

Routine

For victimisation
Ref. no. 2018/186 A21

Summary

The requirements stipulated by the legislation and the responsibility of University West as well as case management for employees and students

Responsible for the routine: The HR Department
Decided by the Vice-Chancellor and applying from 12/02/2018

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Introduction

University West shall be a higher education institution and place of employment free from victimisation and it shall work actively to prevent victimisation. The university's fundamental values state that "each and every activity at and service provided by University West is based on the principle that all people are created equal, and that democracy and diversity contribute to social welfare, justice and sustainable social development" (University West Strategic Platform ref. no. 2017/1391). The university is and shall be a transparent and open higher education institution that takes consideration to differences in order to promote the individual's opportunities for work and studies, and to develop the activities at University West. We work actively to counteract and prevent discrimination, harassment, victimisation and cultures of silence. Both employees and students shall be treated and met with respect and dignity and consideration shall be taken to differences in order to promote the individual's opportunities to work and studies and to develop the activities at University West (Guidelines for University West's work to prevent and take measures against discrimination and victimisation, Ref. no. 2018/175A 21).

Our approach shall be characterised by tolerance of our differences and differing opinions where everyone, students and employees, have a responsibility to counteract victimisation. The university's fundamental values form, together with the governmental fundamental values, a foundation for the entire operation.

The purpose of the following routine is:

- To spread information about what victimisation is and how it can be prevented
- To clarify roles and responsibility in relation to victimisation
- To describe the case management/routine when someone has experiences/reported victimisation at University West
- To describe what support is given to employees, students and managers in situations where someone feels that they have been victimised

Laws and rules

The terms and definitions used in this document are primarily based on the definitions stated in:

- The Work Environment (1977:1160)
- Swedish Work Environment Authority provisions Organisational and social work environment provisions (AFS 2015:4) and Systematic work environment management (AFS 2001:1)

What is victimisation and what causes it?

The definition of victimisation can be found in the Swedish Work Environment Authority's provisions Organisational and social work environment (AFS 2015:4) and entails "actions directed against one or more employees in an abusive manner, which could lead to ill health or their being placed outside the community of the workplace". Victimisation is described in Organisational and social work environment (2015:4) and in Systematic work environment management (2001:1). Victimisation is different than conflict in that it is reoccurring behaviour aiming to ostracise, hurt or humiliate a person and in that it does not have a connection to the grounds for discrimination. For information on these, please read "Routine for discrimination, harassment, sexual harassment and reprisals at University West", ref. no. 2018/185 A21.

Occurrences that are referred to as bullying, social exclusion and harassment are examples of victimisation.

Examples of victimisation can be:

- Derogatory treatment in words and/or actions such as criticising and/or ridiculing someone in front of others.
- Being systematically ignored and not greeted as well as excluded/ostracised from the social environment.
- Being unfairly accused or personally brought to everyone's attention in a negative manner, libel or defamation of an employee/student or their family.
- Conscious retention of work-related information or the submission of incorrect information and deliberately sabotaging or obstructing work performance.
- Threats and creation of fear, conscious insults, overly critical or negative treatment or approach (taunts, unkindness etc.)

Signs of victimisation:

- Deficient work efforts – conflicts takes a lot of energy and time and in the long run work suffers.
- Ironic remarks – ironic comments can give you information on the employees/students' view of a colleague/fellow student.
- Hostility and silence – in discussions you can see if informal leaders, with their support troops, are directly hostile towards any individuals. This can take the form of direct attacks, mean comments or the group being silent.
- Exclusion – is someone outside of the social environment? When employees are to cooperate – is everyone involved or is there someone who always receives the most boring tasks?
- Body language – observe body language. This says a lot about what we think about each other. Is someone constantly turning their back on someone and ignoring their contributions?
- Sick leave – victimisation can result in sick leave.

Important to consider!

Victimisation must not be confused with temporary conflicts, differences of opinion and cooperative problems that occur in most work and study environments. These are not intended to hurt or consciously violate someone, as opposed to victimisation, and can be solved by conversations, listening and accepting and with respect for other people's right to their opinions.

Examples of conflicts:

- Cooperative problems in a work or student group.
- Employee and manager have different opinions and disagree on the direction or work method of the activities and/or have differing opinions on the division of responsibility, authority and the wage structure.
- Student and teacher have different perceptions and disagree on the course structure, its implementation or grading.

However, it is important for the responsible parties to quickly manage situations that arise. In a closed and bad working environment abusive statements and acts can get out of hand and develop into harassment.

Responsibility and preventative measures

The vice-chancellor has the overall responsibility for the university's working environment efforts where victimisation is included. Heads of work unit, i.e. heads of department, university director, head of library and division managers within departments and administration have the direct work environment responsibility within their respective departments/divisions to **prevent, manage and investigate cases** that may be victimisation, in accordance with the model on the left.



University West is striving to create a work climate where victimisation does not occur. As a manager it is therefore important to primarily counteract victimisation happening in the first place and preventing victimisation of employees. Systematic work environment management is an important element of the work to prevent victimisation. With the aid of the systematic working environment efforts, managers have an opportunity to catch early signals of distress, growing dissatisfaction and other offensive behaviour. The most important tools in the systematic working environment efforts

and preventative measures are:

- Conversations with employees
- Carrying out the ARK investigation and implementation of its action plans.
- Information to all employees about what victimisation is and how it can manifest as well as how they shall act and where they can turn to for support. The employees and the students should be well versed with the issue.
- Good introduction for both employees and students in order to create a possibility to settle into the work or student group in a positive manner.
- Skills development measures for managers/leaders regarding communication and treatment, conflict management and other working environment issues.
- Rapid efforts and reactions to insulting statements and inappropriate behaviour.
- Organising training and seminars to promote a good working environment.

The responsibility of the manager

As a manager you are responsible for the working environment and you must act if you become aware of an employee or student at your division/department being subjected to victimisation. If you as a manager finds out that someone is subjected to violations you have a responsibility to immediately act, investigate the situation and take relevant measures. Contact HR for support in how to handle the situation. It is of great importance that the person or persons who are responsible for the investigation have sufficient competence and can be impartial, which is why it is sometimes suitable to engage the occupational healthcare services or other external support for the investigation.

Employees and students

Each employee and student at University West has an individual responsibility to prevent victimisation in their everyday interactions with colleagues, students, student colleagues, teachers

and other employees at the university. This is done by respectfully meeting each other and act for an environment free from victimisation.

By pointing out any grievances that you become aware of, you take responsibility for this. If you witness someone else being subjected you need to talk to your immediate manager about the situation (if you are an employee) or the head of division/responsible teacher (if you are a student). If the manager/responsible teacher is involved you can instead talk to the HR department, the head of the manager (for employees), the teacher's manager (for students) or a union representative/student union. If a colleague tells you they feel subjected to victimisation, give the person the support you can and encourage the person to talk to the person responsible at the division or for the education (i.e. a manager or responsible teacher). Make sure you have the person's consent before you involve other parties.

Application: When shall an investigation into victimisation be conducted?

The Work Environment Act and the provisions regarding systematic occupational health work (2001:1) covers both employees and students. The Work Environment Act (Chapter 3, Section 2) states that the employer (for students in these cases ultimately the management of the higher education institution) shall take any measures required to prevent ill health and accidents.

Section 9 of the provisions regarding systematic occupational health work (AFS 2001:1) state that if any employee (in this case including students) are victims of ill health or accidents or a serious incident happens at work, the employer/education provider shall investigate the causes so that risks of ill health and accidents can be prevented in future. In this context the rule means that if there are signs of ill health or a serious incident has occurred connected to the information on victimisation, the employer shall conduct an investigation. In practice it entails **investigating, assessing the risks and rectifying** deficiencies in the organisational and social work environment that can cause victimisation.

The Provisions on Organisational and social work environment (AFS 2015:4) addresses all activities where employees conduct work for an employer. It also includes hired labour but does not include students studying a programme/course at a higher education institution. It does however include students with a doctoral studentship and the students with work placements in a workplace. According to this provision employees shall stress that victimisation is not accepted (for example in a policy/guidelines) and have routines in order for what to do if victimisation occurs and where the victim can receive help (in accordance with this routine).

This routine for managing victimisation at University West takes its starting point in the Work Environment Act and the provisions of the Work Environment Act. It includes both employees and students at the higher education institution. Also read "Guidelines for University West's work to prevent and take measures against discrimination and victimisation" ref. no. 2018/175 A 21.

If the victimisation has a clear connection with one or several of the grounds for discrimination in the Discrimination Act (2008:567), that is gender, transgender identity or expression, ethnicity, religion or other belief system, disability, sexual orientation or age, the case in question shall be managed and investigated in accordance with "Routine for discrimination, harassment, sexual harassment and reprisals at University West", ref. no. 2018/185 A21. More information on discrimination can be found at www.hv.se/likavillkor.

Reports on serious incidents shall be submitted to the Swedish Work Environment Authority. This includes more severe cases of bullying, violations and harassment.

If someone is subjected/suspected to have been subjected to victimisation - responsibility and measures

Below follows a description of what those who feel they have been subjected to victimisation should do, what the responsible manager should do and a description of different roles and responsibilities.

Student/employee (who experiences having been subjected/have been subjected to victimisation)

If you as an employee or student is subjected to victimisation you shall:

1. If possible, make it very clear to the person subjecting you to victimisation that the behaviour is unwanted and that you want it to stop. Try to be as concrete as possible regarding what behaviour/statement you experience to be abusive.
2. Document that which has occurred. Note down time of day, date, any witnesses, the event and what the person violating you said and/or did, your reaction and experience (what, where, when and how).
3. **For employees:** The recommendation is to contact your line manager and request a private conversation. If the suspected violation relates to the relationship between you and your manager the problem shall be signalled to a higher institution where the superior manager shall be informed and take over the responsibility of investigating and handling the situation.

For students: The recommendation is to talk to a responsible person, for example the programme or course coordinator or the manager responsible (for the programme you are studying) and request a private conversation. If the suspected violation relates to the relationship between you and your programme or course coordinator the problem shall be signalled to a higher institution where the superior manager takes over the responsibility of investigating and handling the situation.

If you do not want to talk to the responsible manager you can also contact:

Employee	Student
<ul style="list-style-type: none"> • Head of HR and HR specialist • Union representative • Chief safety representative • Local safety representatives 	<ul style="list-style-type: none"> • The HR Department • Student health care centre • Student representative <p>External support:</p> <ul style="list-style-type: none"> • The student union
<p><i>The person who receives the information is responsible for informing the responsible manager. Make sure you have the person's consent before you involve other parties.</i></p>	<p><i>The person who receives the information is responsible for informing the responsible manager. Make sure you have the person's consent before you involve other parties.</i></p>

4. Accept the offer of processing the event and support if it is deemed important. Support can be found via the occupational health care service (for employees) and the student health care centre (for students).
5. Seek support and help with your union organisation or safety representative (employees) alternatively with the student union (students).
6. If you want to make a formal report, read more on page 8.

Manager/person responsible

Below follows a description of how you as a manager/person responsible should act:

1. Act

Act so that the violating behaviour stops immediately, inform the superior manager and contact a HR specialist for support in the investigatory work and management of the situation.

Further guidance can be found in the Swedish Work Environment Authority's provisions AFS 2015:4 (for employees) and at www.av.se

2. Individual investigative conversations

Contact the parties involved and conduct private discussions with both of them, in order to get an overview of the events. The employee/student has the opportunity to bring a union/student union representative to the meeting.

When talking to the victim it is important that you as a manager:

- Listen without preconceptions and avoid evaluating the information. It is always the subjective experience of the victim that determines what is and what is not insulting.
- Ask the employee/student to describe what has happened in a manner as concrete as possible. Confirm that you take the situation seriously.
- Explain the employer's responsibility to investigate the circumstances and take measures if necessary.
- Ensure that support is provided to the involved parties if necessary. Support can for example come from the occupational health care service, a union representative, the student union/student ombudsman and the student health care centre. You as a manager will decide which support may be offered. Consult with an HR specialist.
- Document the version the employee/student provides and what you agree on. Read back the notes to make sure you have perceived it correctly.
- Describe the coming process: that you will talk to the person(s) that are perceived to subject the person to victimisation.

For individual conversation with the person(s) presumed to violate

- Call the person(s) presumed to violate and inform them of the possibility of bringing a union/student union representative. Treat both parties with the same amount of respect.

- It is important to clarify that the purpose of the meeting is to survey the situation and inform about the employer's view of victimisation and the responsibility to act.
- Document the conversation, confirm with the employee/student that you have understood the situation correctly and let them sign to say they have read the documentation. Describe the coming process and what will happen in the future. Offer counselling/external support if the person needs it.

Hold conversations with witnesses as well if deemed necessary (for example if it is a matter of word against word).

3. Analysis

Analyse the situation and come up with continued measures, along with HR. You can also involve your immediate manager as support. You may need to follow up with more conversations and/or hand over the case to other support functions within the university, for example the university's selected investigator (lawyer) for continued management alternatively consultation/support. When the analysis into what has caused the grievances is concluded, follow up with the person who acknowledged/reported the issue and with the persons involved in the case. In this situation it is important to focus on solutions that can be accepted by those involved and which will make the violations end.

If the employee/student who experiences having been subjected/have been subjected to harassment is not happy with the solution reached via dialogue, the manager shall as far as possible encourage the person to submit a **formal report** (read more on p. 8).

4. Action plan and implementation of measures

Document efforts and the follow-up of them in an action plan with a deadline. Implement these measures.

5. Follow-up/conclusion

Follow up on the measures and evaluate them as well as being attentive to the working climate by observing continued or new signs of wrongdoings. Special considerations should be directed at the victim, for example by having repeated follow-up conversations. It may also be an idea to put in extra support for the work group where the situation has taken place. Advise with HR for suggestions for measures.

Formal report

A report can be made in writing or verbally and shall contain information about what has happened, who victimised, any witnesses and other things that are of importance in the circumstances. You can make the report yourself or it is written in a dialogue with a manager or other person responsible (for example course/programme coordinator). A report of victimisation is to be considered a document submitted to the university. The case will thereafter be registered by the registrar.

The report shall also be noted and sent to:

- The registrar at University West, wither via e-mail to registrator@hv.se or per post: Högskolan Väst Gustava Melins gata 2, 461 86 Trollhättan.

The following functions at University West can also receive the report (and will then forward it to the registrar after having noted the report and had it approved by the person wishing to report):

- Lawyer/investigator (Academic and management support)
- Head of HR
- HR specialist
- Someone you trust (for example a manager or responsible teacher).

The recipient informs the concerned work unit (division manager and head of work unit) and the respective head of work unit, i.e. head of department/library manager/university director is responsible for the investigation. The head of work unit will summon an advisory group consisting of an investigator (lawyer) at the administration and an HR specialist as well as other experts assessed necessary in the investigation work (for example the occupational health care service).

The university's investigator (lawyer) conducts an investigation, that is documented in writing. The investigation will be carried out speedily, objectively and in a legally secure manner with respect for everyone involved and with the discretion necessary for the situation. The involved parties will be interviewed and that which emerges during the investigation and which is of importance in the case will be shared with the concerned parties who subsequently will be given an opportunity to make a statement. The concerned managers are kept informed continuously, including the chief safety representative. When the investigation is concluded the investigator produces a written suggestion for decision that the head of work unit makes a decision on. Depending on the situation it may be various measures and the case may be transferred to the Staff Disciplinary Committee or the Disciplinary Committee (for students).

Confidentiality and documentation

A report of victimisation is to be considered a document submitted to the university. The case will thereafter be registered by the registrar¹.

More information on victimisation and documentation/report forms etc. can be found at:

www.hv.se/likavillkor

Information for students: <https://www.hv.se/student/rattigheter-skyldigheter-inflytande/>

Information for employees: <https://www.anstalld.hv.se/sv/min-anstallning/halsa-och-arbetsmiljo>

¹ Public document, see the Freedom of the Press Act (1949:105) Chapter 2.