

Discrimination

or Harassment and other kinds of Unfair or Offensive Treatment

Information about how a member of staff, a supervisor, a trade union representative or a safety representative should act in cases of discrimination



National Policy and Guidelines



Edited by: The National Police Board, Box 102 26 102 26 STOCKHOLM

Dnr: **HR- 742-237708**

Photo: Kristoffer Thessman

Graphic Design: Ragnar Lilliestierna, Information Division at the National Police Board

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In order to avoid discrimination, harassment or unfair or offensive treatment within the Police, it is essential for the Police to have a common policy and a common attitude in tackling these issues. To gain the trust of the public opinion, the Police must follow its own Core Values.

National policy

- The Police does not accept any form of discrimination, harassment or other unfair or offensive treatment.
- Everyone should be treated respectfully and in accordance with the Core Values of the Police.
- The Police prevents discrimination, harassment and unfair or offensive treatment by training and information, as well as by creating a working place with good working-relations and an open climate.
- The Police, as an employer, is obliged to take measures if someone alleges that they have been discriminated against (discrimination, harassment or other forms of unfair and/or offensive treatment).
- All employees at the Police are entitled to a good working climate and have an obligation to contribute to a good working climate.
- The Superiors/Supervisors, in their capacity as employers, have a formal responsibility to prevent and take measures against discrimination, harassment and other forms of unfair or offensive treatment.

Each and every Police authority shall elaborate procedures, based on this policy and these guidelines, for the efforts against discrimination, harassment and other forms of unfair or offensive treatment, in their organisation.

Definitions

Discrimination

- Direct discrimination

An unfair treatment, which means that a person is put at a disadvantage in comparison to how others are/should be/have been treated in a similar position. This occurs only when this unfair treatment is related to gender, transsexual identity or transsexual expressions, ethnicity, religion or other beliefs, sexual orientation, physical impairment or age.

- Indirect discrimination

An unfair treatment which is the result of the application of a rule, a criterion or a procedure that could be seen as neutral, but becomes unfair in relation to that person, and is related to the above-mentioned grounds for discrimination. An exception to this situation is when a rule, a criterion or a procedure is legitimate in order to achieve a goal and the means used are adequate and proportional in order to achieve the goal.

Harassment

A behaviour which offends someone's dignity and is based on the grounds for discrimination such as gender, transsexual identity or transsexual expressions, ethnicity, religion or other beliefs, sexual orientation, physical impairment or age.

Sexual harassment

Acts and sexual allusions that offend someone's dignity.

Unfair or offensive behaviour

Recurrent, reprehensible or distinctly negative actions, which are directed at individual employees that are perceived as offensive or unfair, and which can entail the employee's exclusion from the community of work.

Exampels of unfair or offensive treatment

- Physical violence
- Social expulsion and isolation
- Deliberate insults
- Slander
- Deliberately withholding information
- Deliberately rendering the work more difficult
- All forms of victimisation, e.g. sexual harassment
- Insulting so called administrative sanctions, e.g. not explained redeployment or demands for overtime

Unfair or offensive treatment sets in when personal conflicts pass from mutuality into nonethical actions that in a precarious way affect an individual employee.



Causes and consequences

Causes

The causes of unfair or offensive treatment, harassment and also of discrimination should first be sought in the organisation or planning of the work and not with individual participants.

Possible causes:

- Lack of information
- Lack of leadership
- Cultural flaws
- Vague aims and decisions
- Lack of equality
- Organisational flaws
- Educational flaws
- Lack of understanding for different personalities

Unsolved and long-term organisational issues can cause strong and negative strain in working teams. Reduced stress tolerance can cause a “scapegoat mentality” and trigger rejection of individual employees. The actions and behaviour of individuals can of course be the cause of unfair or offensive treatment.

Consequences

A person that takes part in discrimination and unfair or offensive treatment undermines the health of other persons and the community at work.

A person that takes part in discrimination, harassment or unfair or offensive treatment,

no matter whether with intent or resulting from ignorance, runs the risk of seriously causing individual injury as well as reinforcing and recreating discriminating mechanisms at the place of work and in contacts with the public.

Discrimination, harassment and unfair or offensive treatment can also constitute:

Organisational issues that in a negative way affect production, efficiency and organisational aims.

Safety issues that affect the safety, confidence and personal safety. The norms at the place of work can be set aside.

Legal issues. Discrimination violates human rights and is prohibited according to Swedish law. To the extent that it is directed against the public, the rule of law is set aside and violates the Core Values of the Police.

Health issues. Discrimination and offences can affect physical and mental health regarding individuals as well as groups. It can also create difficulty in co-operating and in the long run lead to increased absence due to illness and employee turnover.

Fairness issues that counter people’s right to equal possibilities and obligations and undermine rules and norms.

Responsibility, support, counselling and measures

To be subjected to discrimination, harassment or unfair or offensive treatment is to be subjected to great strain. It can lead to impaired performance, increased stress, physical ill-health like insomnia and lower self-esteem.

It is recommended to directly state that the unfair or offensive treatment is not accepted in order to give the person harassing you a possibility of understanding that he/she is doing something that is wrong. Then this person can not maintain that he /she does not understand that what he/she has done is wrong. It is essential to document what has occurred. It is of importance, for instance in the form of a diary, to document points of time, places, and possibly who was/were present at the incident/incidents.

It is important that you first of all contact your superior. In case you are of the opinion that it is your direct superior that is discriminating, harassing or treating you in an unfair or offensive way, remember that there is a superior to him/her to contact. Other persons to turn to in confidence is a qualified expert within the authority, for instance an HR consultant, a safety representative or a trade union representative. In addition to this the occupational health service can provide professional support. You can of course also have the backing of a colleague, a chaplain, a relative or a friend.

The employer should be informed about any injury due to discrimination, harassment or unfair or offensive treatment, which could be defined as an occupational injury according to the law relating to occupational injury insurance.

Superior/supervisor

The investigatory obligation of the employer begins as soon as the employer learns that a member of the staff experiences that he/she has been subjected to discrimination or unfair or offensive treatment. It does not matter whether it is probable or not that discrimination or the offence has occurred. What is crucial is that a representative of the employer learns that a member of the staff is of the opinion that he/she has been discriminated or offended. On mere suspicion an investigation shall be initiated.

- As a superior you are responsible for handling conflicts as early as possible. If tendencies to discrimination, harassment or unfair or offensive treatment exist, you must take immediate measures. It is also important that those involved get necessary help.
- If a conflict has gone so far that a member of the staff does not feel well, conversations shall at once be carried out with the persons concerned. The conversations should first of all be carried out privately and not in a group.
- The conversations should only deal with what has happened. It is of great importance that that all persons involved may give their view of the issue. A union trade representative or a safety representative can be present during the conversations.
- Be explicit and make a careful document-

ation. Do not put the blame on anybody and do not judge. Do not deny that the problem exists. Keep an objective and problem-solving attitude. A superior must be able to give negative feedback without this being regarded as offending by the individual member of staff.

- Use the Core Values of the Police as a basis.
- If counselling and support do not lead to a change of the situation or if what has occurred is of a serious nature you as a superior should ask for help from someone with specialist training, for instance from the HR section, the occupational health service or from those with labour legislation qualifications at the HR section at the National Police Board.
- Explain your role as a superior and always elaborate a plan of action. The plan should include information about when, where and how offences have occurred, the persons that have been concerned and measures that have been planned and the person that will be responsible for these measures.
- If discrimination, harassment or unfair or offensive treatment lead to an occupational injury according to the definition in the law relating to occupational injury insurance, the employer is obliged to immediately report the injury to the Social Insurance Office.

- As a superior you are also responsible for preventing discrimination, harassment and unfair or offensive treatment. This can be effected by the following measures:
- Make sure that the members of the staff know about this policy and its guidelines.
- In cases of new employment or return to service, for instance parental leave or service abroad, information shall be provided about this policy and its guidelines.
- When necessary, but at least once a year, the forms of social intercourse and the social working environment shall be discussed at a working place meeting.
- At the performance review it is possible to individually discuss the working environment at the place of work.
- The need of the members of staff of training/information about discrimination, harassment and unfair or offensive treatment should regularly be examined.
- The responsibility for the follow-up of discrimination, harassment and unfair or offensive treatment ultimately rests on the head of the authority. A follow-up should be effected at least once a year when all superiors have had performance reviews with all the members of staff.



Colleague

The person subjected to an incident or situation is the one that determines whether it has been offending or whether it may be accepted or not. No matter what type of discrimination or offence, the problem shall always and without exception be taken seriously when a person feels that he/she has been badly treated and makes the difficult move towards telling about it.

- Define your attitude, show moral courage and do not take part in foul play. Tell what you think about the points at issue. If possible, try to take the initiative in creating constructive solutions. Do everything you can to make your colleague not being an outsider in the community at work.
- Encourage the offended person to talk to his superior, safety representative, trade union representative or other representative.
- Keep in contact with the offended person until you are certain that the problem has been taken care of.
- The Core Values of the Police shall always be the basis of your actions.
- When you have allegedly subjected someone to discrimination, harassment or unfair or offensive treatment, you should immediately talk to your superior and ask him/her to give you an account of the situation where your behaviour has been experienced as discriminating, harassing or offensive. You are also entitled to receive information about the investigation the employer has made about the alleged discrimination, harassment or unfair or offensive treatment, and about the possible measures the employer intends to take. You are also entitled to ask for support from your trade union.

Trade union's elected representative/safety representative

- Take time to listen. Explain your role.
- Inform about existing rules.
- Act according to the routines of the authority – counter “scapegoat mentality”.
- If the person subjected to discrimination, harassment or offences so wishes, provide support in contacts with the superior or other representative of the employer.
- Do not act as a therapist, refer to suitable support.
- The task of the safety representative is to supervise that the work is accomplished within the scope of a good systematic work environment management.
- As a safety representative you have the possibility of requiring the employer to take measures to secure a satisfying working environment according to the working environment act.

Checklist – preventive work

- Inform all members of staff about the national policy and guidelines of the Police regarding discrimination, harassment and unfair or offensive treatment.
- Create norms that encourage a favourable and respectful working climate.
- Discuss at least once a year the forms of social intercourse and social working environment at a working place meeting.
- Create possibilities of taking up issues of ethics and the Core Values of the Police.
- Give the member of staff a possibility of individually discussing the working environment at the performance review.
- Train all superiors to counter discrimination, harassment and unfair or offensive treatment.
- Train all safety representatives to counter discrimination, harassment and unfair or offensive treatment.
- Follow up at least once a year the work environment climate at the authority in managerial groups when all superiors have had performance reviews with all their members of staff.
- In cases of new employment or return to service, for instance parental leave or service abroad, provide information about the policy and guidelines of the Police concerning discrimination, harassment and unfair or offensive treatment

Statutory acts and regulations

The Swedish Penal Code

The Discrimination Act (SFS 2008: 567)

The Work Environment Act (SFS 1997: 1160)

The Public Access to Information and Secrecy Act (SFS 2009:400)

Provisions from the Work Environment Authority on measures against Victimization at Work (AFS 1993:17)

Provisions from the Work Environment Authority on Systematic Work Environment Management (AFS 2001:1)

The Public Employment Act (SFS 1994:260)

The Employment Protection Act (SFS 1982:80)

The Work Injury Insurance Scheme Act (1976:380)

The Police Ordinance, Chapter 5 (1998:1558)

Guidelines within the police

The Core Values of the Police

The Management Policy of the Swedish Police

The Guidelines for Performance Reviews

The National Policy and Action Plan for Diversity and Equality

The Working Environment Policy

The Rehabilitation Policy

The Guidelines for Psychological and Social Support

What does the law stipulate?

If a member of staff is acting in a discriminatory manner, harasses or behaves unfairly or offensively towards another employee, he/she violates his/her obligations as an employee.

That kind of behaviour could be interpreted as misconduct and could lead to disciplinary sanctions after a decision made by the The Police Disciplinary Offence Board at the National Police Board, or, in cases of gross violations, to a procedure leading to the employee's dismissal based on personal grounds.

Before a dismissal procedure can be initiated at The Police Disciplinary Offence Board, the employee should have been given the possibility to correct his/her behaviour and the possibility of a transfer should have been studied. The guiding principle is that it is the author of the discrimination/the offending person that should be transferred, rather than the victim.

If the discrimination or the offensive behaviour is so serious as to be classified as a criminal offence, i.e. molestation, unlawful threats or sexual molestation, the employer is required to refer the case to a public prosecutor, who decides whether a preliminary investigation shall be initiated, in accordance with Chapter 5, Section 1 of the Police Ordinance.

When a member of staff is being discriminated against (or is subject to unfair or offensive behaviour) by a superior, the victim can take legal action against the offender in accordance with the Discrimination Act. However, if the victim is affiliated to a Trade Union, negotiations between the employer and the Trade Union in view of a conflict resolution are to take place before any legal proceedings can be initiated.

If a court judges that a violation of the Discrimination Act has occurred, the employer can be sentenced to pay damages to the victim.

Relevant internet pages

- Intrapolis The Police policy documents
- www.do.se The Ombudsman against Discrimination
- www.av.se The Work Environment Authority
- www.arbetsmiljoupplysningen.se – Work Environment Guide



Polisen
www.polisen.se

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