Guidelines

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Guidelines in the event of victimisation, bullying, discrimination, harassment, sexual harassment and retaliation

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##### Summary: As an employer and an education provider, Mid Sweden University has a duty to prevent victimisation, bullying, discrimination, harassment, sexual harassment and retaliation in the work place and educational environment, as stipulated in the Swedish Work Environment Act (1977:1160), the Discrimination Act (2008:567), and the Swedish Work Environment Authority’s Regulations on Systematic Work Environment Management (AFS 2001:1) and the Organisational and Social Work Environment (AFS 2015:4). The purpose of these guidelines is to explain the position of Mid Sweden University, as an employer and education provider, regarding victimisation, bullying, discrimination, harassment, sexual harassment and retaliation. The guidelines clarify Mid Sweden University’s responsibility as an employer and an education provider, as well the responsibilities of employees and students.

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Table of Contents

[Guidelines in the event of victimisation, bullying, discrimination, harassment, sexual harassment and retaliation 3](#_Toc127772766)

[1 Mid Sweden University’s position 3](#_Toc127772767)

[1.1 Employers 3](#_Toc127772768)

[1.1.1 Employees 4](#_Toc127772769)

[1.1.2 Safety representative 4](#_Toc127772770)

[1.2 Education provider 5](#_Toc127772771)

[1.2.1 Students 5](#_Toc127772772)

[1.2.2 Student safety representative 5](#_Toc127772773)

[2 Explanation of concepts 6](#_Toc127772774)

[2.1 Victimisation 6](#_Toc127772775)

[2.2 Bullying 6](#_Toc127772776)

[2.3 Direct discrimination 7](#_Toc127772777)

[2.4 Indirect discrimination 7](#_Toc127772778)

[2.5 Harassment 7](#_Toc127772779)

[2.6 Sexual harassment 8](#_Toc127772780)

[2.7 Retaliation 8](#_Toc127772781)

# Guidelines in the event of victimisation, bullying, discrimination, harassment, sexual harassment and retaliation

1. Mid Sweden University’s position

Mid Sweden University must be a higher education institution and work place that is free from victimisation, bullying, discrimination, harassment, sexual harassment and retaliation. The equality of all people is a self-evident and fundamental prerequisite for all activities at Mid Sweden University. Our organisation is based on a foundation of participation and conversation. Employees and students alike are to be treated and received with respect and dignity, which means that everybody has the right to be taken seriously, be shown consideration and given attention. Differences must be respected in order to foster the individual’s opportunity to work or study, and to develop Mid Sweden University’s activities.

Mid Sweden University shall counteract discrimination and otherwise promote equal rights and opportunities, regardless of a person’s gender, gender identity, age, ethnicity, religion or other belief, sexual orientation or functional impediment.

The objective of these guidelines is to make it clear to all employees and students that Mid Sweden University does not tolerate victimisation, bullying, harassment, sexual harassment or retaliation in the work place or university. These guidelines are based on applicable regulations, mainly the Discrimination Act (2008:567), the Work Environment Act (1977:1160), and the Regulations on the Organisational and Social Work Environment (AFS 2015:4) and Systematic Work Environment Management (AFS 2001:1).

* 1. Employers

The employer has the main responsibility for the working environment and shall protect against occupational ill health and accidents. Responsibility is allocated to the heads of department/managers who are to take preventive measures against victimisation, bullying, discrimination, harassment, and sexual harassment. Preventive efforts are part of the systematic management of the working environment, pursuant to AFS 2001:1, and are expected to be ingrained into everyday operations. Systematic prevention and promotion must be grounded in the Discrimination Act (2008:567) through proactive measures.

If Mid Sweden University as an employer becomes aware that an employee believes that in the context of their work, they have been subjected to victimisation, bullying, discrimination, harassment or sexual harassment from anybody who performs work, is on a work placement, or studies at Mid Sweden University, Mid Sweden University is obligated as an employer to investigate the circumstances, assess the risks and when applicable, implement appropriate measures within the working environment, and follow up to ensure that the measures taken have had the desired effect.

* + 1. Employees

Employees at Mid Sweden University are expected to actively contribute towards ensuring that the working environment is free from victimisation, bullying, discrimination, harassment, sexual harassment and retaliation. According to work environment legislation, employees must do their part to ensure a good working environment and they have a responsibility to draw attention to shortcomings in the work place that may give rise to ill health. Employees are encouraged to promptly report any knowledge or signs of shortcomings in the work place to their immediate head of department/manager, or to the Safety representative. In a good working environment employees should feel comfortable to point out, notify and speak out, both for themselves and for others, about situations where there is unacceptable behaviour.

* + 1. Safety representative

The Safety representative represents all employees in work environment matters, works to uphold a good working environment, monitors protective measures against ill health and accidents, and checks that the employer fulfils the requirements of the systematic management of the working environment.

* 1. Education provider

Pursuant to the Discrimination Act, employees in the organisation are considered to be education providers when acting in their capacity as employees of the university. This means that decisions, actions and failures for which Mid Sweden University's employees have been responsible are subject to the prohibition on discrimination. Systematic anti-discrimination efforts must be grounded in the Discrimination Act through proactive measures. This also means that the responsible head of department/manager has a duty to investigate the circumstances of any incidents and when applicable, implement measures within the study environment of the students. Preventive efforts are part of the systematic management of the working environment pursuant to AFS 2001:1, and are expected to be ingrained into everyday operations.

* + 1. Students

Students at Mid Sweden University are expected to actively contribute towards ensuring that the working environment is free from victimisation, bullying, discrimination, harassment, sexual harassment and retaliation. According to work environment legislation, students must do their part to ensure a good working environment and have a responsibility to draw attention to shortcomings in the work place that may give rise to ill health. Students are encouraged to promptly report any knowledge of shortcomings in Mid Sweden University’s working environment to the immediate head of department/manager. In a good working environment, students should feel comfortable to point out, notify and speak out, both for themselves and for others, about situations where there is unacceptable behaviour.

* + 1. Student safety representative

The student safety representative represents all students in work environment matters, works to uphold a good working environment, monitors protective measures against ill health and accidents, and checks that Mid Sweden University fulfils the requirements of the systematic management of the working environment.

1. Explanation of concepts
   1. Victimisation

AFS 2015:4 defines victimisation as “Actions done in an abusive manner targeted at one or more employees that may give rise to ill health or to exclusion from the workplace community” (Sect. 4, AFS 2015:4, Organisational and Social Work Environment). This may involve insulting or omitting an employee, excluding or making things difficult for them by withholding important information, or not inviting them to meetings that they should have participated in.

Temporary differences of opinion, conflicts or problems cooperating do not necessarily constitute victimisation. These types of situations may however give rise to victimisation if they escalate and become personal conflicts and those involved lose their sense of reciprocity and respect for personal integrity. Actions may risk becoming unethical and over the longer term may affect the health of individual employees. Within ongoing conflicts, both parties usually feel violated by the other. It is therefore important for preventive work environment efforts to pay attention to early signs and mitigate conflicts before they escalate.

* 1. Bullying

Bullying is viewed as an escalated and serious form of victimisation. Bullying is when the behaviour is systematic, and the victim feels powerless in the situation. Neither the work environment nor the discrimination legislation regulate the concept of bullying, and instead the term “victimisation” is used. However, the Swedish Work Environment Authority website defines bullying as “repeated negative acts over a period of time (often at least 6 months) aimed at an individual or a group.” The definition also includes that “there is a prevailing imbalance in power between the perpetrator and the victim, and that the actions lead to the victim being placed outside the social community of the work place.” (https://www.av.se/halsa-och-sakerhet/psykisk-ohalsa-stress-hot-och-vald/mobbning/).

* 1. Direct discrimination

The Discrimination Act defines direct discrimination as “when a person is disadvantaged by being treated worse than someone else is treated, has been treated, or would be treated in a comparable situation, if the unfair treatment is related to gender, gender identity or expression, ethnicity, religion or other belief, functional impediment, or sexual orientation or age” (Chap. 1, Sect 4, Para 1 of the Discrimination Act (2008:567)).

* 1. Indirect discrimination

The Discrimination Act defines indirect discrimination as “when a person is disadvantaged due to the application of a rule, criteria or a procedure that appears to be neutral but which may specifically disadvantage people of a certain gender, certain gender identity or expression, certain ethnicity, certain religion or other belief, certain functional impediment, certain sexual orientation or a certain age, insofar as the rule, criteria or procedure does not have a legitimate purpose and the means used are appropriate and necessary to achieve the purpose” (Chap. 1, Sect 4, Para 2 of the Discrimination Act (2008:567)).

* 1. Harassment

According to the Discrimination Act, harassment is “conduct that violates a person’s dignity and that is connected to one of the grounds of discrimination, gender, gender identity or expression, ethnicity, religion or other belief, functional impediment, or sexual orientation or age” (Chap. 1, Sect 4, Para 4 of the Discrimination Act (2008:567)). It may involve disparaging jokes and remarks, spreading of rumours, and dissemination of humiliating pictures.

* 1. Sexual harassment

According to the Discrimination Act, sexual harassment is “conduct of a sexual nature that violates a person’s dignity” (Chap 1, Sect. 4, para. 5 of the Discrimination Act (2008:567)). It could involve demands for sexual services, physical contact, touching, text messages or images of a sexual nature, leering and sexual insinuations.

* 1. Retaliation

When it comes to retaliation, according to Chap. 2, Sect 18, Para 1 of the Discrimination Act (2008:567)), “an employer is not permitted to subject an employee to retaliation because the employee:

1. has reported or criticised the employer for acting in breach of the law
2. has legally participated in an investigation, or
3. rejected or complied with the employer's harassment or sexual harassment.