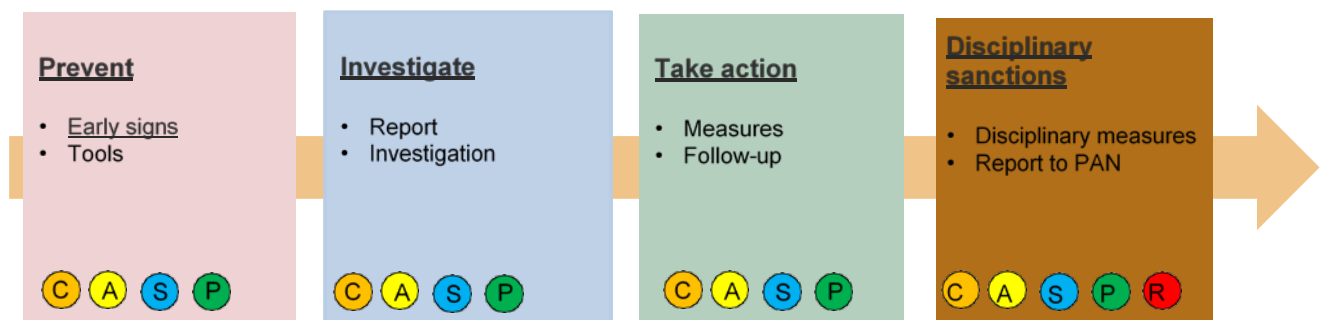




## Managing victimisation

The management of victimisation at Lund University is described in a process. Here, managers can read more about preventive work as well as the consequences and measures that may become applicable if a case of victimisation has been revealed.

The process is presented through an image. The image describes the four different steps of the process, what to do, when to do it and by whom.



### Preventing victimisation

As a manager, you are to work to prevent victimisation. Among other things, you are required to identify possible sources of victimisation.

### Investigating victimisation

As a manager, you are required to initiate an investigation of victimisation if any of your employees feel victimised.

### Taking action against victimisation

If a case of victimisation has been revealed, it is important that you act immediately.

### Disciplinary sanctions against victimisation

Victimisation can also result in legal sanctions for the person who committed the offence.

### Roles - participants

**C** Manager

**A** Employee

**S** Health and safety representative/union representative

**P** HR

**R** Vice-chancellor

### Advice and support for managers

Contact your local HR representative to receive advice and support throughout the process.

Inform the employee about the right to include a health and safety/union representative or other support person throughout the process.



## Victimisation

The provisions about organisational and social work environment, *Organisational and Social Work Environment, AFS 2015:14*, regulate victimisation and defines it as follows: actions directed against one or more employees in an abusive manner, which could lead to ill health or their being placed outside the community of the workplace.

Read the regulation Organisational and Social Work Environment, AFS 2015:14  
<https://www.av.se/globalassets/filer/publikationer/foreskrifter/engelska/organisational-and-social-work-environment-afs2015-4.pdf>

## Preventing victimisation

**As a manager, you are to work to prevent victimisation. Here you can read more about prevention and appropriate measures against victimisation.**

Lund University's Work Environment Policy specifies that victimisation is not accepted within the organisation. All managers at Lund University are to work preventatively against victimisation. Preventing victimisation requires knowledge about the specific social work environment in the workplace. This means that, as a manager, you must have the knowledge necessary to detect and handle collaboration issues and other sources of victimisation at an early stage. You must be able to identify signs that indicate the presence of victimisation and you need skills to assess which measures are appropriate to take.

One way of detecting problems related to the work environment is to regularly assess the organisation, work environment and workplace climate. This can be done, for example, through a psychosocial safety inspection. If there are signs of an unhealthy organisational or social work environment, it is important that, as a manager, you take immediate action and consult the HR officer at your faculty/equivalent to discuss appropriate measures.

### Preventive measures

Possible measures could be to:

- follow up and adjust procedures, clarify roles and responsibilities
- ensure a proper introduction of new employees, which creates opportunity for them to find their place within the team
- improve the interfaces within the department/division, for example, through regular division meetings and conversations with your staff
- examine the work situation for all employees, mainly through one-on-one conversations
- conduct regular reviews of the workplace climate and how you relate to one another followed by recommended measures
- discuss the definition of victimisation collectively in the team and inform staff of the procedures for managing victimisation
- make sure that you, as a manager, and any other relevant subordinate managers within



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your organisation, are trained in communication and approach, conflict management and other issues related to work environment. If you need training, please contact the HR officer at your faculty/equivalent.

## **Investigating victimisation**

**As a manager, you are required to launch an investigation if one of your employees feel victimised. Here you can read more about how to proceed in order to investigate victimisation.**

As a manager, if you learn that someone at your division/department/equivalent is experiencing victimisation, you are obliged to act immediately by launching an investigation of the situation. If victimisation is found to be present, measures to stop and prevent any recurrence of the situation must be implemented as soon as possible. The measures you choose to implement in a specific case depend on the outcome of the investigation of that specific case.

Information about experienced victimisation may come directly from the person who feels victimised, from a health and safety representative, or through Lund University's incident reporting function. You may also receive information through your own observations. The obligation to investigate reports of possible victimisation occurs as soon as you become aware that an employee has felt, or is feeling, victimised. Proof of an incident is not required. The purpose of investigating is to obtain sufficient information and knowledge about the situation so that the investigator can assess whether victimisation has occurred or if the events are due to something else that needs to be addressed. If victimisation is found to be present, as a manager you and the HR officer at your faculty/equivalent are to assess the measures to be implemented in order to make sure the victimisation comes to an end.

As a manager, your duty to investigate and implement measures applies regardless of whether the victimisation is carried out by employees or students. The duty to investigate may, in some cases, arise even when the experienced victimisation occurs outside working hours, if it affects the situation at work. It could be an incident that takes place on the way to or from work, or on social media.

A person who feels victimised by their line manager can turn to a colleague, their health and safety representative or the immediate superior of their manager and share their experience. In such cases, the responsibility to launch an investigation of the matter always falls on the senior manager, in accordance with the present delegation rules at Lund University.

## **Investigating victimisation**

Investigations of victimisation may vary in scope and type. The type of investigation depends on the circumstances of the situation concerned. The investigation is to be based on the systematic work environment efforts and the regulation *Organisational and Social Work Environment* (AFS 2015:14). Follow the procedures that apply to your systematic work environment management (investigation – risk assessment – action – follow-up) and the



rehabilitation process. Contact the HR officer at your faculty/equivalent, work environment coordinator, the occupational health service or an external consultant for support. Remember to keep the health and safety representative informed.

In some cases, it may be appropriate for the investigation to be conducted by someone other than you as the manager. The person who is to carry out the investigation should have sufficient expertise, be able to act impartially and be trusted by the parties concerned. As a manager, you are responsible for ensuring that the investigation is carried out, and executed promptly, with integrity and quality.

Conducting an investigation could be to

- appoint an investigator who is impartial, has expertise in the area and the parties' trust
- find out what happened by speaking with the person who feels victimised, and the person accused of victimisation. Meet with them separately and privately. Let them know that the conversation will be documented.
- speak privately with other individuals who may have noticed something. Be sure to let them know that what they say will be documented.
- communicate with both parties throughout the investigation.

#### **Important things to consider**

- If the investigation shows that it is not a case of victimisation, or if victimisation cannot be proven, you must notify all affected parties.
- Both parties (the victim and the accused) may need support, e.g. conversational support, available at the Occupation Health Service.
- Consult the HR officer at your faculty/equivalent on how to inform your other staff about an ongoing investigation and measures.

#### **Document continuously**

Continuous documentation of the investigation and measures is an important basis for following up on the impact of the measures. If the case becomes relevant to the Staff Disciplinary Board, all aspects of the case must be documented carefully and clearly. By documenting you may also discover whether the violations that occurred are part of a major problem that requires more comprehensive general measures.

#### **Document registration and confidentiality**

Reports of victimisation are to be documented in writing and registered. To protect the people concerned, you have the possibility of applying a confidentiality feature in the document registration system. This means that the case cannot be viewed by anyone other than the administrators of the system. Enlist help from your local registrar. If a person requests to obtain the documents, please refer them to the Legal Services office at Legal Services and Records Management for a confidentiality assessment. If parts of the material are appropriate to classify as confidential, it may be redacted prior to disclosure, in accordance with instructions from the Legal Services office. The confidentiality may be reassessed and cannot guarantee the integrity of individual persons.



### **Anonymous cases**

Investigations that may result in sanctions for the person/s accused of victimisation may not be initiated if the employee who experiences victimisation wishes to be anonymous. However, do not dismiss a person who claims to have been victimised; take their accusations seriously and explain to them that you want to address the situation, but that you will only be able to implement general preventive measures. For examples of general preventive measures, see the section above. We encourage you to enlist the help of the HR officer at your faculty/equivalent in this preventive work. The Occupational Health Service provides support if you are unsure about how to act. In this context, it is important for you to know that the Occupational Health Service is not able to assist individual employees who wish to remain anonymous or who do not want their manager to become involved.

### **Taking action against victimisation**

**If a case of victimisation has been revealed, it is important that you act immediately. As a manager, here you can read more about the measures that may be appropriate to take.**

If victimisation has been found to be present, immediate action is to be taken to stop and prevent any recurrence. The aim of the short- and long-term measures is to put an end to victimisation and prevent it from happening again. The measures you choose to implement in a specific case depend on the outcome of the investigation of that case.

### **Possible measures**

Possible measures could be to:

- Make the person accused of victimisation aware that their behaviour is perceived as offensive and must stop immediately.
- Inform the person that if they continue to behave offensively, there may be disciplinary sanctions in the form of a warning and that, eventually, their employment may be terminated for personal reasons.
- Follow up with the accused and the victim regularly, as well as with any other parties affected.
- Pay extra attention, especially in places and at times that have appeared to involve certain risks in this context
- Implement measures with the help of the Occupation Health Service or an external consultant, both for the victim and for the person accused, such as conversation support.
- Consult the HR officer at your faculty/equivalent on whether the matter is to be turned over to the vice-chancellor for an assessment by the Staff Disciplinary Board at Lund University (PAN), or whether to involve the State Disciplinary Board (SAN).
- Consult the HR officer at your faculty/equivalent on how to inform your other employess about an ongoing investigation and measures.

### **Important things to consider**

Dismissal of an employee for personal reasons is an extreme measure that may apply if the offense is repeated in spite of reprimands, warnings or other measures. The central Human



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Resources division offers support to HR officers at the faculties before possibly reporting the matter to the Staff Disciplinary Board at Lund University (PAN) or the State Disciplinary Board (SAN).

### **Document continuously**

Continuous documentation of the investigation and measures is an important basis for following up on the impact of the measures. If the case becomes relevant to the Staff Disciplinary Board, all aspects of the case must be documented carefully and clearly.

By documenting you may also discover whether the violations that occurred are part of a major problem that requires more comprehensive general measures.

### **Follow up the measures**

To ensure that the victimisation is not repeated, as a manager you should follow up and evaluate the measures taken. If the measures appear to be insufficient, you must consider which additional measures can be taken to put an end to the victimisation. Enlist help from the HR officer at your faculty/equivalent. In case of a major problem that requires extensive general efforts, raise the issue with your line manager.

## **Disciplinary sanctions for victimisation**

**Victimisation can also result in labour law consequences for the offender. As a manager, here you will find information about the sanctions that may become applicable.**

In addition to the different measures mentioned in 'Taking action against victimisation', victimisation may result in labour law consequences for the employee who committed the offences.

The University's work environment policy specifies that victimisation may not occur at Lund University. Labour law measures may be taken in the form of a warning, salary deductions, prosecution, suspension, termination of employment for personal reasons or dismissal in accordance with a Staff Disciplinary Board (PAN) decision. For professors, the State Disciplinary Board (SAN) determines any disciplinary sanctions and dismissals, apart from termination of employment for personal reasons which may be decided by PAN.

Note that dismissal or termination of employment for personal reasons is an extreme measure that may apply if the offense is repeated in spite of reprimands, warnings or other measures.

### **Report to SAN/SAN**

Consult with the HR officer at your faculty/equivalent on whether the matter is to be turned over to the vice-chancellor for an assessment by the Staff Disciplinary Board at Lund University (PAN), or the State Disciplinary Board (SAN). The central Human Resources division offers support to HR officers at the faculties before possibly reporting the matter to PAN/SAN.