

How to prevent sexual harassment?

Arbeidstilsynet (Labour Inspection Authority) og Likestillings- og diskrimineringsombudet



Sexual Harrasment after #Metoo

- A game changer
- How do we move from #Metoo to effectiv prevention?

What is sexual harassment?

Sexual harassment:



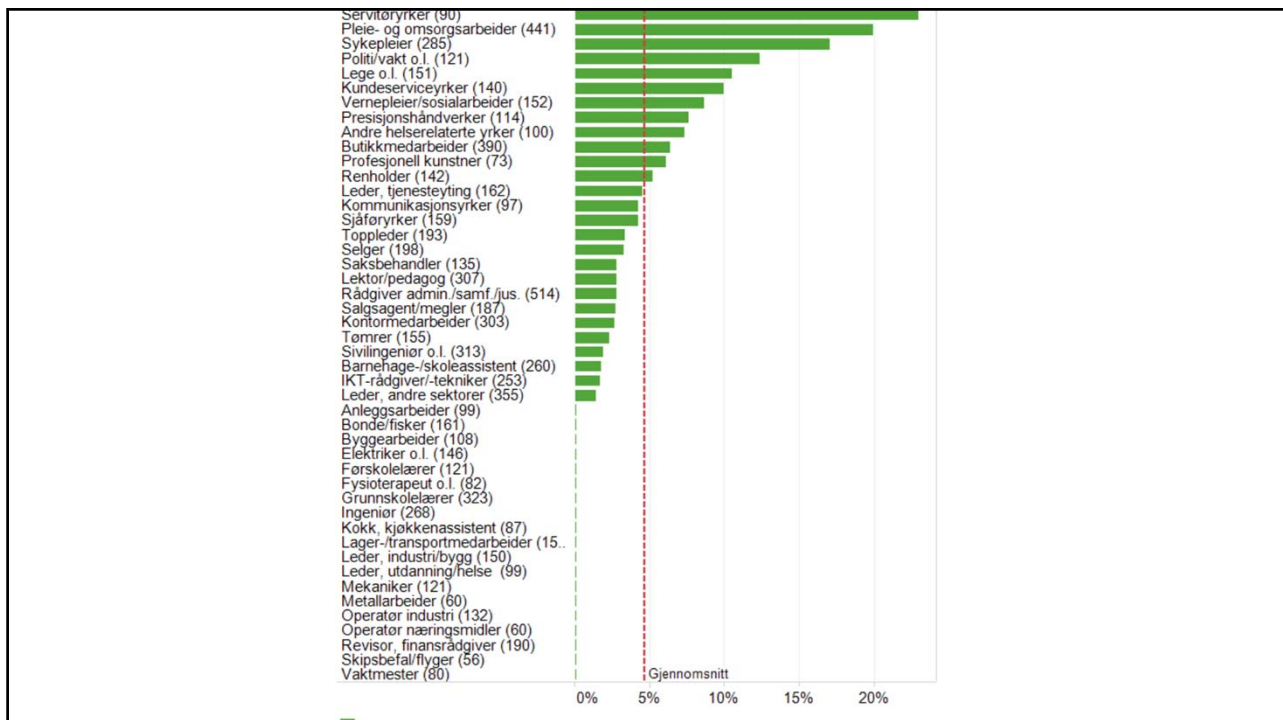
«“Sexual harassment» means any form of unwanted sexual attention that has the purpose or effect of being offensive, frightening, hostile, degrading, humiliating or troublesome».

Likestillingsloven § 8

Sexual harassment in the Norwegian labour market

- 4 prosent % has experienced unwanted sexual attention the last month
- 7 % of women
- 2 % of men
- 13 % of young women(17-27 years)

SSB 2016



3.2.1 Prosentandel som rapporterer psykososial eksponering, etter alder og kjønn (SSB, LKU 2013)

	MENN						KVINNER					
	17-24	25-34	35-44	45-54	55-67	Totalt	17-24	25-34	35-44	45-54	55-67	Totalt
Høye jobbkrav	48	60	62	59	51	57	53	69	68	67	60	65
Lav jobbkontroll	34	22	16	16	17	19	46	31	28	29	30	32
Høye jobbkrav og lav jobbkontroll	15	13	9	10	8	11	26	22	21	21	20	22
Høy rollekonflikt	8	11	9	8	5	8	6	14	11	9	6	10
Høye emosjonelle krav	12	13	11	9	6	10	21	28	24	23	20	23
Lav lederstøtte	7	10	8	11	8	9	9	10	11	12	10	10
Innsats/belønning ubalanse	6	11	7	10	9	9	8	14	15	17	14	14
Vold og trusler om vold	5	6	5	4	2	5	13	11	11	11	9	11
Seksuell trakassering	3	3	2	1	1	2	14	11	8	6	3	8
Mobbing	3	4	2	3	3	3	3	4	3	3	3	3
Omorganisering egen avdeling	7	20	20	21	19	19	9	19	23	21	23	20
Nedbemannning egen avdeling	7	12	13	15	13	13	10	13	15	16	14	14
Jobbsikkerhet	11	10	8	8	9	9	10	13	11	9	7	10

Kombinasjonen av høye jobbkrav og lav jobbkontroll, høye emosjonelle krav, ubalanse mellom innsats og belønning, vold og trusler om vold er mer utbredt blant kvinner enn menn. Unge yrkesaktive er mer utsatt for høye jobbkrav i kombinasjon med lav jobbkontroll, og denne kombinasjonen er særlig utbredt blant yrkesaktive med utdanning på ungdomsskolenivå.

3.2.2 Prosentandel som rapporterer psykososial eksponering, etter utdanning (SSB, LKU 2013)

	UNGDSSKOLE ELLER LARERE	VIDeregående Påbegynt	Videregående Fullført	Høgskole/Univ EKSIT/BNL 4 år	Høgskole/Univ EKSIT/4 år ELLER MER	TOTALT
Høye jobbkrav	54	54	59	66	71	61
Lav jobbkontroll	35	26	25	22	13	25
Høye jobbkrav og lav jobbkontroll	20	16	15	16	11	16
Høy rollekonflikt	7	5	8	11	10	9
Høye emosjonelle krav	14	11	14	23	13	16
Lav lederstøtte	12	11	11	8	7	10
Innsats/belønning ubalanse	8	9	9	10	7	9
Vold og trusler om vold	7	7	7	11	3	8
Seksuell trakassering	6	3	5	5	2	5
Mobbing	4	2	3	3	3	3
Omorganisering egen avdeling	14	18	18	23	25	19
Nedbemannning egen avdeling	12	14	14	15	12	14
Jobbsikkerhet	11	9	9	9	7	9

Seksuell trakassering er mer utbredt blant unge kvinner. Omorganisering er mer utbredt blant yrkesaktive med høyere utdanning, og med unntak av den yngste aldersgruppen er nedbemanning og omorganisering jevnt fordelt i de ulike aldersgruppene. Jobbsikkerhet rapporteres i høyere grad av yrkesaktive med utdanning på ungdomsskolenivå.

Employers duty to prevent harrasment and sexual harassment

- Covered both by the Working Environment Act and The Equality and Anti-Diskrimination Act
- Lack of training, tools and routines
- Few victims reports harrasment
- Few cases are solved at the work place
- Few cases in court

Conclusion: Harrasment has few consequences for those who harrass and serious consequences for the victims

Cooperation between the Labour Inspection Authority and LDO

- Common definition of harassment and sexual harassment
- The Labour Inspection Authority and the Equality- and Anti-discrimination ombud should coordinate their mandates to ensure unified guidance and effective supervision
- Co-operation for prevention of sexual harassment in the accommodation and catering industry
 - Practical guidelines for workplaces and companies
 - Training for managers and employers
 - Training for health and safety representatives
 - Training of the Labour Inspection supervisors

Structure of the guidance

- Basic message: Harassment is bad for business and creates an unsafe working environment for the employees
- Employer has to define the limits for behavior at work and how they handle violations
- Violations of is incompatible with a manager position
- Violations should have consequences
- Managers, health and safety representatives and union representatives has to recognise their role and responsibility
- All employers has to make an risk assessment for vulnerable employees and vulnerable work situations in the company and follow up with measures



Six simple steps to prevent sexual harassment and harassment

1. Rules of conduct

Give a clear message to all (new) employees

- Abusive language is not accepted on the work place. Examples of unacceptable words: whore, faggot, negro, mingo
- Comments on the body of employees are not acceptable at work. The more sexual comments are, the worse
- Sexual approaches should not take place at work or in connection with the job
- It is not allowed to show or send nude pictures and porn to employees
- These rules also apply to users of public services
- Threats, violence and sexual assault will be reported to the police

Why rules of conduct?

- The employees are diverse and come from the whole community. The same does the users of public services. One can not assume that everyone has the same limits or understands where the boundary goes.

Why rules of conduct

- The purpose of rules is to protect employees against harassment.
- The rules are not meant to regulate what colleagues do, as long as it is desired by both parties and does not affect other employees or the working environment.
- The rules should always apply:
 - Between users of the services and the employees
 - From managers to employees
 - From employees with training responsibility to employees during training
 - From the majority to a minority

2. Risk assessment and measures

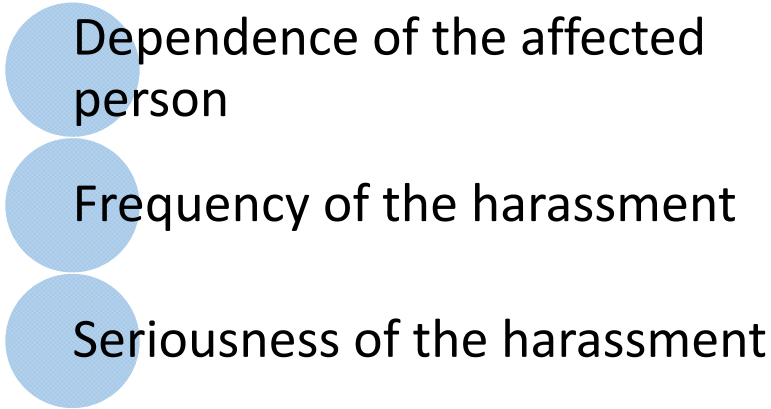
Department measures

All departments must map and assess risks associated with work in their work place. This also applies to harassment risk.

Three simple questions are the core of the risk assessment:

- What can go wrong?
- What can we do to prevent this?
- What can we do to reduce the consequences if it happens?

The risk assessment will be carried out in cooperation with the employees, safety representatives and representatives.



Dependence of the affected person

Frequency of the harassment

Seriousness of the harassment

Risk factors	Risiko situations	Risk groups
<ul style="list-style-type: none"> • Dependency and subordination • Alcohol • Unclear boundaries between work and private life • Sexualized culture • Negative attitudes 	<ul style="list-style-type: none"> • To work alone • Shifts in the evening and night • Work in "private" situations • Social events at work 	<ul style="list-style-type: none"> • Young and new employees • Women • Apprentices • Temporary staff • Employees representing or perceived as minorities

Home based care

Risiko	Hva kan skje?	Tiltak
<ul style="list-style-type: none"> • To work alone • Shifts in the evening and night • Work in "private" situations • Young and new employees • Women • Apprentices • Temporary staff • Employees representing or perceived as minorities • Sexualized culture • Negative attitudes • 	<ul style="list-style-type: none"> • Abusive language • Sexual comments on the body of employees • Sexual approaches • Nude pictures and porn • Threats, violence and sexual assault 	<ul style="list-style-type: none"> • Training of all staff on rules of conduct and procedures for violations • Information to the users of the services about the rules of conduct • Duty to notify in case of violation • Right to pull out of difficult situations • The manager or other responsible person shall take over the situation in case of violation • Clarification of how episodes are reported and consequences for guests

3. Management responsibility

Management responsibility

- Being managers is incompatible with breaches of the rules of conduct and measures to prevent harassment
- When managers are aware of such behavior without taking action, they are considered as co-responsible
- Training on preventing and handling sexual harassment and harassment should be part of the management training
- All public employers should have manager support for guidance and assistance in handling of cases
- Harassment – a topic for the employee survey

4. Effective handling of complaints

Good procedures for handling of complaints

- All employees has the duty to report harassment to the manager or the health and safety representative
- A manager who knows that an employee experiences harassment must take action
- If matter is not resolved on the spot, shall be initiated a formal process
- The manager should never conclude without both parties being heard and the facts have been clarified
- There should be written minutes from the whole process.
- No cases are terminated before it has come to a conclusion
- If the employer believes that the harassment is so severe that it may be affected by the Penal Code, the employer must consider filing the case.
- Leaders must follow up on both parties and secure the one who has been harassed against retaliation
- All harassment cases must be documented in the health and safety work.

5. Violations must have consequences (also for users of public services)

Users of public services:

All public services should establish procedures for the consequences of harassment both when it occurs and for the future

Employees:

If harassment has occurred between employees, consequences for those who harass can be:

- warning,
- waiver of liability
- Relocate
- Resignation

If the harassment can be affected by the Penal Code, the employer shall, in cooperation with the person affected, consider filing the case.

6. Talk more about
harassment at work