



Guide to dealing with discrimination, harassment and victimisation

FOR STAFF AT LUND UNIVERSITY SCHOOL OF ECONOMICS AND MANAGEMENT





Introduction

This guide is for staff at the Lund University School of Economics and Management. It aims to provide information about discrimination, harassment, and victimisation, as well as how the University acts when discrimination or victimisation is discovered. It also contains information about whom to contact. The guide has been designed by the Gender equality, Equal opportunities and Diversity council at the School of Economics and Management.

Lund University has a zero-tolerance approach to discrimination, harassment and victimisation. Hence, the School of Economics and Management wants to work actively to promote a better work and teaching environment for employees and students. We can create an attractive workplace through information and by integrating work with gender equality, equal treatment and diversity into our daily tasks – a workplace where everyone feels welcome and can develop professionally in an environment free from all forms of discrimination and victimisation.

This guide defines discrimination, harassment, and victimisation, and includes information about where to turn if you or someone you know is experiencing or has experienced discrimination, harassment and victimisation. At the end of this guide you will find a list of useful contact details and links, should such situations arise.



What is in the Discrimination Act?

Discrimination and harassment are regulated through the Swedish Discrimination Act (SFS 2008:567). The purpose of the Act is to counteract discrimination and promote equal rights and opportunities in other ways. In everyday language, the word discrimination is often used to refer to different kinds of unfair treatment, but not all unfair treatment is discrimination in the legal sense.

Discrimination occurs when an individual is treated disfavouredly compared to someone else in a comparable situation, or when a person's dignity is violated. The disfavoured treatment or the violation of the person's dignity must be related to one of the seven grounds of discrimination, as specified in the law. When it comes to sexual harassment, however, no link to disadvantage is required.

Discrimination must concern one of the forms described in the Act and must have happened in one of the areas to which the Act applies. Even if the situation is not covered by the Discrimination Act, support and help are available and it is possible to report the situation. The person who feels exposed is the one to determine what (s)he perceives to be discrimination or harassment, not the intent behind the behaviour. An investigation is to determine how the events are to be interpreted.

Remember

The person who feels subjected to the behaviour is the one to determine what they perceive to be discrimination or harassment. However, this does not mean that others cannot have a different perception of the situation. The circumstances of the event may entail the situation being legally categorised differently from how the victim perceives it. In order for the case to be a question of harassment, the action or behaviour must be unwanted. **It is the person who feels exposed to the behaviour who determines whether it is unwanted or not.** According to the Discrimination Act, the person who is harassing the victim must understand how the behaviour is perceived for it to constitute harassment. It is therefore very important that the person who feels victimised makes it clear to the perpetrator that the actions are unpleasant and unwelcome. In certain situations, the offense is so obvious that no clarification is needed.

Discrimination according to the Act

Direct discrimination: that someone is disadvantaged by being treated less favourably than someone else is treated, has been treated or would have been treated in a comparable situation, if the treatment is linked to one of the seven grounds on which discrimination occurs. Both action and inaction can be considered unfavourable treatment.

Indirect discrimination: that someone is disadvantaged by the application of a provision, a criterion or a procedure that appears neutral but that may put people at a particular disadvantage based on one of the seven grounds on which discrimination occurs, unless the provision, criterion or procedure has a legitimate purpose and the means that are used are appropriate and necessary to achieve that purpose.

Inadequate accessibility: that a person with disability is disadvantaged through a failure to take measures for accessibility to enable the person to come into a situation comparable with that of persons without this disability where such measures are reasonable on the basis of accessibility requirements in laws and other statutes.

Harassment: conduct that violates a person's dignity and that is associated with one of the legally defined grounds of discrimination.

Sexual harassment: conduct of a sexual nature that violates someone's dignity.

Instructions to discriminate: orders or instructions to discriminate against someone, in a manner referred to in the points above, that are given to a person who is, in some way, dependent of or in a subordinated position (such as an employee) relative to the person who gives the orders or instructions.

It is prohibited to subject a person who has reported discrimination to reprisals. It is also prohibited to punish someone who has participated in an investigation of discrimination.

THE SEVEN GROUNDS OF DISCRIMINATION

Sex: that someone is a woman or a man. The prohibition of discrimination on the ground of sex also includes persons who have undergone, or who are planning to undergo gender affirmative actions.

Transgender identity or expression: that someone does not identify themselves as a woman or a man or expresses by their manner of dressing or in some other way that they belong to another sex.

Ethnicity: national or ethnic origin, skin colour or other similar circumstance.

Religion or other belief: Religion refers to religious beliefs, such as Hinduism, Judaism, Christianity or Islam. Other beliefs include convictions which are based on or connected to a religious belief, such as Buddhism, atheism and agnosticism. Political convictions and ethical or philosophical values that are not related to religion are not covered by the Discrimination Act.

Disability: permanent physical, mental or intellectual limitation of a person's functional capacity that as a consequence of injury or illness existed at birth, has arisen since then or can be expected to arise.

Sexual orientation: homosexual, bisexual or heterosexual orientation.

Age: length of life to date.

Victimisation

Nobody is to be subjected to victimisation, and Lund University is to be characterised by a positive work environment, both physical and psychosocial. Work environment management includes prevention of victimisation. That victimisation will not be accepted is part of the preventive work environment management that covers both employees and students according to the Work Environment Act (1977:1160).

The term victimisation is defined as actions that are directed against one or several employees or students in an offensive or abusive manner. These actions can result in health problems and feelings of being excluded. Victimisation entails someone being harassed, exposed to offensive behaviour or socially excluded and it may negatively impact the victim or their work. It may involve: not greeting someone, not allowing a person to share email exchanges, not including them in group work or in groups on social media, or subjecting them to demeaning comments.

A measure, an activity or an action can be considered bullying if the behaviour has occurred repeatedly, with a certain regularity over a long period of time. Bullying is often an escalating process in which the vulnerable person ends up at a disadvantage and is exposed to systematic negative social actions. It is important not to confuse temporary conflicts, differences in opinion or collaboration problems with victimisation.

There is a difference between victimisation covered by the Work Environment Act and discrimination covered by the Discrimination Act. Sometimes, an event or action cannot be clearly delimited to one or the other of these laws. In that case, both the Discrimination Act and the Work Environment Act are to be taken into account. Victimisation that is not attributable to the legal grounds for discrimination is covered only by the work environment legislation. Regardless of the regulations, the clarification of unwanted events takes place in an investigation according to routines that Lund University has developed.

Who is responsible and where to turn?

The vice-chancellor of Lund University has the overall responsibility for the work environment. The direct responsibility has been delegated to the dean of the School of Economics and Management and the heads of department and administrative managers. In addition, all Lund University employees have a responsibility to contribute to a positive work environment for all staff.

GET IN TOUCH

You will always be entitled to help, advice and support if you feel you are experiencing discrimination, harassment, or victimisation. The situation cannot be addressed or resolved unless those responsible are made aware of what is going on, and it is important that unwanted behaviour is stopped as soon as possible. Lund University has procedures for managing cases of victimisation, harassment and sexual harassment.

If you are an employee and feel that you have been a victim, or have seen somebody else experience victimisation or harassment, you can report this by telling your manager. If this is not possible, you can contact a superior, such as the dean or equivalent. You can also talk to your health and safety representative or union representative for advice and support. You can also get support from the Occupational Health Service if you need to talk to someone.

Your manager (or their manager as per the delegation of authority) has a duty to investigate the events. The manager must find out what has happened and take action to prevent any harassment or victimisation from continuing. They must do what is necessary to prevent ill health and act to create a positive work environment.

You can also report harassment and victimisation via the Lund University incident reporting system. An incident is an unwanted action or situation that may have resulted in illness, health problems or accidents. Incident

reporting is an essential component for identifying risks in the organisation as part of work environment management. By reporting an incident of this kind, not only will an investigation be launched, but the employer will also be able to use the report to take preventive action both at local and university-wide levels. On Lund University's employee website, you will find more information about how to report discrimination, find the link on the last page of the guide.

WHAT HAPPENS IN AN INVESTIGATION?

The head of department is responsible for starting an investigation. You are given the opportunity to recount what has happened, who was involved and how you experienced it. If you have saved emails, SMS or other correspondence relating to the perceived harassment, this can be added to the documentation for the investigation. The purpose of the investigation is to clarify the sequence of events and to assess whether what has happened falls within the framework of the definitions of harassment and sexual harassment in the Discrimination Act, alternatively victimisation according to the work environment legislation. An investigation is to be conducted promptly, but also carefully with respect to all involved parties. As these cases often are complex, an investigation can take time and you may have to wait before a decision is communicated.

If the events are deemed to constitute harassment, sexual harassment or victimisation, the head of department concerned is responsible for ensuring that the behaviour ceases, and for preventing any similar event in the future. Nobody at the University, whether an employee or student, may subject you to reprisals based on you having filed a report or contributed to one.

Read more on the Lund University Staff Pages, Victimisation and harassment

ANONYMITY

Describing events anonymously may create a sense of security, but it seldom results in obtaining the necessary assistance. Your manager is then limited in taking preventive and general measures. However, the University cannot

investigate and pursue a case against an accused individual or group, on the basis of an anonymous complaint.

OTHER FORMS OF DISCRIMINATION

For information about other forms of discrimination and how to proceed if you feel subjected to discrimination at Lund University, we refer you to the website of the Discrimination Ombudsman: do.se

Systematic preventive work against discrimination (SFAD)

Lund University and the School of Economics and Management have a statutory duty to work actively against discrimination.

Together with employees, for example, through union representatives, the employer must continually implement this work in four stages (investigate, analyse, act, follow-up) within the following five areas:

- working conditions
- rules and practice for salaries and other employment conditions
- recruitment and promotion
- education and other skills development
- opportunity to mix parenthood with employment.

The employer must offer training, skills development and other appropriate actions to promote gender equality in various kinds of work, among employees and those in leadership positions.

As part of the work with gender equality, equal treatment and diversity, Lund University has an SFAD team. The team works to establish professional management of matters involving harassment, sexual harassment, and victimisation. The SFAD team also acts as a support in the preventive work against victimisation and discrimination. The SFAD team collaborates with the Tellus Project, the Occupational Health Service, Student Health Centre, and the Lund University student unions (LUS), both with preventive work and cases of victimisation and sexual harassment. Each faculty has a gender equality, equal treatment and diversity committee and an SFAD coordinator who are part of a network with the coordinators from all other faculties. The University also has a central Council for Gender Equality and Equal Opportunities, with representatives from all faculties.

Forums working with these questions:

- the SFAD team and coordinator
- the Council for Gender Equality and Equal Opportunities
- the Gender Equality and Equal Opportunities Council at the School of Economics and Management

Your rights as a parent

The Parental Leave Act prohibits unfavourable treatment similar to the provisions in the Discrimination Act. Section 16 of the Parental Leave Act states that an employer may not disfavour a job applicant or an employee for reasons related to parental leave under the Act, when the employer:

- decides on an employment issue, selects a job applicant for an employment interview or implements other measures during the employment procedure,
- decides on promotion or selects an employee for training for promotion,
- decides on or implements other measures concerning vocational training,
- decides on or implements other measures concerning other training or vocational counselling,
- applies pay or other terms of employment,
- manages and distributes work, or
- gives notice of termination, summarily dismisses, lays-off or implements other significant measures against an employee.

However, this prohibition does not apply if the different terms and conditions or different treatment are a necessary consequence of the leave.

The Swedish Parental Leave Act (2006:442)

Contact information and links

REPORTING SOMETHING AT THE SCHOOL OF ECONOMICS AND MANAGEMENT

Head of departments, deputy head of departments:

lusem.lu.se/about/organisation/departments-and-divisions

Link to the management group at the School of Economics and Management

lusem.lu.se/about/organisation/management-team

Report an incident:

staff.lu.se/employment/work-environment-and-health/reporting-occupational-injuries-and-incidents

HELP AND SUPPORT

Occupational Health Service

staff.lu.se/employment/work-environment-and-health/health-and-wellness/occupational-health-service

Trade union organisations

staff.lu.se/employment/working-lund-university/employee-organisations

Health and safety representatives at the School of Economics and Management

staff.lusem.lu.se/support-and-resources/health-and-safety-representatives

Doctoral student council at the School of Economics and Management

edr@ldk.lu.se

Lund's Doctoral Student Union

ldk@ldk.lu.se

Acts and guidelines

Discrimination Act

do.se/choose-language/english/discrimination-act-2008567

Work Environment Act

av.se/en/work-environment-work-and-inspections/acts-and-regulations-about-work-environment/about-the-work-environment-act

Victimisation

av.se/en/health-and-safety/mental-ill-health-stress-threats-and-violence/bullying

Read more

Grounds of discrimination

do.se/choose-language/english/what-is-discrimination

Employer responsibility

do.se/choose-language/english/active-measures

Lund University staff pages

staff.lu.se/employment/work-environment-and-health/victimisation-and-harassment



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