

# Guide to the prevention and handling of unwanted sexual attention



***The aim of this guide is to provide the Health and Safety Group and unit management with information regarding how to prevent unwanted sexual attention and how to deal with specific incidents. The guide should be seen as a source of inspirational material for implementing holistic, preventive and systematic health and safety measures within the unit – for both employees and students.***

### WHEN THE SHARED ENVIRONMENT BECOMES SUGGESTIVE

Maria has just started her new job in the department. Management wants to try to create a social community and therefore attaches importance to sharing a coffee break in the morning and that everyone, as far as possible, meets for lunch. Maria's experience is that the atmosphere during the shared coffee breaks is often far "below the belt", and that the young lads in particular take centre stage and talk very graphically about what they have been up to at the weekend. Maria thinks it goes beyond normal limits but doesn't want to say anything because she doesn't want others to regard her as prudish. Often she just sits and looks down at the table and says nothing. She has been considering not going to the coffee breaks with the others but is nervous about becoming isolated from the community and about management claiming that this represents anti-social behaviour.

### 1.1 Definition of unwanted sexual attention

The Danish Working Environment Authority defines it as sexual harassment "when one or more persons regularly or over a long period of time – or repeatedly in a crude way – expose(s) one or more other persons to unwanted behaviour of a sexual nature which the person(s) concerned consider(s) to be offensive" (WEA Guidelines D.4.2).

Unwanted sexual attention can have major consequences for the health and well-being of the individual (WEA Guidelines D.4.2).

#### Examples of unwanted sexual attention include:

- Unwanted touching.
- Unwanted sexual requests.
- Unwanted smutty jokes.
- Unsolicited stories about the person's own sex life or about sexual topics.
- Display of pornographic images.
- Unwanted gifts of a pornographic nature (The Danish Working Environment Authority's guidelines regarding bullying and sexual harassment).

*Aspects of the Danish Equal Treatment Act are not part of this guide.*

### 1.2 Unwanted behaviour

SDU's *HR policy guidelines* state that offensive behaviour in the form of unwanted sexual attention in the workplace will not be tolerated. SDU desires an environment that is based on decency and is characterised by a perception of other people that shows respect for diversity and the integrity of individual employees. SDU also wishes to promote a working culture that emphasises equality and respect among SDU employees in all contexts, both individually and at group level.

## 1.3 Preventive health and safety measures

### 1.3.1 The tasks of the Health and Safety Group

It is the task of the Health and Safety Group to help the unit plan and implement preventive measures at a local level by:

- Ensuring the knowledge is in place to conduct a risk assessment, including identifying and assessing risks, causes and handling of instances of unwanted sexual attention at work; see, for example, WEA Guidelines D.4.2 and the Danish Working Environment Council's booklet entitled "Preventing sexual harassment".
- Identifying risk factors, such as by using the latest workplace assessment, being aware of the work tasks and the daily working environment and discussing the issue specifically at staff meetings. After this, the task of the Health and Safety Group is, together with the unit's management and employees, to assess the current risk of unwanted sexual attention in the unit, whether from patterns in the unit's culture and behaviour that could give rise to escalating conflicts, bullying and unwanted sexual attention, or from work tasks involving contact with others.
- To organise holistic, proactive and systematic efforts in the action plan (see examples under 'Possible measures', point 1.3.2).
- To determine whether clear instructions and information about options have been provided (see more under 'Handling incidents', point 1.4).
- To evaluate whether the preventive measures are sufficient and have the desired effect. For example, by means of a follow-up workplace assessment or employee interviews.
- The Health and Safety Group can seek advice and guidance from the *Health and Safety Office* or the *Danish Working Environment Authority's hotline on bullying and sexual harassment*.

### 1.3.2 Possible measures

The best way to prevent unwanted sexual attention in the workplace is to establish and maintain a good psychological working environment. This applies regardless of whether the unwanted sexual attention might be experienced as a result of the work you are doing or the collegial environment you are in. Preventive measures are ensured through holistically-based initiatives at



## THE AFFECTIONATE PROFESSOR

Mads is a postdoc and hopes to be subsequently employed on a permanent basis in the department.

Throughout his time in the department, he has worked closely with one of the leading foreign professors.

The professor is very open in her body language and in her approach to people, talks loudly, hugs everyone she meets and stands very close to people when she talks with them.

Mads has become accustomed to this over the years but still feels that the hugging goes on for too long and notices that the professor will always touch him when they talk, and it is starting to get to him.

Mads therefore talks with the professor, explaining that he thinks that his boundaries are being violated.

The professor explains that she does not mean anything by it and that it is normal where she comes from.

Subsequently, Mads wonders whether he has to put up with the professor's behaviour or whether he should take it up further with management, even though he is nervous that it may affect his future career in the department.

several levels; management, group and individual level:

- Management shall clearly state that unwanted sexual attention is unacceptable, ensure that employees are aware of their options and clarify that they have the management's support to use them (See section 1.4.2 'The employee's options').
- The unit shall work to create and/or maintain a good working environment and consideration and respect for others' boundaries, for example through dialogue to create a common code for the working culture in the unit; what do you regard as appropriate behaviour and a good environment, and where are your boundaries? How can you object when your own boundaries are crossed or you believe that a colleague's boundaries have been crossed?
- Every single employee is urged to protest about unwanted sexual attention. If the colleague is not out to harass the person concerned, one can assume that the violation stops here (Working Environment Council's booklet "Preventing sexual harassment", December 2015).

Where there is a risk of sexual violations in meetings with special client groups or where an official function is carried out, the work shall be organised so that:

- The employee is not, or to a limited extent, exposed to unwanted sexual attention, cf. the Danish Working Environment Authority's prevention principles, such as risk prevention, assessment of risks that cannot be prevented and appropriate instruction (Executive Order regarding the Performance of Work, Annex 1).
- Individuals know the hazardous tasks, self-defence and support options as well as their duty to report events.

## 1.4 Handling incidents

### 1.4.1 The task of the Health and Safety Group

It is the task of the Health and Safety Group to help management and vulnerable employees to plan and prepare how to handle an incident of unwanted sexual attention, for example by:

- Providing clear instructions and information on how management and employees should act and conduct themselves if one or more incidents of unwanted sexual attention are established (See section 1.4.2 'Employee's options' and Section 1.4.3 'Management's options')



- Participate in investigating incidents of unwanted sexual attention in connection with the reporting of the case.

### 1.4.2 Employee's options

If an employee is exposed to unwanted sexual attention, he or she must approach his/her manager.

If the employee finds it hard to come forward, for example if the environment is not good at work, if there is a tendency to make problems personal, and/or if the process is unclear, he/she can seek help and support from:

- The employee's staff representative, health and safety representative or a trusted colleague who can provide *emergency collegial psychological first aid* and explain where to get help. The staff representative shall focus on employment rights and the health and safety representative on well-being in the workplace.
- HR Service, Personnel Office if the employee wishes to raise a complaint that will result in an impartial examination and consultation with the parties involved.
- *SDU's staff psychologist*, who can provide psychological counselling and therapeutic discussions to employees at SDU who experience work problems and difficulties.
- *The Danish Working Environment Authority's hotline for bullying and sexual harassment* on +45 70121288.

### 1.4.3 Colleagues' options

If a colleague becomes aware that another colleague has been exposed to unwanted sexual attention, he or she may show collegial care, for example by:

- Contacting the person concerned and expressing concern about his/her well-being. Explaining what incidents you have witnessed and what changes you have noticed in the person concerned.
- Being available if the person needs to chat.
- As a colleague, you are not responsible for the problem, but you share responsibility for ensuring that the problem is not suppressed by helping the person concerned approach his/her manager.

## COMPLAINT PROCESSING

In accordance with § 7 (1) of the *Danish Public Administration Act*, an administrative authority should, insofar as is necessary, provide guidance and assistance to persons approaching it with questions within the authority's field of competence.

This rule also applies to case management in the event of complaints regarding staff being involved with unwanted sexual attention.

Before an employee officially complains about another employee, he/she is welcome to contact the Head of HR for guidance.

§§ 19 and 20 of the *Danish Public Administration Act* contains regulations regarding the authority's duty to carry out a consultation with the parties involved.

The consultation with the parties involved shall ensure that the parties to a case are given the opportunity to familiarise themselves with and comment on the authority's basis for decision-making before any decision is made.

You can submit an official complaint to your Head of Department/Dean/ Head of Division/ Vice-Chancellor.

### 1.4.4 Management's options

When you are contacted by an employee who feels he or she has been subjected to unwanted sexual attention, it is important to take the incident seriously, not to draw hasty conclusions and to show respect and discretion to both the victim and the perpetrator. However, the starting point for management's handling of the incident will always be that unwanted sexual attention is unacceptable.

Take care of the victim based on the principles in *Guidance on emergency counselling* and offer supportive talks, preferably with a staff psychologist or other competent person.

If the facts surrounding the incident remain unclarified, it is important to take into account both parties in the case and to provide practical solutions that, on the one hand, do not disclose the incident between the parties and, on the other hand, allow both parties to remain in the workplace.

The victim must be properly protected from the alleged perpetrator, if this is deemed necessary, while the perpetrator should not be "revealed" during the period of the investigation.

Consideration should be given to the possibility of mediation between the parties, with the mediator being externally qualified. However, this requires both parties to voluntarily wish to be part of this solution.

Please be aware that employees who are wrongfully accused of having shown unwanted sexual attention may need rehabilitation.

## NOTIFICATION OF OCCUPATIONAL INJURY

Incidents of unwanted sexual attention are comparable with other workplace injury incidents. It is therefore management's task to report individual events via the internal notification form to the Health and Safety Office which will then evaluate whether the incident needs to be reported externally. Incidents which take place over a longer period are notified by the victim to her/his own doctor as an occupational illness. It will also be assessed whether the incident is covered by the Danish Criminal Code, which may result in a report being made to the police. Please be aware that the victim should report the incident to the police within 24 hours of it taking place.

## 1.5 Preventing repeated incidents

Make it a shared problem that unwanted sexual attention occurs, but do not mention specific cases. Instead, focus on the culture, environment, manners, etc.

There may be different views regarding when behaviour is perceived to be offensive. Therefore, it is important to discuss the issue together in the unit so that it is given the necessary consideration.

In this connection, the Health and Safety Group and, where appropriate, relevant staff representatives should be involved with providing guidance and organising preventive measures in the unit. (Find inspiration in section 1.3.1 ‘Tasks of the Health and Safety Group’).



### CHRISTMAS PARTY

Camilla is studying for her Master's degree and will soon start work on her Master's thesis.

She has thought about having Lars as her supervisor since she has long been interested in his field. Therefore, she has shown great professional interest in his work and has visited him several times.

At the Christmas party, they sat next to one other and talked openly and freely. Drinks were available, and Lars got very drunk quickly.

At one point during the evening, he tried to kiss her and touch her breasts. Camilla had also had a little bit to drink by this time but did not feel drunk.

The situation caused her to freeze, and she wasn't able to object, before finally mumbling that she had to go to the toilet and getting away.

Students employed as student assistants, and students who work for the university without pay (such as tutors), are regarded as being comparable with employees in relation to the Health and Safety Group's work on prevention and handling. Reference is made to Chapter 1 and the related sub-chapters.

In addition, it is the task of the Health and Safety Group to assist the unit in planning and organising local preventive action vis-à-vis students by:

- Managing risk factors that ensure the student's well-being and safety in both academic and social contexts.
- Find out about the conditions for students on the various councils and boards where student matters are discussed, such as study boards, students' councils, etc.
- Be aware that the unequal balance of power between lecturers and students can influence the student's ability to object to lecturers displaying offensive behaviour.
- Ensure that the department is discussing how to create a good and safe framework for the students, both in academic and social contexts, such as by developing principles for good practice, environment, etc. (See for example *Principles for starting studies* and § 1 (2) of the *Rules of Conduct*).
- Include students in the preventive work by organising holistic, proactive and systematic measures in the action plan.

### SUPPORT FOR STUDENTS

At SDU, students who have experienced unwanted sexual attention can seek support, advice and guidance from General Study Counselling in Student Services.

If the student wishes to file a complaint or start a case, either against a fellow student or an employee, they are referred to the Legal Unit in Student Services.



- *WEA Guidelines D.4.2 Bullying and sexual harassment, March 2002*
- *The Danish Working Environment Authority's guidelines regarding bullying and sexual harassment, February 2016*
- *Danish Working Environment Council's booklet - Preventing sexual harassment, December 2015*
- *Executive Order regarding the Performance of Work, Annex 1. The Danish Working Environment Authority's Executive Order no. 559 of 17 June 2004, as amended*
- *Executive Order regarding the Danish Public Administration Act*

Health and Safety Office, May 2018

