

# PREVENTING **SEXUAL HARASSMENT**

- Talking about boundaries and culture

2020



## INTRODUCTION

Sexual harassment in the workplace has a destructive influence on an employees' well-being, their work quality, and the business as a whole.

To create healthy workplaces without sexual harassment, more efforts should be made in order to prevent it.

Sexual harassment is not going to disappear with a wave of a magic wand or by writing a section in the code of conduct that states it is prohibited. Both preventive measures and dealing with the sexual harassment cases requires commitment and, last but not least, perseverance.

This booklet contains useful advice and background knowledge for designated representatives in Denmark so that they can help to create a harassment-free environment in the workplace. There has been significant progress in the area during recent years, including the #metoo movement.

The pool of knowledge and tools for designated representatives help to understand how sexual harassment often occurs, how violated persons are affected, what is important that you do or not to do, and particularly what opportunities you have to act.

The English version of the booklet was translated with the intention of being used by English-speaking designated representatives and employees in Denmark - and of being a source of inspiration for colleagues within the EU.

FIU-Equality  
2020

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## WHAT DOES #METOO MEAN?

After the #MeToo movement and the stories of sexual violations and abuse started to come to the media's attention in October 2017, the topic of sexual harassment gathered considerable attention, both in Denmark and abroad. More people have realized that sexual harassment may not be visible in everyday life, and it can take place without us noticing it. We are all part of a culture where sexual harassment can be embedded. What we see is not even the tip of the iceberg.

That is why it is so important to focus on the issues that #MeToo has brought along with it, as well as to work actively on prevention in order to create a positive and harassment-free work environment where all employees feel comfortable and safe. #MeToo has reminded us that sexual harassment should be taken very seriously by everyone. At least by those who have not experienced or seen anything before that would be considered sexual harassment.

#MeToo shows that sexual harassment has been and still is a difficult topic to discuss. That is especially the case for those who have experienced sexual harassment, but also for those who have not. That is why it is so important to talk more about sexual harassment, about boundaries and about what positive workplace culture is, so that we can be better at preventing it.

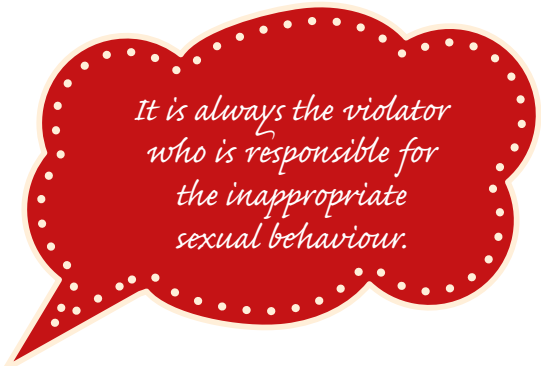
#MeToo offers an opportunity for designated representatives and managers to work on preventing sexual harassment even if there is no problem identified in the workplace, because now everybody knows that there is. The thing is that the problem is that our culture conceals it.

#MeToo has shown that anyone who wants to work professionally on creating well-being in the workplace must work on the prevention of sexual harassment.

The #MeToo movement is not about placing the blame on men, women, harassers, or those exposed to sexual harassment. The movement is about focusing on unhealthy power structures, for example, in the workplace, which disrupt the employees' everyday lives.

#MeToo

## WHAT CAN DESIGNATED REPRESENTATIVES LEARN FROM THE CASES THAT HAVE OCCURRED IN DENMARK?



A research project carried out by Aalborg University, Denmark from November 2017 review approx.

100 sexual harassment cases that occurred in Denmark from the 1980s up until 2019. The current study gives an insight into reviewed cases, including how they are examined, as well as the reasons why the cases are either successful or unsuccessful. The findings that this study has come up with can, therefore, help to create a better understanding of how sexual harassment is understood and deal with in Denmark.

### WHO VIOLATES, WHO IS VIOLATED, AND HOW?

Sexual harassment cases in Denmark can be reviewed in four different places:

- In the Civil Court
- In the Court for Dispute Resolution (Tvistighedsnævnet)
- In the Court of Professional Arbitration
- In the Court for Equal Treatment (Ligebehandlingsnævnet)

Where to bring the case depends on the type of case, who accuses whom, etc. Most cases are brought to civil courts and the fewest to the Board of Equal Treatment. In the past, there were significantly more successful claims in sexual harassment than today. It is often difficult to succeed in such a claim because there are usually no witnesses or evidence.

Among all the lawsuits from the Civil Court that the University of Aalborg has reviewed, all accusers/violated persons are *women*, except for one case. In the Court for Dispute Resolution, it is almost always trainees in a training programme at a company who accuse their boss, the business owner, or the owner's spouse, for having harassed them. Often young students are inexperienced in the labour market and are afraid of losing their position. In nearly half of these cases, there are several individuals

with the same boss who join forces to accuse him. In the Civil Court cases, the majority of those accused of violations are also superiors/bosses (over 80%). “Only” 14% are charges against a colleague, while the remaining cases are against customers, clients, or others. A major problem in Denmark is, thus, apparently sexual harassment by a boss towards a female student/apprentice.

Sexual harassment can be physical, verbal (e.g., sexist jokes) or non-verbal (for example, sexual posters hanging on walls of the workplace, or that an employee feels they are getting eyed up, etc.). Of all the proceedings, the accusations are most often to do with physical or verbal sexual harassment – in other words, either *touches or inappropriate sexual language, humour, comments, etc.*

### **WHAT DOES THE PROCESS LOOK LIKE?**

The University of Aalborg study shows that it can be quite difficult for trade unions to find out if a member is calling about a sexual harassment case.

There are actually very few people who call the trade union and say, “Hello, I’ve been sexually harassed – What should I do?” Instead, the violated persons almost always call with an absolutely different question – for example, about illness or stress – and only experienced trade union employees on the other end of the line can sense the real reason to their call.

The study also shows that many people contact the association first after quitting their job where they were being sexually harassed. The trade unions therefore notice that most people do not tell anyone about their negative experiences for a long time.

It is only long after sexual harassment has begun that the violated person tries to ask for help. There is often a feeling of embarrassment or shame that accompanies persons who have experienced sexual harassment. Many violated persons react in that way – it is a distinct pattern. That is why prevention is so important along with close attention paid to the problem by trade unions and designated representatives when a colleague or a member finally tries to muster up the courage to talk about their experience with sexual harassment.

In Denmark, it is rare that sexual harassment cases reach the courts, but when they finally do, in only approximately half of the lawsuits, the claimant is successful. In January 2019, the Act on Equal Treatment was amended in Denmark, so that the compensation rate was raised by approximately one third. Before this legislative amendment, the compensation rate was approx. 24.000 DKK and had not been changed since the 1980s.

Source: AAU research project about sexual harassment and the Act on Equal Treatment.

### **WHAT DETERMINES THE CASES?**

Taking a closer look at what the deciding factor is in who wins a sexual harassment case, can tell us a lot about how sexual harassment is understood and examined in Denmark. Many claims of sexual harassment are cases with one person's word against another because there are often no witnesses to the harassment. Therefore, a case often depends on the statements of the persons involved, and therefore how credible they, themselves, and their explanations appear. According to research carried out by Aalborg University, when there is not a lot of evidence to go on, a decision will, in one way or another depend on circumstances, personal attitudes, or interpretations. The criteria that often helps to determine the outcome of the proceedings without much evidence are reviewed here.

First of all, the case verdicts consider whether there is a significant age and power difference between the offended person and the offender. If the offender is much older and has a higher position in the company compared to the victim, it is considered more serious, because the older, more experienced offender should have known better. Therefore, in some cases, whether the offended accepted or did not accept the behaviour bears no meaning, namely based on the premise that the superior should always be the one who should be cautious in avoiding inappropriate sexual behaviour.

The study at Aalborg University was carried out before the new amendments to the Danish Act on Equal Treatment introduced in January 2019 (see next page), which



changed the legal practice in this area. However, the lawsuits brought before January 2019 show that standing up against sexual harassment has been of great importance in deciding a case - especially when it involves a case of sexual harassment between two colleagues in a workplace with the use of vulgar and inappropriate vernacular. In these cases, more emphasis was placed on whether the offended person clearly stood up against the harassment. Before the Act on Equal Treatment was amended, the workplace culture often played a significant role in the cases and how they were decided. Some judges operated namely on the understanding that if the jargon in the workplace was very inappropriate and filled with “workplace humour,” then it meant that for example sexual jokes and a frivolous tone were “just” considered part of the workplace, and that was what one had to put up with. Especially if other colleagues of the offended in a case could testify that the offended person, for example, had even participated in the sexual “jokes.” That was before the legislative changes in 2019 and was often used as evidence that the offender could not know that what he/she did was seen as sexual harassment and inappropriate behaviour. Other judges were not of the opinion that an inappropriate vernacular was a valid excuse for sexual harassment. For 1/3 of the cases that have been brought before the Civil Courts and the Court for Dispute Resolution, reviewed in the Aalborg University research, workplace culture and the general manner in which one speaks to one another, has influenced the outcome of the case.



A third criterion that often plays a role in determining such cases is the reaction to sexual harassment. The Aalborg University study shows that there are clear expectations on how to “react” and behave in the event of sexual harassment. Some judges think that if a person has not mentioned anything about the harassment to anyone until long after the incident, that this shows that the accusation is true – in other words, the person felt so bad about the situation that he/she kept it to herself or himself. Other judges, on the contrary, see that as a sign that the harassment probably did not occur because they expect people subjected to sexual harassment to always tell someone about it. It can be problematic if one expects a specific type of behaviour as a sign to tell if the accusation of sexual harassment is true – people react differently to experiences of sexual harassment.

Feelings of shame prevent people from ever speaking up. To what extent a person has told his or her colleagues, family, friends, or trade union about being sexually harassed, as well as the point in time when he or she has divulged about harassment, are often important factors in the verdict of a case.

Furthermore, research carried out by Aalborg University also describes that the accuser’s/harassed person’s way of recounting their sexual harassment experience – how detailed and coherent the explanation seems – often also has great importance for the outcome of a case. In sentencing, for example, judges often argue that a person “seemed credible” in an explanation of what happened, even if there is no evidence, and based on that, the case is successful. But language skills, nervousness, and many other things can affect how an accuser/harassed person tells her or his story, and the fact that the story does not seem convincing shouldn’t mean that it is not true.

Finally, of course, concrete evidence does matter: if stored SMS-messages, e-mails, letters can be shown, if there are witnesses, etc., this evidence is all of great importance for the verdict of the case.

## THE CHALLENGES OF TAKING A SEXUAL HARASSMENT CASE

Not all sexual harassment cases are taken up as a real case. In many cases, settlements are made quickly. Some think that the most serious cases will never come to light because of non-disclosure agreements concluded behind closed doors. That means one cannot monitor the developments in the proceedings, because there are no statistics or content descriptions on all of the settlements made.

The reason many people do not want to go to court and agree to a settlement is that sexual harassment cases are incredibly demanding from a psychological point of view for many offended persons. A case where every detail needs to be reviewed and retold can be a great challenge for people who may already have a hard time because of what they already have experienced. Of those who choose to pursue a case, the Aalborg University study shows that many spouses/partners of the offended persons are advised to not be present in the courtroom because of the possible difficulties that doing so can bring to the relationship. The reason is that it often has a devastating effect on relationships when one party has experienced sexual harassment. Many people consider it too difficult to hear what has happened in detail. So, even though the offended person has had some difficult and stressful experiences that the person has been neither interested in or to blame for, the guilt and shame feelings can cause existing relationships to break down, inter alia. This also reveals something about how much pressure offended persons are under when they choose to bring a sexual harassment case to court.



## WHAT EXACTLY IS SEXUAL HARASSMENT?

Once you start talking about what you understand by sexual harassment, you will often notice that there are many different opinions. Is it, for example, okay to say: “You look so good today!”? Or, maybe it depends on who says it? The situation in which it is said? In what tone? Many “ifs” and grey areas appear when the conversation goes to what crosses the boundaries with regards to what one says or does. What is meant by sexual harassment can thus, in some cases, be a matter of boundaries, humour, culture, etc. – which is all something that varies from person to person. That is precisely why it is essential to talk about this. To be able to do so, it is important to understand what sexual harassment is.

In February 2019, the Danish Working Environment Authority issued a new set of guidelines informing the employers of their duty to prevent offensive behaviour. For example, sexual harassment is defined as follows: *“It is an infringing act when one or more persons roughly or repeatedly expose other persons to behaviours which they consider degrading.”*



*If you find that a colleague steps “over the line” – speak up against it.*

A key amendment in the new guidelines places more importance on the *experience* of the offended, rather than the offender's *intentions*. It says: *"It does not matter if the actions are an expression of thoughtlessness or an intentional desire to violate. It is the person's experience of the offensive actions that is essential."* So, if you feel harassed, then you are, and thus, according to the Working Environment Authority, there is a case.

**Definition of sexual harassment.** (The Act on Equal Treatment, Denmark). Paragraph 1(6).  
*There is sexual harassment when any unwanted verbal, non-verbal or physical behaviour of sexual nature occurs for the purpose or effect of violating a person's dignity, particularly by creating a threatening, hostile, degrading, humiliating, or unpleasant environment.*

### **THE EXPERIENCE, AND NOT THE INTENTION, DEFINES SEXUAL HARASSMENT.**

First of all, it is essential to understand that when it comes to sexual harassment, it is difficult to give a brief and concrete explanation of what exactly sexual harassment is. Just as well as in a workplace, you obviously should not beat your colleagues nor steal money from the cash register, nor should you sexually harass. However, the difference between beating/stealing money from the cash register and sexually harassing a colleague is that you can always know if you have beaten someone or not. Still, essentially, you do not know whether you have overstepped a colleague's boundaries by doing or saying something. Sexual harassment is a topic that has many grey areas and different personal boundaries. For this reason, sexual harassment is an issue that should be a constant discussion in every workplace, so that the culture and vernacular used in the workplace are perceived positively by everyone.

One of the essential things to know about sexual harassment is that violation depends on experience, but not intention. So, it means that a colleague experiences sexual harassment if she or he considers what has been said or done abusive. In other words, it is not about whether the offender had a particular goal or intention to harass. That is important to remember for you, as a designated representative, if a colleague

comes up to you, who feels harassed. First of all, it is easy to make the mistake by asking the offended: “Do you think he/she actually intended to harass you?” This should not be said as it is not the intention of the offender that matters, but the experience of the offended.

### **THE DANISH ACT ON EQUAL TREATMENT**

After the Working Environment Authority issued new guidance in February 2019, the definition of sexual harassment in the Act on Equal Treatment became more consistent than it was before this amendment. The definition of sexual harassment in the Act on Equal Treatment is:

*“There is a case of sexual harassment when any unwanted verbal, non-verbal, or physical behaviour occurs concerning a person’s gender for the purpose or effect of violating that person’s dignity and creating a threatening, hostile, degrading, humiliating, or unpleasant environment.”*

Now, both the Act on Equal Treatment and the Working Environment Authority assume that it is the person’s experience that determines whether there is a case of sexual harassment.

### **POWER, GENDER AND SEXUAL HARASSMENT**

Although sexual harassment in some cases is about colleagues who, for example, do not have the same boundaries and humour, not all cases can be boiled down to a good-intentioned colleague who has been wrong about a co-worker’s limits with inappropriate and unpleasant jokes.

Sexual harassment is also about power and is based on unequal power relationships, for example, between a superior and an employee or male and female. But sexual harassment is not only about the power between a boss and an employee, but also about the power difference or power struggle that may exist between colleagues.

Furthermore, gender is also an essential factor in understanding what sexual harassment is and why it takes place. For example, it is not atypical for a female

manager who has a high status in a business to be subjected to sexual harassment by a male subordinate. So, power and gender can interact in many different ways when it comes to sexual harassment and it may have an impact on who is subject to harassment and who is doing the harassing.

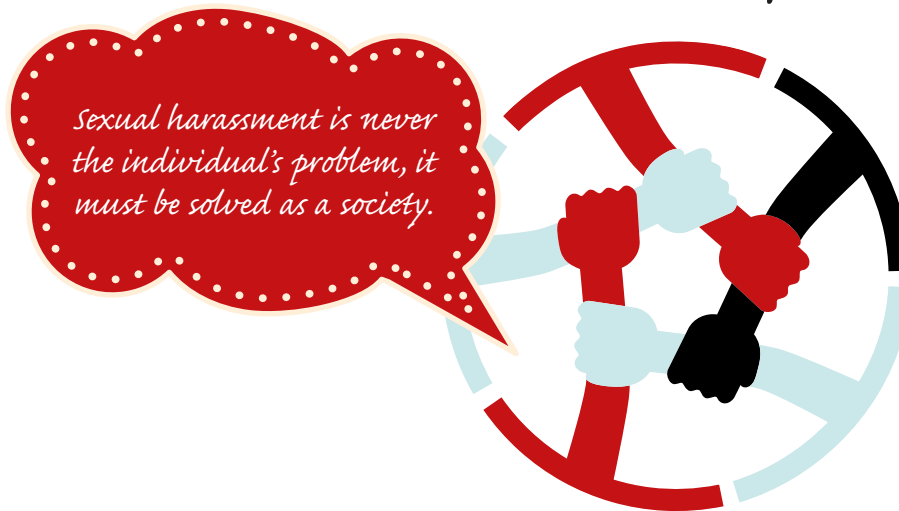
### **#MeToo mosaic**

Together with 100 Danish actors, the production company Meta Film has created a collection of short videos with stories of sexual violations, harassment, and abuse. In 100 different videos, Danish actors retell real stories of sexual harassment in different forms – real life stories, from the parking attendant, the professor, the cleaning assistant, and many more.

Watch the videos where popular Danish actors retell stories about sexual harassment and workplace abuse throughout Denmark.

[www.dkmetoo.dk](http://www.dkmetoo.dk)

#MeToo



## **PERSONAL AND ENVIRONMENTAL SEXUAL HARASSMENT**

Sexual harassment can range from comments, touches, hugs, kisses, viewing images with sexual or other inappropriate content, jokes, etc.- the term “sexual harassment” covers a wide range of unwanted approaches, language, touch and behaviour. In addition to sexual harassment ranging from rude jokes and inappropriate comments to physical abuse, sexual harassment can also take place in various ways in the workplace.

To understand how sexual harassment can vary in the workplace, one can divide sexual harassment up into two different types: the type that is personal and the one that is not. The latter can be called environmental sexual harassment. The personal sexual harassment is the type - as the name says - directed at one particular person. It can include, for example, asking about the colleague’s sexuality, touches, and hugs, or comments about the person’s body and sexuality. Environmental sexual harassment can be more general about how vernacular, culture, and tone play a role in the workplace. It can, include, for example, posters of a sexual nature hanging on the walls in the workplace, and sexual jokes often said over lunch. A colleague can feel both affected by sexual harassment that is directly aimed at the employee as well as by environmental harassment even if the violations are not directly targeted at that person. In a workplace where there is no environmental sexual harassment, personal sexual harassment may take place, and vice versa.

This differentiation between the two forms of sexual harassment can be useful for several reasons. Dividing sexual harassment up into two types can help you to get closer to what kind of problem it is that occurs. If you, as a designated representative, become aware of a sexual harassment case, it would be useful to investigate whether the sexual harassment stems from a general problem of workplace culture or whether there is “only” one employee who does not understand where the boundary lies, or intentionally crosses it. Furthermore, there may also be differences in the kinds of solutions required for the two types of sexual harassment.



## WHAT YOU SHOULD KNOW AND DO AS A DESIGNATED REPRESENTATIVE

It is the employer's responsibility to prevent sexual harassment and intervene if something happens. It is your responsibility, as a designated representative, to be your manager's partner against sexual harassment. Even if the employer fails to fulfil his or her role – you should be an opponent against sexual harassment who helps and supports colleagues.

To fulfil your role, you need to be equipped with the necessary knowledge:

### YOUNG WOMEN ARE MOST AT RISK

It is always advisable to pay attention to your colleagues and closely monitor whether anyone seems to be not doing well. Investigations clearly show that younger women are most often subjected to sexual harassment. In addition, the same research shows that women in a workplace where the majority of employees are men are at extra risk of being subjected to sexual harassment both from superiors and from colleagues. But it doesn't mean that men and older women do not experience sexual harassment. Everyone, regardless of appearance, gender, age, and position, can be subject to sexual harassment.

Another group that may also be most at risk are gay men who experience sexual harassment more often than, for example, heterosexual men.

Research indicates that women with a Muslim background wearing headscarves are not – or at least are much less subjected to sexual harassment. Likewise, it seems that persons with disabilities are less subjected to sexual harassment.

The person who is subjected to sexual harassment often depends on the interaction of factors such as gender, age, and power/position in the company. It means, for example, that young women in a not so powerful position in the company are mostly at risk of being subjected to sexual harassment. But even the heterosexual male CEO boss can be subjected to sexual harassment; it just happens more rarely.



### **DO NOT ADD FUEL TO THE FIRE WITH REGARDS TO FEELINGS OF SHAME AND GUILT**

Sexual harassment is closely connected with feelings of shame and guilt, which is another reason why many people keep transgressive experiences to themselves. Research shows that a large number of those who have been sexually harassed begin to doubt themselves, and they often think: “Did I start it myself?” “Was it also my own fault?” “How could something like this happen?” Many people subjected to sexual harassment find it embarrassing and shameful. In the beginning especially, they blame themselves for fear that they themselves provoked the unwanted sexual attention without their knowledge or intention. In some situations, harassment might start with innocent flirting that quickly develops in a way that results in one of the persons not feeling comfortable at all. In this instance, it is also important to not make the harassed person feel that she/he is responsible for that harassment taking place. Most people react to sexual harassment by trying to avoid the offender or situations where the offender could do the harassing. Many try to put up with these experiences and ignore them, in the hopes that the harassment will eventually stop. Unfortunately, this strategy rarely solves anything.

If a colleague comes to you saying they are being sexually harassed, it is important not to say anything that can sound like you believe the victim is responsible for the harassment. Being subjected to sexual harassment is never the victim's fault nor do they carry any responsibility for it- regardless of gender, age, what they are wearing, or anything else. Therefore, if a colleague is being sexually harassed, you must not ask whether the person had a role in being harassed. Questions such as "Don't you think it was just a joke?" or "I don't think he/she meant to do that, are you sure you didn't misunderstand?", "Are you sure he/she just thought that you were ok with it?" or "Well, you do dress quite provocatively"; as a designated representative, you should not ask these questions at all. Such questions can make the victim feel ashamed and make them doubtful as to whether it was his or her fault, and in this case, the shame can become even more intense and the solutions ever more difficult to implement.

### **SPEAKING UP DOES NOT ALWAYS HELP**

When talk turns to sexual harassment, there is often significant emphasis laid on the fact that the offended person should explicitly speak up against it to let the harasser know that a behaviour is not okay and unwanted. In the case where the offender has no intention of harassing and is not aware of his or her inappropriate behaviour or language, it may be helpful to speak out right from the beginning. But it is not easy to determine whether intentions were good or not. Speaking up against harassment is good if the offended can do it and feels safe in doing so, but this is not always possible. It can be a superior, for example, who does the sexual harassing or a person who is highly esteemed in the company. Even if the harasser is the boss, or for example, speaking up against the harassment will not directly affect the offended person's job, speaking out must never be an expectation or a requirement. Apart from the various reasons why it is not always possible to speak up against harassment, having too much focus on speaking up can also pose a problem. One of the reasons for that is that one should not think that those who haven't spoken up against the harassment should share part of the responsibility for the harassment.

A colleague is not responsible for speaking up or for having been subjected to sexual harassment. It is always the offender who is liable for inappropriate behaviour. It is a common misunderstanding that the offended person must speak up when it comes to sexual harassment.

Moreover, there is no certainty that speaking up helps. Many #MeToo stories, for example, tell of how offended persons had been speaking up all along from the very start, but this still seemed to have no effect at all.

### **DIFFICULT CONVERSATION - GOOD ADVICE ON WHAT TO SAY AND WHAT NOT TO SAY**

The act of talking with an employee about her/his experiences of sexual harassment can be challenging in itself - both for the offended and for you, as a designated representative. Guilt, shame, power, and sexuality makes it taboo to talk about. Therefore, a designated representative should have some conversational tools that can make a complicated discussion about sexual harassment a little easier for both parties.

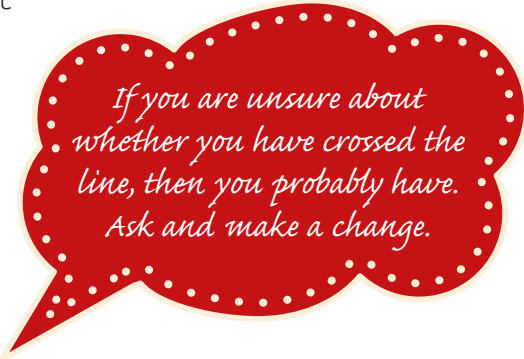
From research, we know today that it is rarely advisable to ask directly about sexual harassment. For example, it is not advisable to ask: "Have you been subjected to sexual harassment?" Many people find the phrase "sexual harassment" hard to swallow, and it is a phrase that most people do not associate themselves with - even if they have been subjected to sexual harassment. Therefore, it may be difficult for the offended person to talk about "sexual harassment" if she or he has not yet perceived what has happened to them as sexual harassment, but instead considers it as rude comments or unwanted touches. So, it is generally better to ask more indirectly and without using the phrase "sexual harassment" - at least in the beginning. Instead, you, as a designated representative, while talking to a colleague about the person's experiences, could ask: "Did anyone touch you or say anything unpleasant to you that you didn't feel comfortable with?". That way, it can be a little easier to start the conversation up and to help the harassed see that it is was, in fact, abusive behaviour.

Moreover, many people who have been subject to sexual harassment often deny or underestimate what has happened to them. Therefore, it is particularly important

to take a cautious approach when trying to find out precisely what has happened. In some situations, a sexual harassment case is about one's words against another's. If the offended person knows that no one has witnessed the harassment – which is often the case – then it could also explain why the person may wait a little before opening up about what has happened for fear that others will not deem their experience credible.

So, when it comes to sexual harassment, it is essential to think about what words to use, what approach to choose to broach the issue, and not least, to take the time to listen patiently. However, even if it is advisable to be a little cautious, it is incredibly important not to be afraid of saying anything wrong which could completely impede you from talking about the harassment. For most people, it can be incredibly harmful to keep unpleasant and inappropriate experiences to oneself. Therefore, there must be a designated representative whom employees can trust and who is not afraid to talk about uncomfortable experiences in order to take appropriate action and to resolve the situation.

If you want to find out how widespread sexual harassment is in a workplace through a survey, the same good advice applies. Do not send out a questionnaire with the question “Have you been subjected to sexual harassment?”, instead, ask for example: “Have you had a colleague/manager/customer say inappropriate or unwanted things to you regarding your body, appearance, sexuality, or something similar?” If asked directly about sexual harassment, there would be far fewer people who answer “yes” about having been subjected to sexual harassment than if asked indirectly and without using the term “sexual harassment” in the survey. The reason is that very few people consider themselves a “victim of sexual harassment,” even if that indeed is the case.



*If you are unsure about whether you have crossed the line, then you probably have. Ask and make a change.*

When it comes to sexual harassment, it is, of course, essential to know what you, as a designated representative, should do and say if you have noticed that a colleague has been subject to sexual harassment, as well as to know how to conduct the difficult conversation about the colleague's experiences. It is essential to deal with sexual harassment cases in the best way possible but its prevention is even more important.

## **HOW CAN WE APPROACH THE DISCUSSION OF THE SUBJECT?**

In the ideal workplace, there would be no cases of sexual harassment. However, to make this a reality, it is incredibly important to focus wholeheartedly on prevention, and it is possible, and should be possible, to achieve in many different ways. One of the most important ways in which you can contribute to the cause as a designated representative - is to make sure you start a conversation in the workplace about boundaries, work culture, humour, and language. It is not always an easy task, but it is possible, if you manage to create secure conditions for the conversation to take place, where employees can talk together about these topics.

### **WHAT CULTURE DO YOU WANT IN YOUR WORKPLACE?**

All companies and workplaces are different, so the vernacular, culture, and way of working with one another is created by the people who work there. Prevention of sexual harassment is not about every workplace having to speak and behave in the same way - there can and should be room for diversity. Instead, it is about discussion regarding what kind of culture you want to have in your workplace. What kind of humour do you all like? Do you think it is better to hug each other from time to time, or do you think it is better to be on a handshake basis? Though these issues may not directly be about sexual harassment, they are still important topics and aspects to consider if your aim is to prevent sexual harassment. Therefore, talking about boundaries, language, humour, behaviour, and other issues, makes the culture in the

workplace acceptable by all because they have all agreed on it and discussed it. The thing to watch out for is when a workplace culture is “just” a certain and a certain way only, because “it just is like that and has always been like that, full stop”. It is not a good starting point for an environment that should accommodate everyone.

Within such a culture, it can be challenging to say it aloud, if, for example, someone does not like joking about each other’s bodies, even if it has always been so, and on top of that, no one questions it. Workplaces differ widely from one another, but the people who work together in each workplace are, of course, also very different. It means that colleagues’ thoughts may differ greatly on how to communicate in their workplace – not everyone in a workplace can agree on whether they want to hug or not. However, if you talk about language, culture, humour, and boundaries in the workplace in a comfortable way, then there is also the possibility of getting to know each other better, so that you are in a better position to show respect for each other.

How can you try to break the taboo and start talking about sexual harassment?

### **“CROSSING THE LINE” – SOMETHING TO HELP BREAK THE TABOO.**

The “Crossing the Line” campaign focuses on sexual harassment in the workplace. As part of the campaign, the game with the same name has been created to encourage and help start the important, but often also challenging and taboo conversations about work culture and boundaries at the workplace.

The game is quite simple and easy to play. See more at [www.FIU-ligestilling.dk](http://www.FIU-ligestilling.dk).

The game consists of a number of cards or stickers with different statements on them, such as: “Oh, you look good today,” and: “Hey, you look sexy!” The objective is that you, together with your colleagues, draw a line on the table, a board or similar, and then together take one statement at a time and discuss whether it should be on the one side “of the line” or the other one. If you agree that the statement is very unwelcome and “crossing the line,” the sticker is placed to the far right of the line and vice versa, if you find the statement completely innocent – place it to the far left. The ambiguous statements, or those that can be both crossing the line and be ok, can be placed on

the line. The game helps to create a comfortable way in which all can discuss and determine boundaries and thoughts about work culture. In this way, you can create and agree on a culture that suits the people in that particular workplace, and also start to break the taboo of talking about language and behaviour which cross the line. Most people who play the game will find that it is not always easy to place the statements because often it depends not only on what is said or done but also on the context. Who says what and to whom, in what kind of situation it is said and in what tone it is said are all factors that have a significant effect on whether something is experienced as crossing the line or not. It is precisely these conversations that are so important to have. As a big part of the prevention work is knowing each other's boundaries at work as well as getting used to talking to each other about boundaries and challenging topics.

## WHAT ARE THE OPTIONS TO ACT IN YOUR WORKPLACE?

To begin to get used to talking to colleagues about boundaries and positive work culture is a significant and essential part of the prevention. However, there are also other measures that you, as a designated representative, can take to help prevent sexual harassment.





## **AFTER-WORK MEETING REGARDING WORK CULTURE AND BOUNDARIES**

Sexual harassment, boundaries, and work culture are complicated topics, which people often do not have the time to discuss because of everyone's busy schedule. Therefore, it is advisable to hold an after-work meeting, where colleagues can, for example, play the "Crossing The Line" game, or otherwise talk about boundaries and discuss what positive work culture means for their particular workplace. If you, as a designated representative, hold such an after-work meeting, it is better not to call it, for example, "after-work meeting on sexual harassment." First of all, many people may think that sexual harassment does not take place at their workplace. Secondly, the term "sexual harassment" may stop others from talking and become something they can not quite relate to or something they would not like to talk about.

Just as when you, as a designated representative, have to talk to colleagues about their experiences of sexual harassment, it is better not to use the term sexual harassment, but to speak more indirectly on the subject. Instead, call the meeting, for example, "The after-work meeting on how we create a good work culture." Start the meeting off by saying that one of the topics up for discussion is "different boundaries." Then the conversation can naturally develop into people talking more and more freely about what sexual harassment is and what is unacceptable. Once you have held one meeting, where you together with your colleagues, have discussed these issues, it may also be easier to raise the matter in your day-to-day working life, because there is now a common framework to refer to. So, an after-work meeting can help make the subject less taboo and having it be discussed more regularly, all of which is essential if you want to prevent sexual harassment.

## **THE BENEFITS OF A DETAILED STAFF POLICY**

It seems to some that an elaborate staff policy is like a pointed finger that is full of what a person should not do and restrictions on how people are supposed to behave. It is neither the meaning nor the effect of what a good and detailed staff policy should be. Experts say that it is a good idea to get to grips with your staff policy if you want to prevent and deal with sexual harassment in the best way possible. It is recommended

that all workplaces have a staff policy that deals with sexual harassment. It should have detailed descriptions of:


- What sexual harassment is in concrete terms
- That there is zero-tolerance for it (this does not necessarily mean that one has to lose his or her job because of an inappropriate joke, but it is about sending out the signal that sexual harassment in the workplace is not okay)
- What behaviour/language/humour/touch/atmosphere is considered unacceptable
- That sexual harassment is defined by the experience of the offended and not by the intention of the offender.
- Who in the company to contact in case a person is subjected to, or sees others subjected to sexual harassment.
- What disciplinary action to apply for sexual harassment/whether there are sanctions for sexually harassment behaviour (some companies will not impose sanctions in advance, because each case is evaluated on a case-by-case basis)
- That one can speak anonymously about cases

First of all, a staff policy on sexual harassment that includes all these points can will provide an employee subjected to harassment, a system that outlines a contact person, what sanctions there are, etc. Secondly, a detailed staff policy can also have a preventive effect because co-workers know what is expected of them as well as that sexual harassment is something that the company takes seriously. However, even the companies that have the best personnel policies cannot rest on their laurels. Detailed codes of conduct and policies do not mean much if they are not supported by other preventive initiatives, which for example, could be a staff meeting/after-work meeting about work culture and boundaries, or regular discussions about having to respect and understand each other's boundaries and that a no means no. When it comes to sexual harassment, it is essential to make it a prominent issue that is regularly discussed, so that during conversation the topic does not get shrouded in silence making it even more complicated and taboo to talk about. People need to

try to practice talking about the subject if they want to make progress in discussing boundaries and proper behaviour in their workplace - unfortunately, a personnel policy that is not actively used, is not enough for prevention.

Sexual harassment is a taboo. Therefore, the workplace must create a space for confidential discussions about taboos. However, many people are too afraid to address harassment.

Therefore, it could make sense to create a HOTLINE for both men and women that they can call where they can break their silence.



*It is impossible to overestimate the value of a working environment conducive to supporting mental health well-being*



## **CHALLENGES FOR DESIGNATED REPRESENTATIVES**

Sexual harassment is a complicated and taboo topic because it's about power, gender, sex, the body, and many other things that are not easy for most people to discuss. Many emotions are often involved, such as shame, guilt, and discomfort. You, as a designated representative, can feel caught up in a difficult situation. For example, a designated representative can be called on to sanction an employee for carrying out sexual harassment against a colleague along with management. If the colleague accused of sexual harassment is a well-liked person among co-workers, you can quickly become unpopular and feel unwelcome. Especially if colleagues perceive the sanctions against the offender as unfair, you may feel challenged in your role as designated representative. Serious dilemmas may arise in a case where both the offender and offended are from the same trade union. In such situations, management and trade unions should support you in the necessary possible, way as a designated representative. This can be with coaching, guidance, and formal support. Ask for help if the pressure becomes too much and the situation becomes too uncomfortable it is completely normal.

## **PREVENT SEXUAL HARASSMENT BY TALKING ABOUT BOUNDARIES AND WORK CULTURE**

Preventing sexual harassment and ensuring it does not occur in your workplace is not an easy task. Sexual harassment in the workplace is an issue that can only be solved if there is there is a common desire to deal with it, and if you are willing to put in your efforts into many different areas. It is both important to have a detailed staff policy on the topic of sexual harassment and not least, to learn how to talk about boundaries and workplace culture with your co-workers. Sexual harassment is an issue that encompasses shame, guilt, power, and gender - it is a taboo topic that is very difficult to talk about. Therefore, you have to practice and take the leap so that you can start dealing with the issue.

If you want to know more and become even more knowledgeable about sexual harassment, you can find more info online. See the back of this booklet.

Sexual harassment is a taboo. Therefore, the workplace must create space for confidential discussions about taboos. However, many people are too afraid to address harassment. So, it makes sense to create a secure environment for yourself as a designated representative.

#### **OTHER BOOKLETS/INFORMATION ON SEXUAL HARASSMENT:**

- “Et godt psykisk arbejdsmiljø – forebyg seksuel chikane” (A good working environment conducive to mental health well-being – prevent sexual harassment), created in collaboration with LO, DA, FTF, KL, Akademikerne, Danske Regioner, etc., from 2015.
- Guide to dealing with sexual harassment from citizens [Guide til håndtering af seksuel chikane fra borgere]. [https://www.youtube.com/watch?v=TU\\_CYzdS1Wg&feature=youtu.be](https://www.youtube.com/watch?v=TU_CYzdS1Wg&feature=youtu.be).
- FOA. Guidelines on sexual harassment. <https://www.foa.dk/forbund/temaer/p-aa/sexchikane/retningslinjer-om-sexchikane>
- “Når alting bliver til sex på arbejdspladsen” (When everything turns into sex at the workplace) 3F, from 2015.
- “Vejledning til faglige – sager om seksuel chikane” (Instructions for professionals – sexual harassment cases) 3F, 2015.
- “Seksuel chikane inden for Privat Service, Hotel og Restauration” (Sexual Harassment in Private Service and Hospitality), prepared by Analyse Danmark for 3F, from 2015.
- “Sådan tackler du sexchikane” (This is how you deal with sexual harassment) HK.
- “Sådan hjælper du et HK-medlem udsat for sexchikane” (This is how to help an HK-member exposed to sexual harassment.) HK.

- <https://www.hk.dk/aktuelt/nyheder/2018/01/29/seksuelle-kraenkelse-blandt-hkprivats-medlemmer>
- The Service Union. [https://www.serviceforbundet.dk/NyhederFagblad/2016/2016-03-08%20-%20Seksuel%20chikane%20er%20ikke%20 fair.aspx](https://www.serviceforbundet.dk/NyhederFagblad/2016/2016-03-08%20-%20Seksuel%20chikane%20er%20ikke%20fair.aspx)
- Danish Nurses' Organization. Organisation for prevention and management of sexual harassment. <https://dsr.dk/loen-og-arbejdsvilkaar/arbejdsmiljoe/psykisk-arbejdsmiljoe/hvis-du-er-amir/leder-i>

On the FIU–Equality website, we have gathered materials on sexual harassment that you can find electronically – some of them are also translated into English. You can find it all at [www.fiu-ligestilling.dk](http://www.fiu-ligestilling.dk). Go to the website and search for Sexual Harassment, and the materials will appear.

#### **OTHER SOURCES:**

- [www.arbejdsmiljoviden.dk](http://www.arbejdsmiljoviden.dk), Knowledge Centre for the Work Environment, “Hvilke konsekvenser kan seksuel chikane have?” (What consequences can sexual harassment have?)
- Book. Anette Borchorst and Lise Rolandsen Agustin “Seksuel chikane på arbejdspladsen – faglige politiske og retlige spor” (Sexual Harassment in the Workplace – professional, political and legal elements), The University of Aalborg, 2017.
- Article. “Forebyggelse af seksuel chikane – et ledelsesansvar” (Preventing Sexual Harassment – Managerial Responsibility) by Anette Borchorst and Lise Rolandsen Agustin in the magazine HR-chefen, February 2018.



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