

Good advice on addressing bullying and sexual harassment in the workplace in Denmark

In these "Me Too" times, it is essential to have clear guidelines for addressing bullying and sexual harassment in the workplace – mainly to avoid stressed, ill and not least stressed employees. Here you get some excellent advice on bullying and sexual harassment, which you as an employer can use to prevent and address such issues.

In cooperation with the Danish Working Environment Authority, the trade unions and the employers' organisations have prepared a guide on addressing bullying and sexual harassment, which contains some recommendations for companies and employers who wish to improve their efforts against bullying and sexual harassment. The goal is that employers become better at preventing and dealing with inappropriate behaviour between employees and between employees and managers.

Hoping to facilitate the implementation of clear politics and guidelines, we have prepared this brief guide on the recommendations for you.

First, however – what is bullying and sexual harassment?

When one or more persons expose one or more other persons to abusive actions, which can be hurtful or degrading such behaviour is considered bullying or harassment. In cases where the person subject to such behaviour is unable to defend her/himself, bullying can have the same severe consequences for the person as physical violence.

Sexual harassment is a form of bullying in which one or more persons expose one or more other persons to acts of a sexual nature that are perceived as offensive by the offended person. For example, sexual harassment can be unwanted touches, verbal calls for sexual activities, and extraneous comments or queries of a sexual nature.

Establish clear guidelines at work

Bullying and sexual harassment can occur at all workplaces, and it is therefore important that clear guidelines be drawn up for their identification, prevention and addressing these issues. The company has a responsibility for the employees' well-being and should thus be prepared should a case of bullying or sexual harassment occur.

In this connection, it is essential that employees and managers at the workplace seek a common understanding of what behaviour is expected in the workplace so that employees can help identify when bullying or sexual harassment occurs.

Talk to each other

It can be a challenge to talk about and discuss the issue when an employee is exposed to bullying or sexual harassment. Therefore, it is important that everyone in the workplace accept a shared responsibility and openly talk about what is considered acceptable behaviour and good well-being, and how people should address and interact with each other. Talking openly about behaviour and culture will make it easier for a victim of bullying or harassment to seek help from colleagues or management when needed.

Similarly, it is important to distribute the roles in the organisation transparently and adequately, so that there is no doubt whom to turn to and who can help solve the problem.

Clear guidance and a step-plan in case of bullying or sexual harassment

It is important to quickly address cases of bullying and sexual harassment in the workplace.

Therefore, it is also important to have clear guidance and a step-plan for how to address bullying and sexual harassment, including what steps the management can take to get to the bottom of a possible case and how it may impact anyone involved. Specific consequences for the employment relationship can, for example, consist of both oral and written warnings and, if necessary, redeployment or dismissal and, in particularly severe cases, expulsion.

Also, remember that as an employer you have a legal responsibility for your employees' well-being and therefore even a duty to respond in case of bullying and sexual harassment. Lack of response and handling is contrary to the work environment obligations and may also lead to being ordered to pay compensation, even as an employer.

If bullying or sexual harassment occurs, it is crucial that during the handling of the case, the required discretion is exercised regarding the people involved, especially to avoid the problem becoming a major topic of conversation in the workplace and having additional consequences for those involved.

Policies on bullying and sexual harassment

It would be beneficial to include the advice above in a policy on bullying and sexual harassment, which must be a regular integrated part of your staff manual and instruction to the employees.

NJORD Law Firm prepares policies on bullying and sexual harassment that can be used and adapted to the company's specific needs and existing guidelines. By doing so, the policy will be in accordance with legislation and case law in this area.



MIRIAM MICHAELSEN
ATTORNEY AT LAW

(+45) 77 40 11 66

MIM@NJORDLAW.COM