



Guidelines concerning discrimination, harassment and victimisation.

Reference number: 2-38/2018
Ref. no. previous version: 5691/2010-200
Decision date: 26/06/2018
Period of validity: As of 01/07/2018

Decision: Vice-Chancellor

Handled by department/unit:
HR Office

Document type:

Guidelines

Preparation with:

Faculty Office and External Relations

Education and Support Office

Doctoral students' Ombudsperson

Revision with regards to:

Target group, legislation, responsibilities etc.

INTRODUCTION	3
WHAT DO THE CONCEPTS MEAN?	3
CONFLICTS	3
DISCRIMINATION UNDER THE DISCRIMINATION ACT	3
DIRECT DISCRIMINATION	4
INDIRECT DISCRIMINATION	4
LACK OF ACCESSIBILITY	5
HARASSMENT	5
SEXUAL HARASSMENT	5
INSTRUCTION TO DISCRIMINATE	5
VICTIMISATION	6
PREVENTIVE MEASURES	6
LIABILITY	7
INVESTIGATION WORK	7
WHO MAY BE CONTACTED?	8
APPENDIX	10
LAWS AND OTHER DIRECTIVES	10
LEGAL PENALTIES THAT MAY BE APPLICABLE	11

Introduction

Karolinska Institutet (KI) shall be an inclusive university with a good work and study environment that is free of discrimination, harassment or other forms of victimisation. The work environment shall be characterised by a mutual respect between co-workers and students. Discrimination, harassment and other forms of victimisation are a serious threat to health, well-being, work satisfaction and opportunities for success. Therefore, KI actively works to combat these behaviours. Every employee and student has their own responsibility to treat everyone with respect, in their daily encounters with co-workers/fellow students.

The purpose of these guidelines is to explain various concepts, give examples, inform of responsibilities, legislation and other directives, as well as clarify how KI acts in the event of alleged discrimination, harassment or other forms of victimisation. Another purpose of the guidelines is to clarify who to contact if you believe yourself to have been subjected to discrimination, harassment or other forms of victimisation.

What do the concepts mean?

The concepts and definitions which are used in this document are mainly based on the Swedish Work Environment Authority's provisions concerning the organisational and social work environment¹ and the Discrimination Act², see also the section on "Laws and other directives" further on in this document.

Conflicts

Discrimination, harassment and other forms of victimisation shall not be confused with conflicts or with temporary and short-term differences of opinion, or with temporary difficulties in cooperation, which may occur in the majority of workplaces.

Discrimination under the Discrimination Act

Discrimination is a disadvantage or a violation of integrity which relates to any of the seven grounds for discrimination, or is of a sexual nature.

The seven grounds for discrimination according to the Discrimination Act (2008:567)

1. **gender:** that someone is a woman or a man,
2. **transgender identity or expression:** that someone does not identify as a woman or a man, or through their clothing style or by another manner gives an impression that they belong to another gender,
3. **ethnicity:** national or ethnic origin, skin colour or other similar circumstance,
4. **religion or another belief:** Religious views such as Hinduism, Judaism, Christianity and Islam. Other beliefs including convictions which have a close connection to, or in general are associated with the concept of religion, for example Buddhism, Atheism and Agnosticism.
5. **disability:** long-lasting physical, psychological or intellectual limitations of a person's functional capacity resulting from an injury or an illness from birth, or has arisen since or may be expected to arise,

¹ The Swedish Work Environment Authority's provision AFS 2015:4 Organisational and social work environment

² The Discrimination Act (2008:567)

6. **sexual orientation:** homosexual, bisexual or heterosexual orientation, and
7. **age:** a person's age.

The Discrimination Act includes a prohibition on discrimination for employers and education providers, as well as persons in public employment. The prohibition means, among other things, that KI as an employer is not allowed to discriminate against co-workers, or that KI as a university is not allowed to discriminate against students or applicants. The prohibition also includes trainees and hired or borrowed manpower.

The Discrimination Act also includes a prohibition against reprisals, for example due to a co-worker or student disclosing or reporting an anomaly. The prohibition also includes reprisals against persons who have participated in an investigation under the Discrimination Act or have stood up to or complied with harassment or sexual harassment.

There are six forms of discrimination under the Discrimination Act: direct discrimination, indirect discrimination, lack of accessibility, harassment, sexual harassment and instruction to discriminate.

In the field of occupational health and safety legislation, there is also the wider concept of victimisation, which may be described in brief as repeated disadvantages and/or offensive actions that are not linked to discrimination, or are of a sexual nature.

Direct discrimination

Direct discrimination may be described in brief, as a form of victimisation or disadvantaging. Someone is treated worse than another person in a similar situation and this relates to one or several of the seven grounds for discrimination. There does not have to be an actual person to compare to. A hypothetical comparison person is adequate.

Examples of direct discrimination:

- Someone applying to an in-service training receives a rejection, motivated by the fact that they are too old, despite the fact they have many years left until retirement.
- A student is informed that she has not been offered a position upon returning from approved study leave, due to pregnancy and parental leave.

Indirect discrimination

Indirect discrimination means that a rule or routine which seems neutral may actually be especially disadvantageous, with regard to any of the seven grounds for discrimination. This rule may then be discriminatory, despite the fact that it is the same rule that is applicable for everyone.

Examples of indirect discrimination:

- A research group leader demands a better knowledge of Swedish from those who are involved in a research project, than what is necessary for the work.
- An employer demands a driving licence even though it is not necessary for the work. This requirement may disadvantage applicants with particular types of disabilities.
- Examiners failing students because of too many spelling mistakes in the exam, when there is no language requirement in the syllabus.

Lack of accessibility

Lack of accessibility is when a person with a disability is disadvantaged by an activity not taking reasonable accessibility measures, based on requirements from accessibility laws and other legislation, in order for the person to be in a comparable situation as people without these disabilities.

An individual has the right to make demands concerning accessibility, amongst others within education and work. The person should be able to take part in the activity in question, but not necessarily in the exact same manner as persons without the disability. However, the differences may not be greater than necessary, given the circumstances.

Examples of lack of accessibility:

- Thresholds are not adapted to accommodate wheelchair users entering the premises.
- There is no elevator in the building, which means that people with physical disabilities may not be able to enter the premises.

Harassment

Harassment is a verbal or non-verbal action which is unwanted and violates someone's dignity. It is the person who falls victim of harassment or sexual harassment whom determines if it is unwanted and what is offensive. It means that the same kind of behaviour may be perceived differently from person to person.

A person whom feels harassed must speak to, or in another manner, inform the perceived perpetrator about how the behaviour is perceived. In the event of serious or clear cases where it is obvious that the person who is harassing should have understood that their behaviour was unwanted, there is no need for clarification in order for the event to be considered harassment or sexual harassment.

In order to be covered by the Discrimination Act, the victimisation in question must relate to one or several of the grounds for discrimination.

Examples of harassment:

- Ridicule and generalising statements concerning attributes attributed to an individual of a certain ethnicity/national background.
- Systematic exclusion of a colleague/fellow student in social contexts, due to their transgender identity or expression, or other grounds for discrimination.

Sexual harassment

Sexual harassment is, according to the Discrimination Act, actions which violate someone's dignity and are of sexual nature.

Examples of sexual harassment:

- Groping or other unwelcome physical contact.
- Unwelcome sexual allusions, looks, comments or suggestions.
- Jokes of a sexualising nature.
- Pornographic pictures or text.

Instruction to discriminate

Instruction to discriminate is when someone gives an order or instructs someone whom is dependent, such as an employee, to discriminate someone else. It could also be an instruction to discriminate against a person or a company that has undertaken an assignment, such as a

staffing agency. The instruction may for example, be that only job-seekers with "Swedish", or traditionally Swedish names, should be interviewed when recruiting.

Victimisation

Immoral actions which are not covered by the Discrimination Act may fall under the concept of victimisation according to the Swedish Work Environment Authority's provision concerning the organisational and social work environment (AFS 2015:4). These provisions apply for co-workers. However, students are covered by KI's overall responsibility for the work environment (which is regulated in the Work Environment Act and the Systematic Work Environment Management AFS 2001:1. This means that situations where a student is a victim of bullying or similar action shall also be handled.

Victimisation may be described as events that are directed towards one or several co-workers in an offensive manner, and may lead to ill health or that an employee is excluded from the workplace community³. Another concept that is often used to describe similar behaviour is bullying. These behaviours and actions are disrespectful and violate general norms and social agreements concerning how we should respond to each other.

Examples of victimisation within the parameters of the Swedish Work Environment

Legislation:

- Slander or denigration of an employee or their family.
- Insults, overcritical or negative behaviour/attitude (mockery, unfriendliness, etc.).
- Exclusion, neglect and expulsion of people from the work community (for example, by not greeting someone).

Preventive measures

To prevent all forms of discrimination, harassment and victimisation, is a part of the systematic work environment management⁴. With regard to the grounds of discrimination concerning gender, transgender identity or expression, ethnicity, religion or other beliefs, disability, sexual orientation or age, as well as sexual harassment, the requirement for preventive measures are also clarified in the Discrimination Act⁵.

KI has approved general work environment and health guidelines⁶ and it is important that all co-workers adhere to them. The manager/supervisor's own approach to jokes, allusions and comments that are offensive, is of great significance. It is therefore important for managers to clearly condemn and actively counteract all forms of discrimination, harassment and offensive discrimination in the workplace⁷.

Examples of preventive measures include:

- Regular employee surveys with relevant questions.
- Good introductions that offer new co-workers the chance to find themselves within the working group.

³ The Swedish Work Environment Authority's provisions AFS 2015:4 Organisational and social work environment

⁴ Systematic Work Environment Management (AFS 2001:1)

⁵ Chapter 3, the Discrimination Act (2008:567)

⁶ Work environment and health guidelines (1-663/2013)

⁷ See also the Leadership guidelines at Karolinska Institutet (ref. no. 2948/09-200).

- Clear information and open communication concerning applicable rules, guidelines and routines.
- Training for managers/supervisors in communication and attitude, conflict management and other work environment issues.
- Regular employee dialogues.
- An open working climate that encourages a respectful and supportive attitude and where it is permitted to present points of view and bring up own experiences and queries.

Liability

According to the President's decision making procedures and delegation rules for Karolinska Institutet, the Head of Department is responsible for all the department's activities. This includes issues relating to work environment and discrimination legislation.

When must an employer or education provider act?

No report is required from a person who has been exposed for an employer or education provider to be considered to be aware of the occurrence of discrimination, harassment or victimisation. The obligation to act applies as soon as the employer (generally a person in a supervisory position), or the education provider becomes aware of any abuse, such as through their own observations or through another person's reporting. If, for any reason, the subjected person does not wish to proceed with the case, the employer/education provider should still take some form of action, at an individual, group and/or organisational level, in order to solve the problem. There may also be incidents of such serious nature that the employer/education provider has an obligation to act (make a police report, start an investigation, etc.), even if the employee/student does not wish for such an investigation to be started.

There is no formal requirement for the report. The person who has been subjected to the abuse may, for example, address the immediate manager, or file a written report. The employer is obligated to investigate and must, in most cases, act even if the notifier wishes to remain anonymous. Therefore, it is important that the contact person informs about this, at a very early stage.

In the case of a report from a student who is subjected to violations, the coordinator for student law issues should be contacted for advice.

Investigation work

The purpose of an investigation is to clarify the circumstances surrounding the alleged abuse. The investigation is required for any subsequent decision regarding actions to be taken to stop the unwelcome behaviour. In addition, the investigation shall form the basis for decisions regarding the report to the President for further handling as a disciplinary case. The investigation shall be conducted promptly, objectively and be legally secure. It shall be documented and followed up on.

Organisational level

As far as possible, cases are generally investigated and handled where the abuse or incident has occurred. In some cases it may be necessary, or appropriate, for the matter to be handled at a central level or by an external party, such as the occupational health care service. For cases where a student believes that they are being discriminated according to the

Discrimination Act, the department may receive support for conducting an investigation from the coordinator on student law issues.

Individual support

In cases where the situation is so urgent that individual support is required for one or more of the persons concerned during the investigation, such support shall be given prior to a decision being made in the investigation. It is therefore important that the support is provided by persons other than those conducting the investigation. Support should be provided e.g. by a psychologist, the occupational health service/student health care or union/student union organisations. See below under support, for more information.

Who may be contacted?

Co-workers should primarily contact their immediate superior. If this is not suitable, it is also possible to contact a superior manager, Head of Administration, a coordinator for equal treatment or HR function at the department. It is possible to contact a union organisation (if you are a member), or a safety representative.

Doctoral students may also contact the director of postgraduate studies at the department, or the doctoral student's Ombudsman.

Students should primarily contact the Head of Department, unless otherwise stated in the department's instructions. The student may also contact another person who is employed by KI, such as a teacher, study advisor, programme director, administrator or someone else whom the student trusts.

Discrimination, harassment and victimisation can also be reported via KI's system for reporting incidents, on the KI website.

If a co-worker perceives there to be discrimination, harassment or victimisation among colleagues, they should notify their immediate superior, another manager, a coordinator for equal treatment or HR function, at a local or central level. They may also contact a safety representative in the same case. This is regulated in KI's Code of Conduct.

Support

For co-workers

- Staff support (24/7 telephone consultation for co-workers, as well as doctoral students and post-doctoral students with scholarship funding at KI). The service is provided by Falck Health Care
- Union organisations (if the employee is a member) OFR/S, P, O, Saco-S and Seko

For students

- Students may contact the student representative for support in contact with the department and/or KI's central administration.
- Students may also contact the student safety representative at the department.
- Students at KI have access to the Student Health Centre's services. At the Student Health Centre there are psychologists, curators and physicians, as well as others. All information disclosed by the student to these specialists remains confidential, unless otherwise agreed.

- Students with disabilities may contact the coordinator for students with disabilities.
- Telephone and address information can be found on KI's website.

Some advice for those who have been subjected to abuse

- It is the person who has been subjected to abuse who determines if the event or behaviour is unwelcome.
- Act immediately if you feel that you have been subjected to abuse.
- If the situation is not threatening, try informing the person responsible for the behaviour that their behaviour is unwelcome, or alternatively ask someone else to do this.
- If necessary, you may contact any of the contact persons mentioned under Equal Treatment on KI's Staff Portal.
- Employed at KI: Inform your immediate manager. If this does not feel appropriate: refer instead to your manager's superior, administrative manager or equivalent, or any of the persons mentioned under Equal Treatment on KI's Staff Portal.
- Students at KI: Inform any representative at KI, such as a teacher whom you trust. If this does not feel appropriate: refer instead to the Head of Department, coordinator on student law issues or any of the aforementioned people under Equal Treatment on the Staff Portal.

Some advice for those who receive a report

- Act promptly, document and follow up.
- Have an objective and a problem-solving approach.
- Treat the person with respect.
- Ask questions.
- Review alternatives regarding further investigation.
- Explain your role and describe the other people and instances that may be contacted in order to analyse the situation.
- Confirm that you have the person's consent before you contact other people/instances for further investigation.
- Ensure that the case is under investigation, even if you are not conducting the further investigation.

Appendix

Laws and other directives

Discrimination, harassment and victimisation are covered by several different laws, provisions and other directives, of which some of the most relevant have been summarised here.

The Discrimination Act

The Discrimination Act's (2008: 567) aim is to counteract discrimination and in other ways promote equal rights and opportunities regardless of sex, gender identity or expression, ethnicity, religion or other beliefs, disability, sexual orientation or age, as well as countering sexual harassment. The Act includes definitions, regulations concerning prohibition against discrimination and reprisals, and provisions on active measures. An employer who becomes aware that an employee claims to have been subjected to harassment in connection with work is required to investigate and take action against the harassment. The same applies if an education provider becomes aware that a student has been subjected to harassment in connection with an educational situation. The Equality Ombudsman is in charge of the law and is permitted to push forward discrimination cases. See also www.do.se.

Swedish Work Environment Legislation

In the Work Environment Act (1977:1160) and the Work Environment Ordinance (1977:1166) the outer framework for work environment management has been set out. The Swedish Work Environment Authority's provisions concerning the organisational and social work environment (AFS 2015:4), provides more detailed requirements for preventing and counteracting all forms of victimisation. The employer's obligation to investigate what has happened, is primarily aimed at taking measures to prevent the event from being repeated, in accordance with Swedish Work and Environment legislation. See also www.av.se

The Parental Leave Act

The Parental Leave Act (1995:584) prohibits employers from disadvantaging job-seekers or co-workers for any reason connected with parental leave.

The Instrument of Government, United Nations Declaration on Human Rights and EU legislation

Protection against discrimination and violations is rooted in the United Nations Declaration on Human Rights, EU legislation and the Instrument of Government (1974: 152), which states that public power must be exercised with respect for all people's equal value and for the individual's freedom and dignity, as well as the general public's role in countering discrimination against people.

The Swedish Penal Code

The Swedish Penal Code (1962:700) regulates various forms of violation. It covers defamation, libel, harassment and various forms of sexual violence or coercion etc. The Swedish Penal Code also includes a prohibition on illegal discrimination, including hate speech. A police investigation of an event, which falls under the provisions of the Swedish Penal Code, shall not replace the employer's investigative responsibility, and may therefore run parallel to the employer's investigation of what has occurred.

Legal penalties that may be applicable

Warnings, salary deductions or termination of employment

KI's Staff Disciplinary Board/Swedish National Disciplinary Offence Board may issue warnings, salary deductions or termination of employment, if an employee has harassed another employee or student.

Suspension for up to six months

The Disciplinary committee may issue a warning or suspension for up to six months, if a student at KI has harassed another student or employee at KI.

Discrimination compensation

For cases under the Discrimination Act, a discrimination compensation may be awarded by a court, against the employer or education provider who violated the prohibition against discrimination or reprisals, and/or failed to comply with the obligation to investigate and take action against harassment or sexual harassment.

For cases where a police report is filed

Penalties pursuant to the Swedish Penal Code and damages pursuant to the Damages Act.