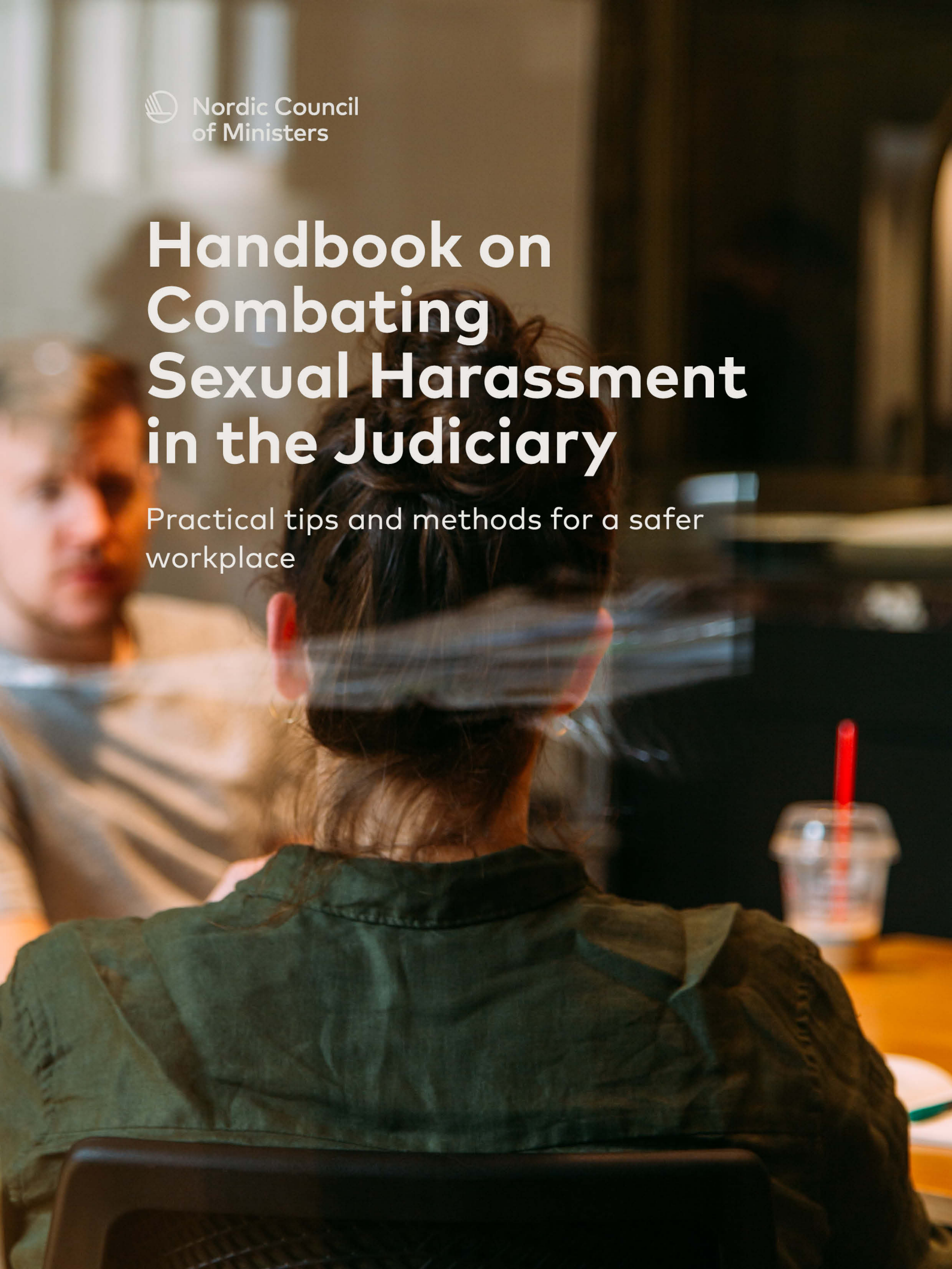


Handbook on Combating Sexual Harassment in the Judiciary

Practical tips and methods for a safer
workplace



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This publication is also available online in a web-accessible version at <https://pub.norden.org/nord2021-029/>

Preface



Paula Lehtomäki, Secretary General of the Nordic Council of Ministers

Photo: André Jamholt / norden.org

The Nordic countries are global role models in terms of gender equality and equal treatment. This is not just coincidence – it is the result of the priority given to equal treatment issues on the Nordic agenda and in the Nordic co-operation.

Despite this, people living in the Nordic countries do still experience harassment and discrimination, for example on the grounds of gender, gender identity, sexual orientation, skin colour, or functional variation.

The #metoo movement that shook the Nordic countries and the rest of the world has increased the focus on the need to prevent harassment and discrimination. Consequently, the Nordic Ministers of Justice tasked the Nordic Council of Ministers with drawing up a guide in the work to combat sexual harassment in working life. The handbook was written by Malin Gustavsson together with Maria Normann from Ekvälita.

The handbook is aimed at the judiciary – it is vitally important that those who enforce the law also obey the law – but it can be used at all workplaces.

On behalf of the Nordic Council of Ministers I would like to thank everyone who has contributed to this handbook, and welcome you to make use of its content.

Join us in building a sustainable and integrated Nordic region for us all!



Initiative and purpose of (yet another) handbook

In the Nordic region, sexual harassment is prohibited, both in workplaces and in society as a whole. Employers have a special obligation to stop and prevent sexual harassment at workplaces, but also to promote a secure working environment that is free of harassment. In conjunction with the #metoo testimonies, attention was also drawn to sexual harassment at many workplaces, for example through specific questionnaires. Throughout the Nordic region, a number of initiatives were implemented to strengthen legislation on these issues. The theme also led to various investigations, handbooks, and other initiatives to bring about change at workplaces.

This handbook is the result of one of these initiatives. At the meeting of the Nordic Council of Ministers for Legislative Issues on 1 June 2018 in Lund, Sweden, Finland's Minister of Justice Antti Häkkänen (Juha Sipilä's Government 2015-2019) proposed that a Nordic Metoo handbook on best practice be drawn up, along with models for intervention in harassment cases at the Judicial Administration.

Behind Häkkänen's proposal was that many Finnish trade unions had reported on their members' experiences of sexual harassment in working life. In addition, many of those persons exposed to sexual harassment felt that the case had not been resolved, despite informing managers or other employer representatives. The proposal also stated that there was much to develop in terms of practical measures to prevent and intervene in cases of sexual harassment.

As the judicial administrations of the Nordic countries and the autonomous regions

have a broad spectrum of areas of activity, and deviate from each other on many points, the Nordic Council of Ministers decided to aim this handbook at all Nordic judiciaries and collaboration partners.

Ekvalita, a company that works with gender equality and equal treatment issues, was commissioned to draw up a handbook on prevention and practical work that would address the theme at greater depth than many existing books. Ekvallita has extensive experience of working with sexual harassment at everything from ministries and universities to companies and associations.

In drawing up the handbook, we at Ekvallita chose to present sexual harassment according to the method, "Four steps to change", which supports qualitative work to bring about change. We also chose to highlight tangible and clear examples from the Nordic countries and the autonomous regions to demonstrate examples of common practice. Instead of focusing on judicial activities or national legislation in the Nordic countries and the autonomous regions, this handbook focuses on personnel policy. The handbook is aimed at employees in the judiciaries, representing a wide range of professional groups, from cleaners and security personnel to secretaries, clerks of the court, and judges. Interviews have been held with representatives of the judicial authorities in the Nordic countries and the autonomous regions. Researchers, trade union representatives, trade associations, and law students have also been able to give their views.

We have placed particular emphasis on parts of the work to bring about change that usually or completely lack precise descriptions, such as how to understand a subjective definition of sexual and gender-based harassment, and how perpetrators of harassment can operate. The handbook also contains practical tips for use in the work to prevent harassment. We are convinced that the handbook can also be used as a source of inspiration in other sectors and public agencies.

Thanks are extended to the reference group and others who have contributed to the handbook:

- Jenny Tabermann, Investigator, Council of Nordic Trade Unions (NFS)
- Lena Nordman, Nordman Chambers
- Pia Jacobsson, District Court Judge, Åland District Court
- Amanda Fenger White, Officer, Danish Court Administration
- Helené Zallin, Work Environment Ombudsman, Swedish Union for Service and Communication Employees (SEKO)
- Ulrika Husmark, Diversity Specialist, Jusek trade union for professionals
- Heini Kainulainen, PhD, Adjunct Professor in Law, Law Faculty, Åbo Akademi University
- Marianne Berger Marjanovic, Senior Adviser, Nordic Council of Ministers
- Kasper Paulig, Legal Adviser, Nordic Council of Ministers
- Vava Lunabba, Senior Specialist, Ministry of Justice, Finland

#MeToo

The #MeToo movement comprises various hashtags for drawing attention to and demanding a stop to sexual harassment and sexual violence, particularly against women. Already in 2006, the first to encourage women to say "me too" was Tarana Burke, with the aim of supporting black girls exposed to sexual violence. But it was not until 2017 that the #metoo movement broke through internationally, when the actor Alyssa Milano, inspired by Burke's call for action, sent a tweet that led to the hashtag, and later testified about her own experiences of sexual harassment. In June 2019, various versions of the hashtag had been used 36 million times in 196 countries.



Key concepts

Sexual harassment

Sexual harassment is behaviour of a sexual nature that violates an individual's dignity, such as an undesirable and unwelcome look, comments, or physical touching with a sexual undertone. Sexual harassment contributes to creating a threatening, hostile, degrading, humiliating, or oppressive atmosphere.

It is always the person who is exposed to sexual harassment who decides whether the behaviour is appropriate or not. Below are some examples of how sexual harassment can be manifested. If there is consent, these situations need not necessarily be interpreted as sexual harassment.

- sexually insinuating gestures or expressions, such as blowing a kiss to a colleague or pretending to touch a colleague's body;
- rude talk with a sexual undertone, indecent jokes, and observations or questions about a colleague's figure, clothing, or private life, such as a facetious question about their sex life, a comment about the fit of their trousers, or flirty jargon;
- physical touching, such as starting to massage a colleague who has complained about shoulder pain or surprising a colleague with a hug from behind without permission;
- pornographic material or letters, email messages, text messages, and telephone calls with a sexual undertone, such as pressing a note containing the hotel room number into a colleague's hand during a conference dinner, or sending a text message in the middle of the night containing comments such as they have looked especially pretty and attractive lately;

- suggestions or demands for sexual intercourse or other sexual interaction, such as when a manager with whom you have worked intensively for a long period suggests after work that you should spend the night together, as your respective partners happen to be away on trips.

”

After a hearing at one of Sweden's Courts of Appeal, one of the male judges suddenly says, "that [female] prosecutor I wouldn't say no to, heh-heh".¹

”

My mentor at the court could suddenly, in the middle of a perfectly normal conversation, start talking about their parents' intimacy, or make other comments with a sexual undertone that had nothing to do with our conversation or professional work.²

”

Expressions such as [n-word] , gypsy, Rusky, Jew, and homo are used. In addition, chauvinistic jokes and facetious talk about women occur.³

”

During work time, a male peer and law colleague, said to another colleague, deliberately in my hearing, that I am "formally competent" while cupping his hands to imitate breasts.⁴

1. SvD, 14.11.2017

2. (Anonymous employee at a District Court in Finland, in a report to Ekvälita, 08/2019).

3. ('Käytetään ilmaisuja [n-word], mustalainen, ryssä, juutalainen, homo. Lisäksi sovinnistisia vitsejä esiintyy ja puhutaan vitsailevaan sävyyn naisista.')

(Edilex, transl. Maria Normann, 11.12.2015).

4. ('Samanikäinen miesjuristikollega on töissä työajalla sanonut minusta toiselle kollegalle minun kuulteni, että olen 'muodollisesti pätevä' osoittaen samalla omilla käsillään rintojen muotoja.) (#milläoikeudella, Tumblr, transl. Malin Gustavsson, 10.2.2020).

Harassment due to gender (gender-based harassment)

Harassment due to gender concerns unwelcome behaviour that is not sexualised, but is only linked to gender. It can involve actions directed towards one or more employees in an offensive way and can lead to ill-health or ostracism from the work community.

Gender-based harassment can, for example, take the following forms:

- derogatory remarks about gender, such as "typical that you as a man...", "not a real woman", "transgender persons are always...", or "with women you can never...";
- degrading gender, such as by refusing to collaborate with or talk to someone on account of their gender, gender identity, or gender expression;
- workplace bullying due to the victim's gender, gender identity, or gender expression, such as comments and action that make the person feel excluded, oppressed, or objectified.

“

you, NN, or whatever sort of fanny you are⁵

“

During an interview for a job, the firm's owner asked if I have children, and how I planned to combine working life with family life. I said that I don't have children or had even considered it. The owner then pointed out that, it was about time since I was already 30.⁶

“

At my workplace, the male lawyers moan about how women, when they've had children, no longer have the energy to push themselves sufficiently at work, and lose the sense for it.⁷

“

In my department, when male clerks were leaving, they were always invited out to lunch at Sällskapet ("The Company") – a men's club in town where women aren't allowed – by older male aldermen. This was the event of the term, and no male clerk ever protested or turned down the invitation to participate. They enjoyed the chance to connect without women, and I know they got help from the to find jobs afterwards. It was common practice to joke with us about it, and this happened with the bosses' approval. It was clear that the exclusion of women was much of the charm of this lunch.⁸

5. ('sinä n.n., vai mikä pimppi nyt olit')

(Edilex, transl. Maria Normann, 11.12.2015).

6. ('Työhaastattelussa toimiston omistaja kysyi minulta, onko minulla lapsia ja miten aion sovittaa työ- ja perhe-elämän yhteen. Kerroin, ettei lapsia ole ja etten ole miettinyt koko asiaa. Hän totesi, että eiköhän olisi korkea aika jo alkaa miettiä näitä asioita, kun olen jo 30-vuotias') (#milläoikeudella, Tumblr, 10.2.2020).

7. ('Työpaikkani miesjuristit voivottelivat miten naiset eivät enää jaksaa painaa tarpeeksi duunia saatuaan lapsia ja menettävät otteensa') (#milläoikeudella, Tumblr, 10.2.2020).

8. (SvD Kultur, 14.11.2017).

Sexism

The Council of Europe defines sexism as follows: Any act, gesture, visual representation, spoken or written words, practice or behaviour based upon the idea that a person or a group of persons is inferior because of their sex, which occurs in the public or private sphere, whether online or offline, with the purpose or effect of:

- violating the inherent dignity or rights of a person or a group of persons;
- resulting in physical, sexual, psychological, or socio-economic harm or suffering to a person or a group of persons;
- creating an intimidating, hostile, degrading, humiliating or offensive environment;
- constituting a barrier to the autonomy and full realisation of human rights by a person or a group of persons; or
- maintaining and reinforcing gender stereotypes.

”

In my experience, male colleagues are automatically trusted, while female colleagues must earn that trust. As new employees, men and women already start from different positions; female colleagues must fight to reach a neutral position while male colleagues advance immediately.⁹

”

This happened in 2013 at one of Finland's largest law firms. A male partner asked me to write a tender for a client concerning the sale of a company. At the end of the tender document, I added details of our team that would handle the client's case, including myself as the project's senior associate. When the partner saw the tender I had written, they said that we can't take any risks. My name was replaced by a male colleague's profile as senior associate for the project, and the partner assured me that I would nevertheless be doing the work if we won the project.¹⁰

9. ('Kokemukseni mukaan miespuolisiin kollegoihin lähtökohtaisesti luotetaan, kun naispuolisten pitää ansaita luottamus. Tässä asetetaan aloittava henkilö jo eri viivalle, jos naiskollegan on ensin ponnistettava neutraalisolulle, kun taas mieskollega pääsee heti etenemään.') (#milläoikeudella, Tumblr, övers. Malin Gustavsson, 10.2.2020).

10. ('Tapahtui eräässä Suomen suurimmista asianajotoimistoista 2013: miespuolinen osakas pyysi minua laatimaan tarjouskirjeen asiakkaalle yrityskauppaprojektiin liittyen. Tein työtä pyydettyä ja tarjouskirjeen loppuun lisäsin tiimin, joka asiakkaan asiaa firmassa tulisi hoitamaan, mukaan lukien itseni projektin senior associateksi. Laatimani tarjouskirjeen nähdessään osakas sanoi, ettemme halua ottaa mitään riskejä, joten tilalleni tarjouskirjeeseen laitetaan miespuolisen senior associaten profiili, mutta että ei huolta koska saan tuki tehdä varsinaisen työn, jos voittamme projektin') (#milläoikeudella, Tumblr, transl. Malin Gustavsson, 10.2.2020).

Violence and harassment and gender-based violence and harassment

The ILO Violence and Harassment Convention describes these as a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual, or economic harm, and includes gender-based violence and harassment. The expression 'gender-based violence and harassment' means violence and harassment that is disproportionately directed at persons because of their sex or gender or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment.

Subjective experience

In cases of sexual or gender-based harassment, it is always the person exposed to the harassment who decides whether what is happening is welcome or not. This is called having interpretative prerogative, and in this case refers to the subjective experience of the exposed person. The aim of the perpetrator or perpetrators with the treatment, and how witnesses and other persons perceive what happened, are not significant in defining what happened. If the case is taken to court, the issue is determined according to applicable law.

Perpetrators act without self-critically observing or noticing how the colleague, manager, employee, or the client experiences the situation. From the perpetrator's perspective, their assessment of what is appropriate, fun, or professional treatment is more important than the exposed person's assessment. One way of exercising this power (to take interpretative prerogative from the exposed person) is to invalidate the exposed person's perception of what happened. This may involve dismissing or minimising a person who speaks out by commenting that the person is oversensitive and easily offended, or by dismissing their perception of the incident by saying, "I didn't mean it like that". In this context, it is worth remembering that the intention plays less of a role than how the exposed person is affected by the action.

Consent

Consent is a voluntary and clear expression of will that means that an action is mutual between two or more persons, such as consent to physical contact, flirting, or sex. The simple lack of the word 'no' is not sufficient to ensure consent. The basic principle is consent, not a lack of veto.

It is always worth asking for consent. In situations concerning gender, intimacy and sexuality, a request for consent is recommended. For example, someone could ask directly whether the person in question wants a hug or massage, or if it is okay to place a hand on their shoulder.

Exposed/victim/survivor

According to the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, a victim of crime is the person who is exposed to crime. The definition does not just apply to the plaintiff, but to everyone exposed to the crime. Apart from the people directly subjected to the crime, the definition of victims of crime includes close family, other close relatives, and persons who suffered injury because they intervened to try to stop a crime.

The term 'victim' has been criticised for being a label and having an undertone of passivity. The terms 'exposed person' or 'survivor' are used instead. These terms are also useful because they are less tied to a legal definition of crime. The term 'survivor' implies agency and hope, that life goes on and that someone can survive what occurred. In this handbook, we have chosen to use the term 'exposed person' throughout.

Obligation to investigate

When an employer becomes aware that harassment has occurred, they are obliged to immediately (defined in more detail in each country) investigate and take action against harassment and sexual harassment. 'Becoming aware' includes everything from hearing rumours to receiving a formal complaint. The employer's obligation concerns all personnel, including interns and agency staff.



Exposure to sexual harassment in working life

Everyone can be exposed to sexual harassment, but research shows that it is less probable that everyone will be exposed or will be a perpetrator. Research shows that sexual harassment follows the same power structures as when inequality is created and expressed between different population groups (for example on the basis of characteristics or identities under the discrimination grounds).

In the Nordic countries, exposure to sexual harassment is measured locally through internal staff questionnaires at workplaces, through trade union member questionnaires, or more general national surveys (commissioned by, for example, the Ministry of Social Affairs and Health Issues in Finland, the Public Health Agency of Sweden, Statistics and Research Åland, and Det Nationale Forskningscenter for Arbejdsmiljø in Denmark), sometimes serving as background to work relating to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). International research shows that students, young women, women with precarious employment positions, and particularly women in minorities (ethnicity, functional variation, and sexuality) are more exposed to sexual harassment than other groups. For figures relating to the judicial sector, see the chapter [Sexual harassment in the judicial sector and courts](#).

When harassment becomes part of everyday life, it becomes difficult to see, identify, and point out. It could be said that harassment becomes normalised, which can result in certain people seeing harassment as an unavoidable part of everyday life or no longer reacting to improper comments, looks, or being touched on the backside. Sexual harassment is experienced by many people as an unavoidable part of being

young or having a certain gender identity. Such normalisation continues into later life, and also into working life, both for the person exposed to and the perpetrator of harassment. Normalisation is seen, for example, when women change their behavioural patterns to avoid exposure, such as not sharing a taxi or lift with a certain colleague or are advised to learn to live with hearing comments about their bodies. As sexual harassment occurs throughout life, there is probably an abundance of different harassment experiences from both working and private life in different personnel groups.

”

At my workplace, one of the many male lawyers was known for inviting out young women, but also for making other suggestions. He also looked openly at photos of prostitutes and pornography online (we had workrooms with glass walls). Complaints were made about these incidents to the manager. The manager took the view that it was harmless, and that we could look away instead.¹¹

”

For me, everyday sexism is one of the legal profession's biggest problems. In my job, every day I hear improper sexist and racist jokes, sometimes even about clients. Sometimes, people talk in a condescending way about persons who have been exposed to sexual crime and say that, through their actions, "they asked for it".¹²

-
11. ('Työpaikallani eräs miesjuristi oli tunnettu siitä, että hän pyyteli ulos uusia nuoria naisia, ja teki muunkinlaisia ehdotuksia. Hän myös katseli avoimesti prostituoitujen kuvia ja pornoa netistä (meillä on lasiseinäiset työhuoneet). Molemmista asioista valitettiin esimiehelle. Hän oli sitä mieltä, ettei haukku haavaa tee ja katseensa voi kääntää pois.') (#milläoikeudella, Tumblr, transl. Malin Gustavsson, 10.2.2020).
12. ('Arkipäivän seksismi on mielestäni juristiammattien räikeimmät epäkohdat. Kuulen työssäni lähes päivittäin epäasiallisia, seksistisiä ja rasistisia vitsejä, jotkut jopa liittyen asiakkaisiin. Seksuaalirikosten uhreista saatetaan puhua hyvin alentavasti ja antaa ymmärtää heidän "kerjänneen sitä" käytöksellään.') (#milläoikeudella, Tumblr, transl. Malin Gustavsson, 10.2.2020).

Perpetrators

There has been little research on the type of people that harass others, and focus has been on men who harass. According to two American reviews of research in the field (Neall and Tuckey, 2014; Pina, Gannon & Saunders, 2009), the following can be noted:

- Perpetrators of sexual harassment are a very heterogeneous group, both in terms of motivation and patterns in their actions. This means that it is not possible to definitely identify potential perpetrators of harassment or be certain that someone is not a perpetrator.
- Perpetrators of harassment are influenced by different individual factors relating to personal development, family background, and attitudes. Other factors are external, such as the influence of close friends and colleagues, and alcohol consumption. According to research, there is no identified single factor, so it is not possible to draw conclusions on the probability of a person starting to harass.
- People who engage in sexual harassment make various decisions that create the opportunity to harass. Some research shows how many smaller decisions and actions lead to larger attacks. These decisions and actions vary according to whether the persons know or do not know each other, or whether the incident occurs under the influence of alcohol.

The same research reviews show that possible conditions behind a person engaging in harassment are the following:

- Motivation. The motivation comprises exercising power, a need for control, or a perceived sexual attraction.
- No personal barriers. For example, a lack of moral principles that could prevent the action.
- No external barriers. For example, organisational barriers or strict requirements regarding professionalism in the organisation.
- An inclination to overlook the exposed person's resistance and opposition to the action.

Sexual harassment in the judicial sector and courts

Sexual harassment occurs throughout society, including in the judicial sector and courts.

In 2017, people exposed to sexual harassment in the judicial sector in Sweden launched a campaign with testimonies under the hashtag #medvilkenrätt. A total of 5965 women in the legal sector joined the campaign. In the following year, the country's law students initiated a new campaign, #upptillbevis, calling for a more gender-equal working life.

In 2017 in Finland, the #milläoikeudella campaign was launched, which was a statement against sexual harassment in the judiciary. The campaign was signed by 800 women in the legal sector, and their testimonies on sexual harassment, discrimination, and sexism have been collected and published on a Tumblr page.

Those responding to the campaign demanded action by the Association of Finnish Lawyers, the Finnish Bar Association, and universities.

The Swedish campaign within the lawyer and solicitor sector prompted the Norwegian Association of Lawyers to carry out a survey on sexual harassment among its members in 2018, and later also carried out an internal survey. The survey showed that 20 percent of the 4844 respondents had experienced sexual harassment. This prompted the Norwegian Association of Lawyers, together with the Norwegian Bar Association and the Faculty of Law at Oslo University, to raise the issue, showing it applies to all parts of the judicial environment, from university studies to working life.

The trade unions' member questionnaires and reported cases from courts around the Nordic region show that the judicial sector is not free from sexual harassment. In the Nordic countries, the critical situation at individual courts and law firms has also reached the media and led to special investigations and initiatives. The testimonies in the Swedish campaign #medvilkenrätt and the Finnish #millaoikeudella showed that the experiences of sexual harassment in the judicial sector are similar to those in other sectors.

In 2015, after an internal investigation revealed alarming findings, the Chancellor of Justice in Finland requested that Helsinki Court of Appeal investigate its judges' internal use of language. The investigation showed that language use with a sexual undertone was common in everyday work, and that both verbal and physical harassment occurred at parties. Particularly serious was that racist jokes, improper language use about people exposed to sexual crimes and prostitutes, and improper and insulting statements about sexual and ethnic minorities occurred in the Court of Appeal.

In 2017, one year before the lawyer and solicitor sector started to draw attention to sexual harassment, the Faculty of Law at Oslo University received a report that, among other things, showed that sexual harassment occurred in the faculty. In 2019, new guidelines were drawn up for the country's three law faculties.

A questionnaire that the Swedish Bar Association sent to its members in 2017 showed that approximately half of the respondents reported that they had seen a colleague exposed to sexual harassment, and a third reported that they themselves had been exposed to sexual harassment. Harassment involved sexist and belittling language use, unwelcome invitations or physical touching, inappropriate behaviour by partners, and irregularities in connection with a conference or company party. A follow-up questionnaire among members in spring 2019 showed that the situation had not noticeably changed, but 42% of the respondents felt that it had become easier to talk about or call out sexual harassment or victimisation.

In 2018, one year after #metoo and #medvilkenrätt, the Swedish trade union Jusek (the trade union for graduates of Law, Business Administration and Economics, Computer and Systems Science, Personnel Management, Professional Communications or Social Science) carried out a survey to follow up the extent to which attention had been drawn to the #metoo campaign in workplaces. The survey also examined if this had led to any change. Admittedly, the response frequency was low, but seven of ten lawyers reported that attention had been drawn to the campaign at the workplace. The survey showed that 26% of the lawyers (33% of the women, 9% of the men) feel a need for change at the workplace. Only 15% of the lawyers (women slightly more than men) felt that #medvilkenrätt had led to a change in the workplace, and those that saw a change generally felt the change had been positive.

In the Finnish Bar Association's inquiry from 2017, 40% of respondents had seen a colleague exposed to sexual harassment. Of the respondents, 26% of the women and 6% of the men had themselves been exposed to harassment.

The Association of Finnish Lawyers' survey from 2018 showed that both women and men had been exposed to sexual harassment while they were students (women 30%, men 18%). However, in working life, it is mainly women who are exposed to sexual harassment (women 26%, men 5%).

In The Norwegian Association of Lawyers' survey on sexual harassment among its members, 4844 of 19,110 members responded to the questionnaire, with 20% reporting experiences of sexual harassment. Of those who had been exposed to sexual harassment, 87% were women, most of them under 40, and employees in the private sector. More than half of the people exposed had been harassed by a person in a management position in the organisation, and 17% had resigned or considered resigning after the incident. Only 15% had reported the incident, with the main reason being that they did not want to take the incident further.

In an Icelandic working life survey, commissioned by the Icelandic Government and the Nordic Council of Ministers and presented at the Metoo Conference organised by the Nordic Council of Ministers in 2019 in Reykjavik, 17% of the judicial sector and the security sector reported sexual harassment.

What are the consequences of sexual harassment?

Sexual harassment at the workplace has consequences for individual employees, the work environment, and the entire organisation.

According to research in the field (e.g. Diskrimineringsombudsmannen, 2012; Tidningen Psykolog, 2017), consequences for the people exposed to sexual and gender-based harassment can be both psychological and physical, such as stress, symptoms of post-traumatic stress, and reduced work satisfaction. Professional self-confidence can be damaged when the focus is placed on appearance, body, or gender instead of the professional activity. Treatment by and reactions of people around them can also affect the exposed person's well-being. In addition, sexual harassment can influence motivation at work. One consequence of sexual harassment can therefore be that the exposed person changes workplace or even changes profession.

For a perpetrator of harassment, if nobody intervenes, the consequences can be that they get the impression that the behaviour is acceptable. In such cases, there is an imminent risk that they will continue to harass. Harassment can mean that an employee who harasses others gets a bad reputation, which can spread both in and outside the organisation. Improper behaviour can stop colleagues and collaboration partners regarding the employee as professional. This affects the will of colleagues and collaboration partners to collaborate, and the quality of the collaboration regarding the employee doing the harassment. In the worst case, the reputation of the business or organisation the harassing employee represents is damaged.

Sexual harassment affects the entire workplace, tainting its atmosphere and reducing job satisfaction. The person exposed to harassment can feel great anxiety and fear that the harassment will be repeated. This anxiety can also affect others, who become aware of the risk that they too could be harassed. Frustration can also develop over that nobody is doing anything about the situation. Both for the person exposed to harassment and others who feel worried about being harassed, energy is spent on worry and trying to avoid harassment. From the employer's perspective, it is not just the exposed employee who is affected – other employees and collaboration partners are also affected. The effects of sexual harassment correspond to the effects of workplace bullying and recurring conflicts, which can increase the risk of sick leave and contribute to a bigger staff turnover. If a workplace is known for harassment, this can affect the atmosphere at the workplace and recruitment of new staff, particularly if it creates a picture that the workplace does not correct or take sufficient action to stop the harassment.

For the judicial sector, the incidence and handling of harassment can also be seen in the light of the organisations' mission and social responsibility. The occurrence of sexual harassment or gender-based harassment, derogatory and stereotypical language use, or offensive discourses, damages the confidence the public has in the legal system. Public confidence in an independent and fair legal system forms the basis of the administration of justice in the Nordic countries. Particularly sensitive is the theme for those who have been exposed to some form of sexual harassment, bullying, or discrimination on the grounds of sexual orientation or gender, and who have taken, or are considering taking, the matter to legal proceedings. Public confidence in fair court proceedings can be harmed if it is generally known that the judiciary does not take harassment and discrimination seriously even internally.

“

We stand up for a society governed by law, and work to maintain strong confidence in lawyers. We are proud of our profession, we've worked hard to get here, and we don't want to change sector. Instead, we want to change the judicial sector and create a work environment in which women do not need to be afraid and avoid having to protect themselves.¹³

“

There's a fear that public confidence in the judiciary is at risk of being lost, if the abuses within it are brought into the light. But highlighting them will sooner increase confidence, and make it worthy of a functioning constitutional state. Misgivings about a crisis of confidence help to retain the culture of silence that prevails.¹⁴

“

Comments are passed on sex crime, prostitution, immigrants, and their appearance in a derogatory tone. Female representatives, interpreters, plaintiffs, and defendants are discussed improperly and even in a sexually charged way.¹⁵

“

My boss misused his position of power over me as an employee. He played a clever psychological game aimed at pushing back the boundaries of accepted behaviour. Furthermore, at the office, there was a culture of silence about harassment. This made me even doubt whether the boundaries had been crossed, or whether it was me who was overreacting to his behaviour, I mean, there hadn't been a rape.¹⁶

“

At the office, it was clear that a person's exposure to harassment had a direct influence on their work tasks and career advancement. As long as you could put up with it and laugh at the dirty jokes, and answer politely to improper text messages, you got to participate in interesting projects. But as soon as you drew a line, the work slowed, and your career came to a halt. On one occasion, I mentioned this to HR, but nothing happened.¹⁷

13. (SvD, 14.11.2017).

14. (SvD, 14.11.2017).

15. ('Puhutaan vähättelevään sävyyn seksuaalirikoksista ja prostituoiduista sekä maahanmuuttajista kommentoidaan asianosaisten ulkonäköä ja esitetään jopa seksuaalisävytteisiä ja epäasiallisia kommentteja muun muassa naispuolisista avustajista, tulkeista, asianomistajista ja vastaajista.')

16. ('Työnantajani käytti hävyttömästi hyväkseen alisteista asemaani hänen työntekijänään. Hän pelasi taitavaa psykologista peliä tietoisena pyrkimyksensä venyttää sallitun käyttäytymisen rajoja ja toimistolla vallitsikin hiljainen häirinnän salliva kulttuuri. Tämä sai minut jopa epäilemään, oliko tässä sallitun raja edes ylitetty vai ylireagoinko itse hänen käyttökseen. Eihän tässä ollut sentään mitään raiskausta tapahtunut.')

17. ('Toimistossa oli hyvin selvää, että häirinnän kohteeksi joutuminen vaikuttaa suoraan työtehtäviin ja etenemismahdollisuuksiin. Niin kauan, kuin jaksot nauraa härskeille vitseille ja vastata kohteliaasti sopimattomiin

Why can exposed people find it hard to talk about or call out harassment?

A typical feature of harassment is that other people are not aware of it. There are many different reasons why exposed persons find it difficult to talk about, call out, or report harassment. The difficulty in calling out also applies when harassment occurs with several people present, and when harassment takes the form of improper or offensive jargon that is not aimed at specific individuals. This can also apply to witnesses of harassment or inappropriate behaviour.

Common reasons for the exposed person not talking about or calling out harassment are that they:

- are in a position of dependency in relation to the perpetrator, and are therefore afraid of reprisals or of being perceived as troublesome, which could affect their position or career development;
- think that, in any case, it is not going to happen again;
- do not want to be labelled as humourless or oversensitive;
- do not want to ruin the atmosphere for others;
- feel ashamed or blame themselves for what happened;
- are frightened they will not be believed or taken seriously;
- feel that, whatever they do, it will not bring about a change at the workplace;
- have seen that nobody intervened earlier, or that exposed persons have not been listened to and believed;
- are frightened that the perpetrator will be angry and look for revenge, or that collaboration will be made difficult and that harassment will increase;
- do not know their rights;
- are worried that anonymity cannot be guaranteed;
- feel that certain members of staff or persons with high positions in the organisation are 'untouchable';
- feel that long and complicated processes and inquiries are disproportional or a deterrent if the harassment is of a less serious nature.

Of those who did not take action after sexual harassment, 53% stated that they lack confidence in it making any difference. A further 21% refrain because they were afraid of reprisals. (Billing, 2019).

Of those who did not take action after victimisation, 64% stated that they lacked confidence in it making any difference. Of those who were subjected to victimisation but did not take action, 29% said they were afraid of reprisals. (Billing, 2019).

tekstiviesteihin, pääsit mukaan kiinnostaviin projekteihin. Sillä hetkellä kun vihelsit pelin poikki, töiden tulo lakkasi ja urakehityksesi pysähtyi kuin seinään. Jossain vaiheessa mainitsin tapahtuneesta HR:llekin, mutta asialle ei tehty mitään.) (#milläoikeudella, Tumblr, transl. Malin Gustavsson, 10.2.2020)

””

Our testimonies also show an excusing, questioning, and trivialising of reports from the women who had dared to come forward.¹⁸

””

As far as I know, he hasn't taken seriously his threats to wreck my career – but who knows what he might do if we bump into each other and his anger flares up again?¹⁹

””

We quickly learned to laugh indulgently when this came up. Calling out properly would have been regarded as foolish and indicate too little self-distance.²⁰

””

Also, it's not possible to do a good job when you know that the person you are presenting something for is just thinking about what you look like naked. Feel so sick and sad when he appears in the media and talks about the importance of legal protection for individuals and is widely lauded, and I sit here feeling dirty and stupid and too highly strung.²¹

””

I never told anyone about the harassment. I was new, and didn't want to get a reputation as one who talks disparagingly about other people and spreads rumours.²²

””

I experience sexual harassment as being particularly problematic in legal circles. If anyone drives these issues, it's clear that it would be professional suicide. Nor do I feel we have an organisation that actually drives the employees' case.²³

””

I was afraid of taking it further, because I didn't want to lose my job. Nor did I want to risk my career as a professional lawyer by being labelled as a problematic employee, or in the worst case being presented as a liar, someone simply out for financial compensation.²⁴

18. SvD, 14.11.2017

19. SvD, 14.11.2017.

20. SvD, 14.11.2017.

21. SvD, 14.11.2017.

22. (Anonymous employee at a District Court in Finland, in a report to Ekvalita, 08/2019).

23. ('Erityisen ongelmalliseksi koen seksuaalisen häirinnän juristipiireissä, koska on täysin selvää, että tekee ns. ammatillisen itsemurhan, jos lähtee näitä viemään eteenpäin eikä meillä ole mielestäni sellaista liittoa, joka todella ajaisi työntekijäosapuolen etua') (#milläoikeudella, Tumblr, 10.2.2020)

24. ('Pelkäsin saattaa asiaa eteenpäin työpaikan menettämisen pelossa, enkä halunnut vaarantaa uraani vakavasti otettavana juristina leimautumalla hankalaksi työntekijäksi tai pahimmassa tapauksessa rahallisen korvauksen perässä kärkeväksi valehtelijaksi.') (#milläoikeudella, Tumblr, 10.2.2020)

TIP: Listening

When someone has such confidence in you that they want to share their experience, here are some tips for how you can support your colleague:

- When your colleague talks about their experiences of sexual harassment, listen, don't talk. Let them describe what they experienced calmly, in their own way. Don't interrupt.
- Hearing about an experience is not the same thing as investigating. Don't start to investigate, look for proof or similar, that's not your task.
- Don't take over interpretative prerogative from the exposed person. You should simply talk about how you perceive the situation or confirm what it is the exposed person is saying. You can also support the exposed person and their right to fair treatment and support and ensure that their rights are respected.
- Hearing about experiences of harassment also involves being indirectly exposed to harassment, which can affect your work and your work situation. It can, for example, lead to worry and anxiety and affect your memory, social interaction, and work motivation.



Work to combat sexual harassment

Work to combat sexual harassment at the workplace involves everyone on the staff, and can be divided into preventive work, interventions, and work to promote gender equality. If we are to attain success, we must define goals and interventions for all parts of the work. A comprehensive approach to the work increases the chances of creating a safer and more respectful workplace.

Why does sexual harassment occur?

If we are to prevent sexual and gender-based harassment, it is important to be aware of how the circumstances of harassment arise. It is easy to think that sexual harassment quite simply depends on individual people having different perceptions about when and where something or someone crosses the boundary, but sexual harassment has structural causes. The historical gender power structure, in which women and what represents femininity is perceived differently, and have a lower value than men and masculinity, is expressed in norms and perceptions about gender. This in turn creates discrimination in the form of sexual and gender-based harassment.

Harmful norms

Sexual harassment at workplaces reveals that there are outdated norms and perceptions relating to gender, intimacy and sexuality that form a basis for, legitimise, or normalise sexual harassment.

Examples of outdated and harmful perceptions and norms about gender, sex, and sexuality:

- Norms about men and women being different, such as that they have different needs and behave in different ways on issues that concern sex and sexuality, different suitability for different tasks, or different ways of thinking and perceiving situations where everything is based on stereotypes.
- Norms about men having a high sex drive, making it difficult for us to understand that men are not steered by their sex drive and that men can and should take responsibility for their actions.
- Norms about men's high sex drive, making it difficult for us to understand that men can also be exposed to sexual harassment.
- Norms about women's low sex drive and physical weakness, making it difficult for us to realise the woman can also harass.
- Perceptions that a "no" does not mean "no".
- Perceptions that a laugh, silence, or lack of a distinct "no" means that the behaviour is acceptable.
- Norms that everyone is a man or a woman and heterosexual, making it difficult for us to perceive harassment where the parties are the same gender or have a trans identity.
- Hetero-norms also make it difficult to see gender-based harassment.

Highlighting these types of norms, but also their consequences, enables us to discuss how we contribute to maintaining harmful norms in our own organisational culture. In this discussion, it is important not to get stuck on what individual people have done and said, but instead wonder about what has enabled the statements and actions in question. We must see our role as external observers when the culture of silence is created, but also as maintainers of everyday sexism, sexualised jargon, or microaggressions against certain groups. We should also reflect over who allows passive aggression when someone takes up issues of gender equality and equal treatment.

Microaggressions

Microaggressions are issues or actions that do not normally have an offensive intent, such as compliments, inquisitive questions, or statements. When these questions, comments and actions are repeated for certain persons, for example several times a day, every week, or recurrently throughout life, they form an aggressive pattern of questioning. This aggressive repetition reduces a person to, for example, a gender, a body, or the subject of which someone's fantasies. Microaggressions are based on stereotypical perceptions, for example, that a person should not be offended if someone touches their backside for fun, that women want compliments about their appearance, or that transgender persons think it is okay to ask them about their genitalia or any trans-process.

Passive aggression

Passive aggressive behaviour is a pattern of indirect opposition to another person's demands or questions. Passive aggression is a way to avoid direct confrontation. An example is when a boss or colleague takes up sexual harassment at the workplace and encounters statements like, "I feel that we can't joke any more here at the workplace after all the discussions about sexual harassment" or references to "a politically correct dictatorship" or the "PC mafia". Common expressions also include, "I don't think people need to be so sensitive about these issues, just accept compliments as compliments," or "I would like to be sexually harassed by my attractive colleagues". Such comments are not constructive and show a lack of respect, not just for preventive work and the persons driving it, but also for those who have been exposed to sexual harassment.

Power and privileges

It is often the majority or those who have status or power (the privileged) in the organisation who have the power to set norms for and decide what applies in social contexts at the workplace. If an organisation does not continuously work with its values, which in the public sector is linked to the task and applicable legislation, there is a risk that the social norms do not follow the values. Instead, there is a risk that values are created by individual privileged persons at the workplace, which in turn can lead to other employees consciously or unconsciously accepting these norms as applicable practice. By doing so, the staff is helping to maintain outdated and harmful norms at the workplace, and thereby also discrimination.

Privileges (often) mean that a group, without earning it more than any other, has or is allocated advantages in relation to other groups.

The discrimination grounds in Nordic legislation reveal which characteristics or identities are more likely to create exposure and discrimination in different persons. The Metoo movement's testimonies exposed societal power structures linked to gender, intimacy, and sexuality. Because of gender power structures, women are

more exposed than men. Those men who have been and are perpetrators have often had the privilege of being protected from accountability for their actions. To prevent this, we must change the societal structures. Your own organisation is a good place to start this work.

Intersectionality

Research (by, for example, the Ministry of Social Affairs and Health Issues in Finland, the Public Health Agency of Sweden, Statistics and Research Åland, and Det Nationale Forskningscenter for Arbejdsmiljø in Denmark) shows that women are at higher risk of exposure to sexual harassment than men. This research also shows that racialised women and women with disabilities have a considerably higher risk of being exposed to sexual harassment than white women or women with full functional capacity. When we work to change societal structures, we must also understand that certain experiences of privileges or exposure can only be understood by reviewing several characteristics simultaneously. This is called intersectionality.

Intersectionality means that different norms and power structures affect each other and have different consequences for us. Sexual harassment therefore takes different expressions when different discrimination grounds meet. Experiences of the meeting between several characteristics can sometimes create completely individual experiences of sexual harassment. It can also be difficult or impossible to distinguish between, for example, sexual harassment, ableism, and racism if the exposed person represents several properties within the discrimination grounds.

Racialisation

Racialisation is a process that reduces and marginalises certain bodies to phenotypical traits on the basis of background, religion, language, or culture. These bodies are linked with stereotypical characteristics.

Transphobia, homophobia and ableism

Trans- and homophobia describes a discrimination against persons who belong to a gender minority (transphobia) or sexual minority (homophobia). Ableism describes a minimisation of persons who have some sort of disability.

Harmful jargon

Sexual or gender-based harassment can grow over a long time or be expressed through jargon or atmospheres at the workplace. Jargon that contributes to sexual harassment is based on norms regarding gender, intimacy, and sexuality. In turn, such jargon can be combined with other norms and contribute to comments with homophobic, transphobic, and racist undertones or everyday sexism. More examples of this can be found in the reports referred to in the chapter [Sexual harassment in the judicial sector and courts.](#)

Such jargon or the improper treatment of individuals is expressed in what is said and not said, which actions or non-actions are socially acceptable, and is linked to such themes as gender, sexuality, intimacy, and integrity. It can also concern jargon that devalues and invalidates exposed individuals' or groups' requirements for justice, apologies, or a more respectful use of language. Just like sexual harassment, jargon becomes a way to exert power regarding who has the right to define what is okay or not. Jargon is also an effective way to normalise offensive attitudes and create a culture of silence that makes it difficult for others to call out.

Harassment can function as a way to live up to a position by contributing to sexist jargon. Within many sectors, black humour or coarse language is experienced to create a sense of belonging and a way to cope with a challenging sector, a stressful everyday work situation, or psychologically demanding work. Here, it can be questioned whether talking offensively about gender, sexual orientation, harassment, or crime really does create a sense of community or well-being. This is particularly problematic in the judicial sector, where research indicates that a person's attitudes are reflected in their actions.

In order to prevent sexual and gender-based harassment, we need to see how power and gender are connected, and how this is expressed at the individual workplace. Expressions that contribute to strengthening the imbalance in power can be both actions and non-actions (by not reacting in the case of violations). Testimonies from the legal sector and other areas within the judiciary, such as the police service and the prison service, show that sexual harassment does not occur as a result of ignorance or shortcomings in legislation. They also show that this sector contains problematic attitudes regarding gender, sexuality, intimacy, and integrity.

PREVENT: Break sexualising and sexist norms

Credible preventive work is based on research, recommendations based on research or legislation, and on the workplace's own risk analysis. The importance of preventive work is often emphasised in various gender equality and equal treatment plans. Despite this, goals and concrete measures are often lacking for this type of preventive work and for how it will be implemented. Simply informing the staff that harassment is forbidden and giving information about what they should do if harassment occurs has negligible preventive effect.

Risk factors for sexual harassment

Research shows that the workplace culture plays a role in the occurrence of sexual harassment (Lundqvist & Bodénstam, 2019). Vital for an organisation that aims to counteract sexual harassment is an explicit non-acceptance of certain behaviours that is seen in the manager's approach, traditional practices for the work, and clear communication from the management about what is expected of the employees. In addition to exclusion-promoting norms and the harmful jargon described earlier in the handbook, there are also other known factors that increase the risk of sexual harassment at the workplace. Preventive work can therefore also concern introducing physical barriers or working in pairs in the work tasks or in places where clients expose employees to harassment. In renovations, public areas should be open, with good visibility. Below, we review the risk factors that cannot be influenced through crime-prevention design.

Risk factors for sexual harassment:

- Workplaces where men are in the majority, particularly in workplaces where jargon is characterised by sexualisation and a macho culture or where femininity is devalued.
- Work that involves close client or visitor contact, such as administrative personnel.
- Situations where the employee is alone in the workplace or performs work alone. When there are no witnesses or others that can intervene, the risk of exposure increases.
- Situations that involve the serving of alcohol or inebriation, such as client meetings, after works, or staff parties.
- Employees who are not aware of their rights or obligations. This particularly applies to part-time employees, substitutes, or other employees with short-term or precarious employment conditions.
- Young people are more often exposed, particularly young women and men who break masculinity norms.

- Social situations at the workplace, or business trips where there may be an unclear boundary between private life and work, such as conference trips, dinners, or parties.
- Lack of systematic work on preventing, managing, and following up sexual harassment.
- No policy regarding harassment and bullying at the workplace.
- If the policy on sexual harassment is not followed, for example if an intervention does not follow the established guidelines or if no intervention is made.

Sometimes several risks occur simultaneously, which further increases the risk of exposure. Consequently, it is important to look over the risks and prevent them in workplace-specific risk situations. See also the section on Intersectionality.

Both the Finnish and Swedish Bar Associations' studies show that approximately half of those exposed to harassment had not taken action, and that the majority of the respondents reported that the workplace did not have a policy, or they did not know if the workplace had a policy on sexual harassment. One of the responses stated that some male (Court of Appeal) members take for granted that they can grope everyone during Christmas parties.²⁵

”

A partner, who has children, invited me up to dance. While we danced, he moved his hands down to my backside and kissed my ear. I was afraid and ashamed over the thought that any of the ten or so people dancing around us could have seen what happened. I didn't dare say anything to the man in question, but in the following years I always politely declined every time I was invited to dance at a workplace party.²⁶

”

When I was working as an intern lawyer at a solicitors' firm, during an office party, a lawyer suddenly grabbed my breasts with both hands. It was a long time before I understood that what was wrong was not my dress, my breasts, or me.²⁷

25. ('Eräässä vastauksessa on todettu eräiden miespuolisten jäsenten pitävän itsestään selvyytenä, että pikkujouluissa voi kouria kaikkia.') (Edilex, transl. Maria Normann, 2015).

26. ('Perheellinen miesosakas pyysi tanssimaan ja tanssiessamme siirsi kädet alas pakaroilleni ja pussasi korvalehteäni. Pelästyin ja häpesin pelkkää ajatustakin siitä, että joku kymmenistä ympärillä olleista tanssijoista oli voinut nähdä tapahtuman. En kehdannut sanoa kyseiselle miehelle mitään, mutta seuraavina vuosina kieltäydyin kohteliaasti jok'ikisestä tanssikutsusta joka minulle työjuhlissa esitettiin.') (#milläoikeudella, Tumblr, transl. Malin Gustavsson, 10.2.2020).

27. ('Ollessani lakimiesharjoittelijana asianajotoimistossa, juristi tarttui toimiston juhlissa yht'äkkiä kaksin käsin kiinni rintoihini. Minun kesti pitkään tajuta, ettei vika ollut mekossani, rinnoissani eikä minussa.') (#milläoikeudella, Tumblr, övers. Malin Gustavsson, 10.2.2020).

Practical measures

Everyone in the work community can help to prevent sexual harassment at the workplace.

Research shows that important parts in the preventive work are:

- training of staff in what comprises sexual harassment;
- creating a strong organisational culture that renounces sexual harassment and that is anchored throughout the organisation;
- activation of witnesses to harassment and improper treatment;
- identifying and eliminating cultures of silence;
- strategies and measures at organisational level can counteract and prevent sexual harassment if they focus on creating a respectful and welcoming work environment and if they are well anchored in the organisation;
- the management is explicit in stating that sexual harassment will not be accepted.

"It takes 2-3 years of systematic work. There are posters on the walls, individual discussions with the manager, local ambassadors, and external consultants. Results and prioritisations must be measured. It requires a lot of energy from the organisation, and many will think that it takes far too much energy," says Fredrik Bondestam who together with Maja Lundqvist carried out a review of research on sexual harassment in academia.

Their report highlights clearly how the work to change a work culture takes time. In particular, they indicate the problem of the enormous culture of silence that can be found in organisations and the duality that the problem is talked about, but not openly, such as "those clients are a problem", "don't go to a conference on your own with him", "you have to work with his look", "avoid that person", and so on. (Lundqvist & Bondestam, 2019).

Culture of silence

The culture of silence functions as a silent agreement where the perpetrator is protected, and certain phenomena are not discussed openly or not at all. The culture of silence can be strengthened when anyone trying to break the culture is met by silence or is silenced. The culture of silence means that violations, misuse of power, and irregularities can continue without anyone intervening. The culture of silence makes it more difficult for exposed persons to talk about what happened.

Management shows the way

For employers and staff who want to prevent sexual and gender-based harassment, it is important to directly tackle all types of outdated perceptions and stereotypes linked to gender, intimacy, and sexuality. For some people it may feel fussy or overexaggerated to intervene or call out 'mild' cases. Consequently, the organisation and management must remind people that structures, jargon, and cultures are built up from small, individual situations that over time form a power structure. Cultures of silence are also built that legitimise improper treatment and sexual harassment. The work means that we must all review the way in which we are involved in creating these norms and perceptions at our workplace, both consciously and subconsciously, and what we can do differently in the future. Much of the work concerns finding new ways to be with each other that are inclusive rather than contributing to a misuse of power. The management should serve as a role model by immediately intervening in milder cases. If the management does not intervene in small cases, bigger cases can occur where intervention is more difficult.

Values in focus

The building of a sense of community must always start from the organisation's values. As many people work with cases involving violence and violations, it is important that there is no desensitisation or normalisation of violence and violations at the workplace. For example, it may have become 'normal' to use coarse language and talk in an offensive and derogatory way about different cases, both one's own and others, events noticed in the media, or in other reflections at the coffee table, at meetings, and in the corridor. The community is strengthened or weakened depending on how we talk (in a derogatory way or objectively), regardless of whether it takes place in or outside our workplace.

One major challenge at workplaces is a sort of duality about sexual harassment. On the one hand, most people are professional and treat each other with respect, but on the other, various surveys both before and after the #metoo campaign show that sexual harassment does occur and that there is a strong culture of silence about it. Consequently, preventive work and work to detect any culture of silence regarding sexual harassment requires a clear self-critical review, both of yourself as a colleague and of the work community and its structures.

”

During a client party, a male colleague introduces me to a client and says that I offer “all types of services”.²⁸

”

When I was working in a district court, a now retired judge called me into his room the day before I was to participate in a rape case with him. He showed me pictures of the three defendants in the case and asked which of them I would prefer to be raped by.²⁹

28. (*Mieskollega esitteli minut asiakasjuhlassa asiakkaalleen ja totesi, että minulta saa "mitä vaan palveluita"*)
(#milläoikeudella, Tumblr, transl. Malin Gustavsson, 10.2.2020).

29. (SvD 14.11.2017).

TIP: Regular norm-critical reflections

Every workplace needs to review what harmful norms exist within its own work community. We should also understand that these norms change over time. Consequently, continual reflections on norms in connection with various meetings can be a way to keep the issue of proper and improper treatment alive. The discussion can take up, for example, 10-20 minutes of meeting time, depending on how many are taking part and who is participating in the meeting (managers or colleagues).

To facilitate discussion, the workplace can use a form, for example on a server, where anyone can enter examples of actions and statements that contribute to harmful norms. The organisation or department can draw up such a form, which first lists places where harassment can occur, such as client meetings, coffee breaks, staff activities, or spontaneous conversations by the coffee machine, with an open section in the form where the respondent can enter examples of situations that can be linked to these places.

The aim is to contribute to preventive work that draws attention to any unsafe places, environments, structures, attitudes, and jargon at the workplace. If we do not work constantly, there is a risk that outdated perceptions and norms infiltrate the organisation through new appointments, collaboration partners, visitors, or changes in the societal climate. Here, it is especially valuable if managers can lead with a good example, and share their thoughts about what limiting norms they have detected. This increases the chances of other people daring to continue to take up problematic situations.

Tips for preventive discussions:

1. At every meeting with norm-critical reflection on the agenda, a different colleague has the task to take up the issue of a norm that could be improved. For example, in the planning of a Christmas party, a colleague can take up the issue of how we arrange a Christmas party at which everyone feels secure. These examples need not always be linked to sexual harassment, but to norms in general at the workplace. For example, do we allow staff or managers to slam doors when they are stressed, how should we respect other festivals than Christian festivals at the workplace, or what expectations do we have of new employees regarding understanding of internal concepts. This means that we are training to think norm-critically and being inclusive in all our important matters at the workplace.
2. Presentation of examples
 - a. One person presents an example. The person has no responsibility to propose a solution, simply to present the point in question and raise the issue at the meeting.
 - b. Discussions in small groups during the meeting. If the employees are not used to discussing this type of issues, it can be worthwhile first discussing various themes in small groups. The small-group discussions can then be presented for

the whole group. The discussions in the groups can be based on examples that are written beforehand in the form, or actual examples that come up during the group discussions.

3. What is important is a method that enables a feeling of security and favourable discussion climate on matters regarding sexual harassment, but also generally on issues of gender equality and equal treatment.
4. The objective of the norm-critical reflections is to draw attention to and prevent the development of excluding power structures, and to continually develop more inclusive practices at the workplace.

INTERVENE: Break the culture of silence

In this handbook, we do not describe the country- and organisation-specific procedures that are recorded in various policy documents, such as gender equality plans or action models. Instead, we give you advice, tips and views that are perhaps not always included in the general guidelines.

For managers, it is particularly important to be careful how to express yourself regarding sexuality, gender norms, and sexual harassment. The same applies for physical contact with colleagues. If you are a manager or a person in a position of responsibility and you talk in a derogatory way about sexual harassment, display outdated norms about sexuality, or cross other people's physical boundaries, you will not maintain the confidence of your colleagues. The same applies to situations where you are present but do not intervene in situations where violations occur. Your behaviour can help to build up a culture of silence or reinforce such a culture that has already been built up. Your behaviour or the fact that you do not react when something happens may also be the reason why these incidents are not reported. If you feel that you lack sufficient knowledge or tools to manage sexual harassment at the workplace, it is your responsibility to ask for help from the management or go on a training course. Preventive engagement in these issues is recommended; if we do not activate ourselves by acquiring knowledge and looking for tools before something happens, there is a risk that we make many mistakes along the way that make the situation worse for all parties concerned.

In order to break the culture of silence regarding sexist and racist jargon, or words that have progressed into physical harassment, the staff must start to speak out. The staff must feel confident they will be listened to, treated with respect, and that something will actually be done if they choose to break the silence.

It all depends on a management making clear what applies at the workplace, for example how staff are expected to behave in relation to each other and how to proceed in the event of harassment nevertheless occurring.

The workplace needs to make decisions on how complaints can be submitted electronically, either with a name or anonymously, and how to proceed with complaints, tips, or expressions of anxiety for colleagues or about the physical areas in the workplace. A common failing at the workplace is that there is no response to the person who has submitted the complaint, for example in cases where a colleague has made an observation. If anonymous complaints are submitted, it is good to think through how you will give a response, to prevent the staff thinking that nothing is happening.

The employer needs a plan for how to communicate that work is ongoing about the irregularity, while also respecting confidentiality in different cases. You can, for example, carry out general initiatives in the form of statements where the management clearly renounces itself from sexual harassment, arranges courses or

campaigns to increase competency in the issues, and draws up an action programme for the workplace.

TIP: The Three-Step Method

The Three-Step Method involves:

1. identifying the incident,
2. criticising the incident (not the person), and
3. saying what you want to happen next.

The steps do not to be taken in order. The main point is to adapt the steps to what feels natural in the situation. The method has different names in different contexts, and its actual origin is unclear.

One example is how these three steps could be expressed: "I don't think it's respectful to pass comments on colleagues' bodies or clothes, as you never know how it feels. For me, it doesn't feel right to hear that from you as a colleague. Could we perhaps discuss in general compliments at the next team meeting? Perhaps you also have ideas about things we could be more aware of?"

It is important that the person understands that you are being honest that you are speaking out because you care about the climate at the workplace. Speaking out or calling out is about lowering the threshold so that even smaller incidents at the workplace can be considered, as the sum of all incidents create an either secure or insecure environment.

ACT

If you are an employee, what should you do if you have been exposed to sexual harassment?

1. Take your experience seriously

Do not trivialise what happened. Instead, remember that you are entitled to feel respected and secure at your workplace. If you are uncertain whether the behaviour to which you have been exposed can be classified as sexual harassment, read the chapter [Key concepts](#). Remember that unwelcome sexualised or gender-fixated jargon and atmosphere is regarded as sexual harassment even if it lacks a specific recipient. It is you who defines what type of behaviour is unwelcome, and even if it is not a matter of sexual harassment, it is an occupational issue that the employees feel secure and respected at their workplace.

2. Call out the perpetrator of the harassment

If possible, make it clear to the perpetrator that their behaviour is unwelcome. For example, the [Three-Step Method](#) gives tips on how you can call out the behaviour.

If you do not call out the behaviour immediately, you can do it later. It is completely normal to freeze and not know how to act when you have been exposed to sexual harassment.

The situation is not always such that, if you have been exposed, you can take up the matter with the person who harassed you, for example when it concerns a third person who has removed themselves from the situation. In situations where you are busy with something else and cannot escape if the harassment is taking place by telephone, or anonymous messages, or if the situation feels threatening, it can be difficult to take up the matter at the time.

If you cannot take up the matter with the person in question, you can take it up with your immediate supervisor or a harassment officer if there is one. You can also talk to your trade union representative/occupational health and safety representative/safety officer, the occupational healthcare services, or contact your trade union.

If it concerns a serious crime, you can report it to the police immediately. Your manager, harassment officer, or health and safety representative you may have talked to will help you if you wish.

Do not assume that the behaviour will stop. The person who behaved inappropriately is perhaps unaware that their behaviour is experienced as annoying, and there may be others who have been exposed by the same person. That person must be made aware in some way that their behaviour is not acceptable.

3. Tell someone in a position of responsibility at the workplace

The employer has an obligation to investigate, take action, and implement measures to stop the harassment. The obligation to investigate starts to apply immediately

when the employer becomes aware you have been exposed to harassment, so you should inform your employer representatives about what happened as soon as possible. You have the right to be taken seriously and to receive support from your employer. The same applies when you want to report the matter to the police. When you talk to your employer, you can take with you a union representative or a colleague you trust. The complaint can help to stop long-term problems and prevent the problems escalating. It is in the employer's interest that everyone can feel secure and respected at their workplace.

If it is your manager that has exposed you to harassment, contact their superior or the HR department.

If the person harassing you is a client, a visitor, supplier, or collaboration partner, it is still a security issue for the workplace. The exposed person has the same right to question the behaviour and to take it further in the organisation. The complaint can help the organisation draw up better protection systems or procedures for its employees. This means it is just as important to raise these situations as situations occurring at the workplace.

In some Nordic countries, you have the right to forbid your employer from proceeding with the case, and from revealing your identity to the perpetrator of the harassment. One recommendation is that you think carefully about this decision, because the most important thing is that these situations are brought to the employer's attention so that the culture of silence can be broken. An employer can work with these issues knowing about this case, both in their preventive work and generally in the issue of promoting gender equality.

[→ Read more about preventive work](#)

[→ Read more about work to promote gender equality](#)

4. Document

It is important that you record in writing where and when the harassment occurred, who was present, if and how you reacted, and whether you told anyone about the harassment. Save any emails or other messages with harassing, offensive or threatening content. The documentation may be needed if the harassment does not stop and is valuable material for any police report. A police report is recommended if the harassment is of a severe character or goes on over a long period.

The employer is obliged to investigate what occurred, even if there is no evidence. Read and familiarise yourself with the workplace policy and action plan for improper treatment at the workplace. You will then know what the process is like when you submit a complaint, whether there is any special harassment officer or a suitable contact person within the organisation, and what your rights are when the process gets under way.

5. If the employer takes no action or does not take action quickly enough

Talk to your trade union representative/occupational health and safety representative/safety officer, the occupational healthcare services, or contact your trade union. If you are not a member of the union, you can also contact the gender equality or discrimination ombudsman in the country in which you work. Record

when and how you reported the harassment to your employer, and submit the complaint in writing first, so that the time and date when the employer first heard about the case is documented. If the employer has not taken the complaint seriously, or does not start an investigation quickly enough, the employer can be prosecuted for not fulfilling their duties.

6. Fear of losing your job

The Nordic countries' laws and policy documents prohibit reprisals, which means that anyone who draws attention to, or reports harassment may not be subjected to sanctions. It also concerns those who witnessed or heard about discrimination or harassment at the workplace.

7. Support is available

It is common that persons who are exposed to sexual or gender-based harassment react in some way after the incident. Depending on what occurred and the exposed person's individual factors, the reactions can be anger and aggression, impaired work motivation and work capacity, fear, nightmares, and mood swings or insomnia. It is important to talk about these situations, partly so that you can process shame and blame, but also to mitigate the consequences and support your well-being. You can contact the occupational health service for information about their services. The occupational health service should also be able to provide information about organisations that offer services to exposed persons, such as crime victim shelters.

ACT

If you have witnessed sexual harassment, what should you do?

According to surveys about harassment in working life, many employees have seen one or more colleagues exposed to harassment. We need to remember that sexual harassment is not just situations where someone is directly exposed, but also includes jargon and atmospheres that are not aimed at a specific person. The situation is characterised by being sexualised in an unwelcome way. In such situations you are also being exposed to sexual harassment. Here we give some tips on different things you can do if you witness sexual harassment.

1. Find out what is happening

If you are uncertain about what is happening or what happened, ask the exposed person what is happening or what happened. It is important not to interpret a situation on their behalf; give them interpretive precedence. You can ask if everything is okay and say that how you perceived the situation did not feel okay, or that it is not in line with the workplace values. For example, it is not okay that two colleagues engage in sexist jargon between themselves on equal terms, as it takes place in a work environment that also includes other people, and it creates an offensive climate.

2. Intervene

If it is clear that sexual harassment has taken place, intervene. If the person exposed has not said anything about it, you can – it concerns your work environment. If the person has said something about it, you can support their interpretation of the situation by agreeing or pointing out that you also saw or heard what happened. The important thing is that the person who was exposed to the harassment is not left alone with the perpetrator.

You can also, at a later occasion, talk with the perpetrator and express your concern over what happened. Ask them how they feel, if they want support or someone to talk with.

In an ongoing situation that is acutely threatening or involves physical violence, call for help and try to stop the situation. If you cannot physically go between the people involved, cause a distraction by pushing over a pile of paper or dropping a book, spilling something you have in a glass, pretending to be talking on the phone, and get closer to the situation.

3. Support the exposed person

Do not minimise, trivialise, or explain away what happened. Remind the exposed person or others involved that it is their subjective perception of what feels appropriate or uncomfortable that decides. Do not leave the person who was exposed to the harassment alone with the perpetrator.

Depending on what happened and what the work situation is like, make an assessment together with the exposed person on the following practical steps. Is it possible to satisfactorily resolve the situation directly, by the perpetrator apologising? Or is an employer representative needed to start a longer process? Say that you are willing to come forward as a witness if the exposed person wants to take the matter further. Reflect on how to handle the documentation about what occurred, even if the exposed person does not want to take the matter further. Documentation is important if something similar or corresponding should happen again. Recommend to the exposed person that they take up the harassment with the manager or someone else in a position of responsibility at the workplace, even if they do not want to.

4. Report

Inform someone in a position of responsibility about what happened (see more under the heading above about who you can submit a report to).

5. Document

Document what you have witnessed. Record in writing where and when something happened, which people were present, if and how you reacted, and whether you told anyone about the harassment. Save any emails or other messages with harassing, offensive or threatening content. The documentation can be useful in a report to the employer or the police. The documentation also says something about the workplace attitudes and atmosphere.

6. Take part as a witness in any reporting process.

ACT

If you have harassed somebody, what should you do?

An accusation of sexual harassment can come as an unpleasant surprise. We all want to be perceived as professional and popular colleagues, collaboration partners, managers, etc. The follow tips are for you if you understand crossed a barrier or if someone else drew attention to it.

1. Do not minimise, trivialise, ridicule, or make excuses for what happened

You may actually have been simply trying to be funny, give a compliment or be polite, you may have been extra tired, did not think anything of it, or did not mean to hurt anyone. A key aspect in the definition of sexual harassment is that it is the exposed person's subjective assessment of the situation that decides. It is not your assessment that decides or is most important in defining whether sexual harassment occurred or not. Consequently, don't take a defensive position, or minimise or trivialise what happened. You have crossed someone's boundary, and that is what it is all about. Don't cross the boundary more times by dismissing how they experienced the situation.

2. Listen

You are certain to perceive differently what happened and how. In situations where people experience that it is you who is the perpetrator, it is important that you switch the focus from being about you and how you are feeling to the person who feels exposed. The situation requires that you empathetically hear what the person perceived and experienced. The experience of the person who feels exposed is just as real as your experience; the difference is that your behaviour created discomfort and has consequences at the workplace. Remember that the person's perception of the situation may correspond with how other people around you experience your actions.

If a colleague points out or calls out the incident, it can be because the colleague wants to preserve your good relationship. Pointing something out is a way of drawing your attention to what can damage your relationship or the work community. If your colleague points things out to you already when small infractions occur, they are preventing something unpleasant growing between you or at the workplace, where the threshold for pointing things out might otherwise grow. The majority of people who speak up about sexual harassment do not have an aim to report and take the incident further, but simply want the incident to be investigated directly and for the behaviour to stop. You and your work community have a lot to gain from someone pointing out what occurred, and that the person accused of sexual harassment listens so that they can change their behaviour.

3. Take responsibility

Naturally, it is not pleasant to find yourself in a situation where attention is drawn to your inappropriate behaviour. If you have exposed someone to sexual harassment, it

is important that you take responsibility for your behaviour. What you need to do is take responsibility for your actions and be receptive to criticism, regardless of whether you are aware, or unaware, of the unpleasant situation your behaviour has contributed to. Immediately stop the behaviour that is perceived as offensive. Don't try to prevent the person who feels violated from taking up the matter with the manager or someone else in a position of responsibility in the organisation. The fact that someone is taking up this matter with you gives you a chance to consider how you act in different situations. You can also get a better understanding of how other people perceive you and your actions at the workplace, and you have a chance to change your behaviour. Nobody wants to be the person at the workplace that others perceive to be a perpetrator of harassment.

4. Apologise

Sometimes we cross boundaries even though we perhaps did not mean to create any unpleasant feelings or harass anyone. Usually, it is not at all easy to take up such a matter, particularly if it is a colleague you work with, or someone else you will need to be in contact with in the future through work. It is therefore important to remember that the person has often summoned up courage to take up the matter with you. It is also therefore extra important to apologise and, in that way, meet the person in the difficult situation, even if you too can find it difficult. The greater the uncomfortable feeling your behaviour has aroused, the more important it is for you to honestly show that you regret your contribution.

One tip for a good apology is not to make excuses for your action in the apology: "I'm sorry I made you feel afraid and uncomfortable, sorry. It was good that you could say how it felt, I won't do it again."

After an apology, the exposed person may not feel the need to take the matter further, but in that case the exposed person must feel that the matter has been satisfactorily addressed and resolved. If the matter has already proceeded to an investigation, both points, "Take responsibility" and "Apologise" apply.

5. Participate in the investigation into what happened.

When your employer has become aware that sexual harassment has occurred at the workplace, they have an obligation to quickly investigate what happened. The employer is obliged to form their own version of what happened. A common situation is that it is one person's word against another's. If you are accused of harassment, you will be called in for a discussion in connection with the employer's investigation. At this discussion, it can be a good idea to have a union representative with you. The employer will keep all involved parties informed about how the investigation is proceeding. No information from the investigation will be spread in the workplace.

6. Action when the investigation is complete

If the employer's investigation shows that what occurred was harassment, they are obliged to take action. This may involve a reprimand, a warning, a transfer, you may be given notice, or in the worst case, you may be fired. You can contact the union to

discuss what the different measures involve.

If you feel uncomfortable because you do not know what other types of behaviour can be interpreted as sexual harassment in the future, we recommend that you read about harassment, go on a course, or find out more information about sexual harassment. If you feel comfortable about doing it, you can also encourage your employer to allow time for reflection regarding sexual harassment. The sense of community in the workplace may be affected by what occurred, and there may be many people who feel they do not know what is okay or not okay on the issue of sexual harassment. A workplace needs to be secure for everyone. It means that those people who feel insecure about these particular issues are also entitled to support, as part of the preventive work against sexual harassment or harassment in general.

ACT

As an employer, what should you do?

The employer has a legal obligation to ensure there is contingency in place for handling cases of sexual harassment. When the employer receives signals that something has happened or a case has been reported, they must take action immediately. Sexual harassment must always be seen as a work environment issue. It is in the employer's interest to avoid creating a situation where the workplace is insecure, and a harmful work culture spreads. In addition to following the procedures for receiving and handling a complaint, measures are needed to stop harassment, but also measures that prevent corresponding harassment from occurring again, disciplinary measures, and a timetable for all this.

It is also important to already have in place a plan showing what measures will be taken if the harassment does not stop, and in what order. It is important that the entire chain functions, so the case does not get stuck in the system. There may also be a need for rehabilitation for the exposed person, and follow-up to ensure that the harassment has stopped. Depending on what has happened and what negative effect the harassment has had, this also applies to individual teams or the entire work community, for example if the incident harmed confidence in the workplace or the management or created schisms or division in the workplace that can be linked to the incident. Preventive work to ensure that corresponding situations cannot occur in the future is also of utmost importance.

In certain situations, the perpetrator of the harassment is not an employee or even known. It may concern situations where the person who has behaved improperly has disappeared, or where harassment has taken place by telephone or in an anonymous message. It can also occur in a (judicial) relation to the perpetrator, who can for example be a client, a visitor, or a collaboration partner. In these cases, it is difficult or impossible for the employer to investigate the situation in the same way as between two employees.

When harassment between two parties cannot be investigated, support from the manager and the work community is particularly important. The support may concern something as simple as the exposed person getting confirmation that the behaviour is unacceptable, and their feelings and reactions acknowledged. A procedure by which harassment is documented is also important. The documentation can be used as support when the organisation plans preventive measures or interventions. The information is also a good basis for making assessments about the strains and security in the workplace. Here, preventive measures for addressing violence and threats, in the form of training, can be supplemented with courses in sexual harassment and other improper treatment.

TIP: Creating a constructive communication culture

Peep!

The first step is to anchor the method in the work group/at the unit. Agree that you will start to say "peep!" as a method for preventive work and to draw attention to violations and harassment that occurs at the workplace when someone says or does something derogatory or excluding using text or pictures. It can also concern attitudes and jargon at the workplace. Say a simple "peep" when you hear someone say or do something that is, or can be, experienced as offensive or excluding. The person in question is then given the opportunity to see the offensive aspect of the situation and stop it. The person can also question the "peep" and start a dialogue about the situation. The "peep" can also be questioned later if it does not feel suitable to question it directly. "What did you experience as offensive in what I said or did? Can you explain what you mean? My interpretation is this." The dialogue invites people to talk and promotes the understanding that you are using the "peep" method to help each other to draw attention to behaviour, and not to run each other down when someone does something offensive or excluding.

"Sometimes this method is regarded as silly or strange. However, it has been shown that it has nevertheless been trialled, and that it is felt to be successful. The strength of the method is that the 'peep' lowers the threshold for noticing an action without requiring a well-formulated comment or question from the person drawing attention to the matter."

– (Malin Gustavsson, VD på Ekvalita).

What is your way of thinking here?

Depending on how we express ourselves, the recipient experiences different messages in different ways. Because we all are a product of a history that is not only sexist but also trans- and homophobic, racist and ableist, it can be important to sometimes help each other to become aware of the way we think and help change them. If the "peep" method does not feel like an alternative at your particular workplace, or if you want another way of drawing attention to violations or infringements in everyday work, an inquisitive perspective that looks for answers beyond what it is actually said can be a solution for you.

When a colleague or manager

- is talking in a stereotypical way,
- proposes something violating, or
- puts forward a proposal relating to the work situation that limits and excludes people rather than includes them,

you can ask, "what's your way of thinking here?" This approach allows the person in question the chance to explain their thinking behind a statement, proposal, or action.

Create a culture in which it is easy to accept criticism

One of the reasons why the person exposed to sexual harassment does not talk about the incident is worry about getting a reputation as a troublemaker or of being humourless. The exposed person may also be afraid that the perpetrator may react with anger, or they may be afraid of reprisals if they call out the harassment. One good thing for the entire work community is to practice calling out. It is also good to practice being reprimanded.

It can of course feel unpleasant if attention is drawn to you behaving inappropriately. Often the first reaction is to deny what you are accused of, take up a defensive position, or try to make excuses. It is easier for you to handle such feelings using several simple thoughts:

- How lucky this was brought to my attention. Now I have an opportunity to change my behaviour, and not behave that way in the future.
- It's good that the person bringing this to my attention felt that they could bring this matter up with me.

Now I have a chance to show that I am a professional and reliable colleague, and that I can handle this responsibly.

Clear guidelines and procedures

Action plans and procedures for taking action in the event of harassment also help prevent incidents. If action plans and procedures are not drawn up until there is an incident, there is a risk that the case in question influences the design of the actions or procedures, which is not a favourable start.

It is important that new staff are given an introduction in how you at the workplace view sexual and gender-based harassment and all types of improper treatment. This can be simply included when presenting the values and other policy documents used in the organisation. As staff with shorter employment contracts are part of a special risk group (see the chapter [Risk factors](#)), it is important that they too are given an introduction.

Colleagues who have worked at the workplace for a long time also need to be reminded about the workplace values or Code of Conduct, and what action they can take if they witness, are exposed to, or themselves engage in sexual or gender-based harassment.

Action plans and procedures should also include a section concerning follow-up and rehabilitation, where both the exposed person and the perpetrator are contacted for discussions. There may be a battery of questions, such as "Has the sexual harassment stopped?", "Has anything else happened that had a negative or positive influence on the work environment after what happened?", and "How do you feel today after what happened?". If the harassment continues, the workplace measures have not been sufficient, and further measures are required to stop it. In addition, ask the exposed person if they themselves have any ideas about what could be done to support their situation. In cases where the harassment has continued, it is also good to evaluate the procedures and decide whether they are sufficiently effective and how they could be improved.

When a workplace wants to prevent these forms of harassment, it is not enough to simply train the staff in what is legally required, as such training does not necessarily support a change in the organisational culture. The preventive measures should include elements regarding proper treatment, norms linked to gender, intimacy and sexuality, and encouragement and tips for how someone can intervene when they witness harassment and improper treatment (see, for example, [Sexual harassment: If you have witnessed sexual harassment, what should you do?](#)).

Investigating the incidence of sexual harassment and gender-based harassment

Experiences of sexual harassment and gender-based harassment in working life are often investigated through surveys on health, wellbeing and satisfaction aimed at everyone in the workplace. It is important that the incidence of these forms of harassment are investigated so that the personnel department can take action.

Sexual harassment and discrimination do not always come to light in staff surveys. There are many different reasons for this, for example that the staff does not know which actions the survey covers. For certain people, sexual harassment or gender-based bullying can be such an everyday occurrence that they no longer notice it, while others may not trust the survey's anonymity, may not want to draw attention to it, or do not want to be seen as a troublemaker. If someone believes that nothing will be changed anyway, or that nobody will take the incident seriously, it can easily happen that experiences of harassment or discrimination are not reported, either in surveys or to their manager. Reflect over how you can prevent this in connection with your survey.

TIP: Points to consider

- Do all your regular surveys for the staff include questions on sexual harassment, gender-based harassment, improper treatment, or discrimination? If not, indicate the lack of these questions and work to include these aspects. It is always worthwhile constantly developing existing questionnaires and surveys.
- Are the concepts clearly defined, so that respondents to the questionnaire understand them? List different expressions of sexual harassment and gender-based harassment rather than simply asking if the person has experiences of sexual and gender-based harassment.
- If a person reports negative experiences, does the questionnaire have sufficient follow-up questions to know how to proceed with the issue? For example, it may be relevant to know whether the perpetrator of the harassment is a manager, colleague, visitor, or client. Is there opportunity for open responses?
- Even if a person does not have negative experiences, they may have valuable information about how these issues should be handled in the best way in the organisation. Allow opportunity for suggestions and ideas about both promotion and intervention work.
- Are there clear procedures for how the results are handled in the organisation? A complete presentation for each manager can facilitate discussions in smaller work teams and departments. Do the results lead to measures, and who decides the need for measures?

Regardless of whether or not the staff report experiences of sexual harassment, preventive work is vital for maintaining consistent mutual respect at the workplace.

”

Leaders and representatives of Sweden's judiciary have allowed the misconduct we see today to continue. It doesn't matter how many staff surveys have been carried out if they don't lead to a follow-up, even if the attempts are honourable in themselves. Starting yet another female network misses the point. Nor is it meaningful or honest to argue that the problems depend on circumstances beyond the control of people in power. Even if many are willing to recognise the existence of prejudices and discrimination out in society, few people can recognise the same things in their own workplace, in their own sector.³⁰

30. (SvD, 14.11.2017).



PROMOTE EQUAL TREATMENT: Create an inclusive environment for all

Work to promote equal treatment involves creating and maintaining a work culture that is secure and inclusive for all. This requires that both employers and employees understand what contributes to such a culture and what can be potential barriers to attaining it. The work to promote such a culture requires no formulation of problems, and instead involves, in various ways, supporting and maintaining a positive atmosphere and sense of community at the workplace. In concrete terms, you could say it is about putting the organisation's values into practice. Here, everybody needs to be involved, as we have different ways and views on how and when values are implemented in practice. An active values base prevents certain people assuming the right to themselves define what is right and wrong at the workplace. A continual discussion at the work keeps the workplace alert and receptive to how the values can be applied in practice. These discussions can help to make everyone more aware of norms that strengthen the sense of community and contribute to inclusion in the organisation.

TIP: Strengths in the way people are treated at the workplace

Discuss the themes listed below with your team, your department, or a collaboration partner. The aim of the discussion is to identify which actions, procedures, or ways of expressing things and relating to each other promote inclusive and supportive norms at the workplace. It has been shown that it is often easier to think of concrete actions that create exclusion than actions that promote inclusion at the workplace. To avoid focusing only on what is not working, one way to start the discussion is to first take up and show what is already being done, and which practices you could strengthen further at the workplace. The discussion could be organised in such a way that different groups discuss different themes. More dimensions can be added by discussing the same issues again from the perspectives of a client and collaboration partner.

Respect

- How do we talk about and with each other in a respectful way?
- What is respectful listening?
- How do I show respect, and in which situations am I especially good at doing it?

Appreciation

- How do we show each other appreciation? Can we all handle appreciation?
- Is appreciation the same as response or thanking each other?
- How do we respond to each other? Does everyone want response and, if so, how?

Acknowledgement

- How do you feel acknowledged and valuable at your workplace?
- Does everyone want to be acknowledged? In which different ways can we acknowledge each other? What feels comfortable? What feels uncomfortable?
- How do we acknowledge each other, both as individuals (in terms of, e.g. personality) and in what we do (both professionally and, for example, taking care of each other) within the organisation



Conclusion

The work on sexual harassment and violations mainly requires that we work at different levels and with different methods over a long time. The fact that you have read this far in the handbook shows that you will be an important part of the journey of change your organisation has perhaps already started or will start.

The work will be felt by all the people involved because change is felt. The result will be a more secure organisation where people feel more that they can be themselves and focus on doing a good job. In such a working environment, we can be and are more motivated to do our absolute best. This will benefit not just the staff and the organisation, but also very much the judiciary as a whole.

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About this publication

Handbook on Combating Sexual Harassment in the Judiciary – Practical tips and methods for a safer workplace

Malin Gustavsson and Maria Normann

Nord 2022:015

ISBN 978-92-893-7009-7 (PDF)

ISBN 978-92-893-7010-3 (ONLINE)

<http://dx.doi.org/10.6027/nord2022-015>

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Layout: Agnete Schepelern & Mette Agger Tang

Published 18.03.2022

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