, you can submit a report to the Equality Ombudsman.

Speak up – it is not always obvious to the harasser that their conduct is offending. If this seems to be the case, you must make it clear to the person in question that they have crossed a line.

Take notes – write down what has happened and when it happened. This will help you remember specific times, locations and other information that may be crucial during a harassment investigation.

Do not delay – try not to wait too long before submitting a report. The more time that has passed, the harder it becomes to investigate a situation. In some cases,

⁵ Discrimination Act (2008:567), Chapter 2, Section 3.

there is a statute of limitations; i.e., the report must be submitted before a specific deadline⁶.

Consequences

If an investigation shows that a manager or other employee has harassed an employee, this may be reported to the staff disciplinary board. In cases where the matter involves a professor, contact the Government Disciplinary Board for Higher Officials. The staff disciplinary board consists of both employer and employee representatives. It decides on matters concerning disciplinary responsibility (warnings, salary deductions), prosecution, resignation due to personal reasons or dismissal.

Even if a matter is reported to the police, the employer is still obligated to investigate the matter and is subsequently responsible for ensuring that a similar situation does not occur again.

Discrimination reimbursement

If a matter is transferred to the Swedish Labour Court, the victim may receive discrimination reimbursement. It is partly reimbursement for the violation included in the discrimination situation, partly an attempt to deter future infringements.

Supplementary work

When a person claims to have been the victim of harassment, it may be sign that there are problems at the workplace. Subsequently, the employer has a reason to review current preventative initiatives. The Discrimination Act requires employers to work on active measures to bring about equal rights and opportunities in working life.⁷

Active measures

Active measures against discrimination is preventative work, just like the systematic work environment management described in the Work Environment Act. Preferably, these work methods can be integrated⁸. Active measures involve investigation, analysis, measures and follow-up⁹. Learn more on the staff web.

⁶ Discrimination Act (2008:567), Chapter 6, Section 4–5.

⁷ Discrimination Act (2008:567), Chapter 3, Section 1.

⁸ Prop.2015/16:135, p.37 (only in Swedish).

⁹ Discrimination Act (2008:567), Chapter 3, Section 2.