



UNIVERSITY OF
GOTHENBURG

POLICY, RULES AND PLANS
Dnr V 2013/516

GUIDANCE FOR EMPLOYEES AND STUDENTS IN THE EVENT OF DISCRIMINATION AND HARASSMENT AT THE UNIVERSITY OF GOTHENBURG

Published	medarbetarportalen.gu.se/styrdokument
Decision-maker	Pam Fredman, Vice-Chancellor
Responsible Body	Human Resources
Date of decision	9 September 2013, revised by Christina Nilsson (HR Manager) on 10 July 2014
Period of validity	Until further notice
Summary	This document includes information about what discrimination and harassment is, what employees and students should do if they feel that they have been subjected to discrimination and harassment and the persons to whom employees and students can turn for advice and support.

GUIDANCE FOR EMPLOYEES AND STUDENTS IN THE EVENT OF DISCRIMINATION AND HARASSMENT AT THE UNIVERSITY OF GOTHENBURG

Introduction

The University of Gothenburg actively works to counteract discrimination and harassment and in other ways promote equal rights and opportunities regardless of sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age, in accordance with the Discrimination Act (2008:567). Further information about work relating to equal treatment at the University of Gothenburg can be found here: <http://medarbetarportalen.gu.se/likabehandling>.

The Discrimination Act covers both education and working life and applies to job applicants, employees, applicants for courses and study programmes as well as others taking part in courses and study programmes at the university. The university is obliged to act if any employee or student feels subjected to discrimination and/or harassment. The university must investigate what has happened and take action to prevent the discrimination and/or harassment from continuing. The Discrimination Act is available in full from the website of the Riksdagen (Swedish Parliament): www.riksdagen.se.

The Vice Chancellor has the ultimate responsibility for ensuring that the University of Gothenburg complies with the Discrimination Act. The University Director, deans, Chief Librarian, heads of department and equivalent are responsible at the respective faculty and department level, or equivalent, and have a duty to investigate at their respective levels. It is preferable for matters relating to discrimination and/or harassment to be processed and investigated where the matter has arisen.

This document includes information about what discrimination and harassment is, what employees and students should do if they feel that they have been subjected to discrimination and harassment and the persons to whom employees and students can turn for advice and support.

What is discrimination and harassment?

Discrimination and harassment is disadvantageous or degrading treatment associated with the grounds for discrimination. The definitions for each ground for discrimination are provided below:

Sex: that someone is a woman or a man; a person who intends to change or has changed the sex to which they belong is also covered by 'sex' as a ground for discrimination.

Transgender identity or expression: that someone does not identify herself or himself 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 and other belief: no definition provided in the Discrimination Act, but examples in the *travaux préparatoires* to the Discrimination Act include Hinduism, atheism and agnosticism.

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.

Discrimination and harassment may be expressed in different ways. The following describes what may be covered by the prohibition of discrimination:

Direct discrimination: May be summarised as meaning that the same situations are treated differently. This means that an individual is disadvantaged by being treated less favourably than the way in which someone else is treated, has been treated or would have been treated in a comparable situation if this unfair treatment is associated with any of the grounds for discrimination. Examples of direct discrimination include when an employer sets different pay for employees with the same or equivalent work and gender-related difference in pay.

Indirect discrimination: Means that an individual is disadvantaged by the application of a provision, a criterion or a procedure that appears neutral but that may put people of a certain sex, a certain transgender identity or expression, a certain ethnicity, a certain religion or other belief, a certain sexual orientation, a certain age or a certain disability at a particular disadvantage, "...unless the provision, criterion or procedure has a legitimate purpose and the means that are used are appropriate and necessary to achieve that purpose". This means, for example, that an employer may not impose general requirements on job applicants or employees that disadvantage people with disabilities. The exception would be if those particular requirements are prerequisites for being able to carry out the work tasks.

Harassment: Is conduct that violates a person's dignity and that is associated with one of the grounds for discrimination. It is the individual's perception that determines the extent to which conduct is perceived to be degrading. Examples of harassment include offensive and ridiculing comments and jokes or other behaviour that the individual considers to be degrading.

Sexual harassment: Sexual harassment means unwelcome behaviour of a sexual nature that violates the dignity of the employee at work or the student in his or her studies. Examples of sexual harassment may include touching, groping, jokes, suggestions, glances and pictures that are sexually allusive and that belittle the person. It is the individual subjected to the harassment who determines what is perceived as degrading.

Instructions to discriminate: The Discrimination Act includes a prohibition against giving a subordinate instructions to discriminate.

Prohibition against reprisals: It is prohibited to subject someone who has made a complaint to reprisals.

Parental Leave Act (1995:584)

The Parental Leave Act (1995:584) includes prohibitions against discrimination similar to the prohibitions contained in the Discrimination Act. It is specified in Section 16 that it is prohibited for an employer to disfavour a job applicant or an employee for reasons related to parental leave under this Act, when the employer:

1. decides on an employment issue, selects a job applicant for an employment interview or implements other measures during the employment procedure,
2. decides on promotion or selects an employee for training for promotion,
3. decides on or implements other measures concerning vocational training,
4. decides on or implements other measures concerning training or vocational counselling,
5. applies pay or other terms of employment,
6. manages and distributes work, or
7. 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 is a necessary consequence of the leave. Act (2006:442)

Victimisation from a work environment perspective

The term 'victimisation' is defined in the National Board of Occupational Safety and Health's Ordinance (1993:17) as "recurrent reprehensible or distinctly negative actions which are directed against individual employees in an offensive manner and can result in those employees being placed outside the workplace community". These phenomena are more commonly referred to as adult bullying, psychological violence, social exclusion or harassment. Victimisation that is not associated with any of the grounds for discrimination is covered by the Work Environment Act and the Work Environment Ordinance (AFS 1993:17).

Information concerning the work environment efforts being pursued at the University of Gothenburg together with links to the relevant laws, ordinances and regulations can be found on the university's website under the heading 'Work Environment': <http://www.medarbetarportalen.gu.se/arbetsmiljohandboken/>

Routines in the event of discrimination and/or harassment

What should you do as a student if you feel that you have been subjected to discrimination and harassment?

You shall contact your head of department or equivalent or another representative of the university if you feel that you have been subjected to any kind of discrimination and/or harassment. If you refer to a representative of the university (e.g. a teacher, director of studies or study adviser), this person has an obligation to inform the head of department or equivalent about what has happened. You must inform the university regardless of whether you were subjected to harassment and/or discrimination by an employee or a student. If it is not possible to contact anyone in your department or equivalent, you may contact someone at a higher level in the organisation such as a dean (or equivalent) or the Vice-Chancellor.

Students may contact the equal treatment representative in their department, the Student Unions and the Student Health Service for advice and support.

When a head of department or equivalent or another representative of the university learns that you feel that you have been subjected to harassment and/or discrimination, the head of department or equivalent is responsible for investigating the circumstances so that any action can be taken promptly.

During the investigation you will have the opportunity to describe what happened, when it happened and who was involved as well as describe your experience of the circumstances.

You will receive information from your head of department or equivalent or another representative of the university concerning how the matter will be dealt with and the way in which you will receive feedback about the matter.

The university, individual employees or students may not subject you to any negative action on account of you having made a complaint.

What should I do as a head of department or equivalent or representative of the university if a student feels that they have been subjected to discrimination and harassment?

When a head of department or equivalent learns that a student feels that they have been subjected to discrimination and/or harassment, they are responsible for investigating the circumstances and for any action being taken promptly. If a representative of the university learns that a student feels that they have been subjected to discrimination and/or harassment, they shall inform the head of department or equivalent immediately.

The duty to investigate is far-reaching and also arises in the event that a person discloses circumstances that may indicate that discrimination and/or harassment occurs. The duty to investigate is initiated in this way regardless of whether or not a formal complaint has been made.

The investigation should be carried out promptly, discretely and objectively and be documented in accordance with the principles of administrative ethics.

During the investigation, the persons involved in the matter will be afforded an opportunity to express their perception of the circumstances and also receive information about how the investigation will be conducted and feedback given.

The heads of department or equivalent are responsible for taking action to resolve the situation.

If a complaint is made in respect of the matter, the head of department or equivalent must take the matter further for processing and prepare for a decision. For further information, see: *Procedure for Matters relating to Discrimination and Harassment* (Dnr V 2014/324) which can be downloaded from the university's website: Employee Portal – Policies, Rules and Plans – Equal Treatment: <http://www.medarbetarportalen.gu.se/styrdokument/likabehandling>

Those involved in the matter will receive ongoing feedback during the course of the investigation.

The matter shall also be followed up to ensure the cessation of the discrimination and/or harassment.

The heads of department or equivalent are responsible for precluding and preventing a student who has drawn attention to discrimination and/or harassment from being subjected to any negative actions on account of them making a complaint.

Advice and support for students

The Student Unions

Students can turn to their student union for advice or support in respect of their contacts with the university.

All of the contact details for the student unions at the University of Gothenburg are available at www.gus.gu.se.

The GUS student and doctoral student representatives may also be contacted: Lotta Larsson lotta.larsson@gus.gu.se and Frida Sandberg frida.sandberg@gus.gu.se

The Student Health Service

The student health service, *Akademihälsan*, which is run on behalf of the University of Gothenburg and Chalmers University of Technology, is roughly the student equivalent of the occupational health services for employees. They offer students, among other things, individual crisis and counselling support in relation to their study situation.

Visiting address: Kaserntorget 11 B, Gothenburg, 6th floor
Telephone +46 31-10 69 70, fax +46 31-20 74 27
Email: reception@akademihalsan.se

What should I do as an employee if I feel that I have been subjected to discrimination and harassment at the workplace?

You shall contact your manager if you feel that you have been subjected to any kind of discrimination and/or harassment.

If it is not possible to talk to your manager, you may contact someone at a higher level in the organisation such as your next line manager, dean or equivalent or the Vice-Chancellor.

Employees may contact the equal treatment representative at their workplace, the personnel organisations and the occupational health service for advice and support. Your trade union is entitled to represent you in matters relating to discrimination and harassment.

When your manager learns that you feel that you have been subjected to harassment and/or discrimination, your manager is responsible for investigating the circumstances and for any action being taken promptly.

During the investigation you will have the opportunity to describe what happened, when it happened and who was involved as well as describe your experience of the circumstances.

You will receive information from your manager concerning how the matter will be dealt with and the way in which you will receive feedback about the matter.

The employer may not subject you to any negative action on account of you having made a complaint.

What should I do as a manager or representative of the university if an employee feels that they have been subjected to discrimination and harassment?

When a manager learns that an employee feels that they has been subjected to discrimination and/or harassment, the manager is responsible for investigating the circumstances and for any action being taken promptly.

The duty to investigate is far-reaching and also applies in the event that a person discloses circumstances that may indicate that discrimination and/or harassment occurs. The duty to investigate arises in this way regardless of whether or not a formal complaint has been made.

The investigation shall be carried out promptly, discretely and objectively and documented in accordance with the principles of administrative ethics.

During the investigation, the persons involved in the matter will be afforded an opportunity to express their perception of the circumstances and also receive information about how the investigation will be conducted and feedback given.

Managers are responsible for taking action to resolve the situation.

If a complaint is made in respect of the matter, the manager must take the matter further for processing and prepare for a decision. For further information, see: *Procedure for Matters relating to Discrimination and Harassment* (Dnr V 2014/324) which can be downloaded from the university's website: Employee Portal – Policies, Rules and Plans – Equal Treatment: <http://www.medarbetarportalen.gu.se/styrdokument/likabehandling>

Those involved in the matter will receive ongoing feedback during the course of the investigation.

The matter will also be followed up to ensure the cessation of the discrimination and/or harassment.

Employers will also work to preclude and prevent any negative action on account of the complaint.

Advice and support for employees

Personnel organisations

Employees can turn to their personnel organisations for advice and support. The role of the union in discrimination disputes is to represent its members. If a job applicant or employee is a member of a union, the union organisation is entitled to assist its member.

Link to the personnel organisations: <http://medarbetarportalen.gu.se/contact/personalorganisationer/>

The Occupational Health Service

The Occupational Health Service shall take preventive measures to ensure that employees are not at risk of ill health or accidents at work. They also assist with rehabilitative measures to avoid long-term sickness, support in the event of crisis management and assistance with training initiatives.

Find out more about the Occupational Health Services at the Employee Portal:

<http://medarbetarportalen.gu.se/personalfragor/arbetsmiljo/foretagshalsovard/for-medarbetare/>

Complaints to the Equality Ombudsman

Employees and students may also address their complaint directly to the Equality Ombudsman (DO – www.do.se). DO may pursue a discrimination matter at court or with a view to reaching a settlement between the person making the complaint and the person reported. If DO chooses to pursue a matter directed at the University of Gothenburg, the university will be afforded an opportunity to express its opinion in connection with the complaint and provide its views on the matter.

Preventive work – contact persons at the University of Gothenburg

The University of Gothenburg has special resource staff whose work involves prevention measures as regards discrimination and harassment and who assist with training, information and advice for both staff and students.

Contact persons:

Equal Treatment Coordinators at the University of Gothenburg:
Samuel Heimann, tel. +46 31-786 6525, samuel.heimann@gu.se
Sandra Moberg, tel. +46 31- 786 6248, sandra.moberg@gu.se

Coordinator for students with disabilities at the University of Gothenburg:
Ingvor Berndt, tel. +46 31-786 13 23, ingvor.berndt@gu.se