

Guideline regarding discriminatory and differential treatment, and workplace harassment

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1 Scope and limitation of the guideline

This guideline applies to staff within the Swedish Red Cross' central organisation as well as consultants and trainees. Applicable parts of this guideline may also be used as guidance for the work of branches against discriminatory treatment.

1.1 Discriminatory treatment, discrimination and harassments

The Swedish Red Cross has zero tolerance for all forms of discrimination and harassment. This means that as a representative of the Red Cross, you must treat all people with respect and not discriminate against any individual or group. This is expressed in the Swedish Red Cross' Code of Conduct. Our working environment should be characterised by openness and inclusion and all individuals should be treated equally and with respect.

Discrimination, harassment and discriminatory treatment are covered by laws and regulations.

- The purpose of the Discrimination Act (Diskrimineringslagen (2008:567)) is to combat discrimination and promote equal rights and opportunities
- The Work Environment Act (Arbetsmiljölagen (1977:1160)) which includes AFS 2015:4 Organisational and Social Work Environment covers both the physical and the psychosocial work environment and therefore constitutes an important part of the legislation that can be used to handle harassment, sexual harassment and forms of discriminatory treatment.
- The Parental Leave Act (Föräldraledighetslagen (1995:584)) constitutes that an employer may not discriminate against a job seeker or an employee on grounds relating to parental leave.
- The Criminal Code (Brottsbalken (1962:700)) provides general protection against various forms of abuse such as defamation and severe sexual harassment, as well as various forms of sexual violence or coercion.
- Definitions

Workplace harassment and differential treatment are actions aimed against one or more workers in an offensive manner, which may lead to ill-health or exclusion from the social community at the workplace (AFS 2015:4). To offend means to humiliate someone or some people through words or actions. Differential means being treated differently from others in an incomprehensible and unfair way and being at risk of being excluded from the workplace community. Clear examples of harassment include not being greeted, being called names, being ostracised, being excluded from meetings you should be allowed to attend, being unfairly accused or personally harassed, or being called nasty names in front of others. The severity of the harassment may vary depending on whether it is a one-off incident or a recurring act of harassment that puts someone at a disadvantage. Bullying is when someone is subjected to systematic abuse over an extended period of time.

Discrimination means that someone is disadvantaged or wronged and that the disadvantage is linked to one of the seven grounds of discrimination: sex, transgender identity or expression, ethnicity, religion or belief, disability, sexual orientation or age. Discrimination can be direct or indirect. Lack of access, harassment, sexual harassment, retaliation and instructions to discriminate are also forms of discrimination (Discrimination Act 2008:567).

Harassments is behaviour that violates someone's dignity and is related to one of the grounds of discrimination.

Sexual harassment is conduct of a sexual nature that is unwanted and violates someone's dignity. It is up to the person being harassed to decide what is unwanted or offensive.

Reprisal means that someone is subjected to some form of punishment or negative treatment as a reaction to them having complained about or reported forms of discrimination, harassment or differential treatment.

2 Responsibility

All employees have a responsibility for the working environment. As an employee, you must not, under any circumstances, participate in violations; neither as a perpetrator nor as a bystander. You have a responsibility to ensure that the manager concerned or someone in HR is made aware of what is going on.

2.1 The managers' responsibility

Managers have a special responsibility to prevent, detect and respond to all forms of harassment and discrimination. Managers are responsible for that:

- All employees are made aware of the Red Cross' zero tolerance- policy regarding all forms of abuse.
- Norms for a tolerant and respectful working environment are maintained and developed through, for example, discussions about attitudes, behaviour and conduct that should apply in the workplace.
- In case of suspicion of abuse, address the issue as soon as possible and seek support and assistance from HR and, if necessary, from external expertise.
- Take measures to counteract conditions in the working environment which may give rise to harassment

As a manager, you can read more about how to prevent and deal with harassment in the Manager's Handbook on Rednet.

2.2 Responsibilities of the HR department

The HR Department is responsible for:

- Receiving and handling incident reports regarding harassment
- Providing support and advice to managers and employees.
- Deciding whether an investigation should be carried out, taking responsibility for the investigation and calling in the expertise required by the investigation.
- Maintain expertise in the field and develop relevant procedures and checklists.
- Create a systematic approach to active measures under the Discrimination Act.

3 If it happens

If you feel that you have been the victim of harassment or have witnessed a colleague is being victimised, you should:

3.1 Speak out

State clearly and constructively that you do not accept the behaviour and demand that the abuse stops.

According to the law, for harassment or sexual harassment to occur, the harasser must understand how the behaviour is perceived. It is therefore important that the person being harassed makes it clear to the harasser that the behaviour is unpleasant and unwelcome. In some situations, however, the harassment may be so clear that no comment is required from the person feeling harassed.

If you are afraid to confront the person yourself, turn to your manager or someone else you trust, such as HR, the health and safety representative or a work council representative.

3.2 Inform your manager

Inform your manager about the incident. The employer has a duty to act quickly and will call on external expertise if necessary.

If your manager is the one who is abusing you, you can turn to a superior manager or someone else you trust (see above). You can also file an incident report. In the case of serious violations, there is also the possibility of using the SRC's whistle-blower function. Information on how to do this is available on Rednet.

3.3 Confidentiality

You should feel confident that the information you provide will be treated confidentially. You may be expected to participate in follow-up interviews and any further investigation. Read more about the right to anonymity below.

An employee who has reported or alleged any form of discrimination or harassment, has participated in an investigation, or rejected harassment may never be subject to reprisals as a consequence. Serious violations

If you suspect that a serious breach of the law, the Code of Conduct or other rules has occurred, you have the opportunity to report it through the SRC whistleblowing procedure. This function can also be used when, for whatever reason, you cannot or do not wish to use the normal information and reporting channels as described above. The Swedish Red Cross Code of Conduct or Complaints Policy provides more information on how to make an anonymous complaint by making use of the whistleblowing procedure.

4 Actions

4.1 Clarifying talks

It is our duty as an employer to investigate the details of the alleged violation without delay. A first step is therefore to initiate a clarifying talk with the person who has reported a harassment. The issue should also be investigated by talking to the person(s) who are alleged to have committed the violation. This should be done with the discretion required by the situation.

4.2 Counselling

The individual's health and well-being is our main concern. We offer counselling sessions and, if necessary, health care through the occupational health service. Persons accused of abuse may also need support and are offered counselling. As an employee, you can always turn to Falck personnel support for support counselling.

4.3 Alternative actions

Depending on the nature and severity of the situation, different types of action can be taken. Based on the clarification discussions, the seriousness of the situation and taking into account the wishes the person who feels violated has about the further handling of the issue, we will consider what action may be appropriate. Possible courses of action include mediation, conflict management, support talks, work environment mapping or in-depth investigation.

4.4 Investigation

In cases of harassment and sexual harassment, the circumstances of the alleged harassment are always investigated (Discrimination Act, Chapter 2, §3).

In **cases of workplace harassment and differential treatment** an investigation is carried out if the violation has led to ill health or is likely to lead to serious ill-health. In such cases, the causes are investigated so that risks of ill-health can be prevented in the future. (AFS 2008:15, §9)

The scope of the investigation depends on the circumstances of the individual case. HR is responsible for the investigation and calls in the expertise required by the investigation.

4.5 Disciplinary measures

If the situation is considered serious or if the violations, despite measures, do not cease, disciplinary action may be taken against the offender.

4.6 Prevent and avoid

Once the above activities are completed, necessary measures to prevent and avoid similar situations in the future should be taken. The Discrimination Act also requires employers to work in a systematic way with active measures to prevent and avoid discrimination and all forms of harassment.

5 Anonymity

In matters relating to all forms of discrimination, the employer's duty to investigate takes precedence over the complainant's wish to remain anonymous. This means that the Swedish Red Cross is obliged to carry out an investigation even if the complainant wishes to remain anonymous.

In cases of discriminatory treatment, an investigation with possible sanctions for the person(s) identified as having committed the discriminatory treatment cannot be opened if the employee who feels they have been discriminated against wishes to remain anonymous. As an employer, we take all reports seriously and have a duty to address the situation. However, in cases where an employee who has been subjected to discriminatory treatment or other forms of harassment wishes to remain anonymous, only general preventive measures can be taken.