

REGULATION
on measures against victimisation, sexual harassment,
gender-based harassment and violence in workplaces.

SECTION I

Scope, aims and definitions.

Article 1

Scope.

This Regulation applies to measures against victimisation, sexual harassment, gender-based harassment and violence in workplaces to which Act No. 46/1980, on Working Environment, Health and Safety in the Workplace, with subsequent amendments, applies.

Article 2

Aims.

The aims of this Regulation are:

- a) to prevent victimisation, sexual harassment, gender-based harassment and violence in workplaces by means including precautionary measures,
- b) to promote mutual respect in workplaces, e.g. by raising awareness and understanding of the fact that victimisation, sexual harassment, gender-based harassment and violence constitute conduct that is not permitted in workplaces,
- c) that measures will be taken in accordance with a written schedule on safety and health in the workplace (see Section II) if a complaint or tip-off is received, or a reasonable suspicion arises, regarding victimisation, sexual harassment, gender-based harassment or violence in the workplace, and
- d) that measures will be taken in accordance with a written schedule on safety and health in the workplace (see Section II) if the employer becomes aware of victimisation, sexual harassment, gender-based harassment or violence in the workplace, or a dispute in dealings between employees which is likely to result in such conduct if no measures are taken.

Article 3

Definitions.

In this Regulation, the meanings of the following terms are as follows:

- a) *Risk assessment*: Identification of risk factors involved in a job and an assessment of the likelihood that the employee will be exposed to health damage or be involved in an accident in the workplace.
- b) *Victimisation*. Repeated conduct which is generally of such a nature as to cause discomfort in the person at whom it is directed, such as degrading, insulting, offending or threatening the person in question or causing him or her to be afraid. Differences of opinion or disputes arising from differences of interest do not come under this definition.
- c) *Gender-based harassment*: Conduct connected with the gender of the person who experiences it which is unwelcome to the person in question and has the purpose, or the effect, of offending the person's dignity and creating situations that are threatening, hostile, degrading, humiliating or insulting to the person.
- d) *Sexual harassment*: Sexual conduct of any type that is unwelcome to the person who experiences it and has the purpose, or the effect, of offending the dignity of the person in question,

particularly when the conduct leads to threatening, hostile, degrading, humiliating or insulting situations. The conduct may be verbal, symbolic and/or physical.

- e) *Violence*: Conduct of any type that leads to, or could lead to, physical or psychological injury or suffering on the part of the person who experiences it, and also the threat of such conduct, coercion or random deprivation of freedom.
- f) *Working conditions*: This term embraces all aspects of work, i.e. the working environment, the organisation of work and the way work is performed.
- g) *Workplace*: The environment, both indoor and outdoor, where the employee is located or through which he or she must pass in connection with the job.
- h) *Safety representative*: Representative on a safety committee; person who has been selected as a safety representative or appointed as a safety guard in accordance with Articles 4-6 of Chapter II of the Act on Working Environment, Health and Safety in Workplaces, No. 46/1980, with subsequent amendments; also other employees who have been specifically entrusted with looking after safety and health protection at the workplace in question.

SECTION II

Written schedules on safety and health in the workplace.

Article 4

Risk assessment.

When making a risk assessment as provided for in Article 65a of the Act on Working Environment, Health and Safety in Workplaces, No. 46/1980, with subsequent amendments (*cf.* also Article 27 of Regulation No. 920/2006 on the organisation and execution of activities to secure health and safety in the workplace), the employer shall, amongst other things, identify risk factors applying as regards victimisation, sexual harassment, gender-based harassment and violence in the workplace. This refers, amongst other things, to risk factors regarding conduct at the workplace in question, irrespective of whether the employer, managers and/or other employees may be involved. It also applies to risk factors regarding dealings between employees of the workplace in question and individuals who are not counted as employees of the workplace, these dealings taking place in connection with the activities pursued at the workplace.

The risk assessment as provided for in the first paragraph shall be based on all available information and shall take account of, amongst other things, psychological and social factors in connection with working conditions in the workplace, such as:

- a) the number of employees,
- b) the employees' ages,
- c) the gender ratio among the employees,
- d) employees' dissimilar cultural backgrounds,
- e) difficulties that may arise among employees in connection with spoken and/or written language,
- f) the organisation of working time,
- g) workloads,
- h) the nature of the job/jobs at the workplace,
- j) where/how the work is done.

Article 5

Health protection schedules.

When health protection schedules are prepared in accordance with Article 66 of the Act on Working Environment, Health and Safety in Workplaces, No. 46/1980, with subsequent amendments (*cf.* also Article 28 of Regulation No. 920/2006 on the organisation and execution of activities to secure health

and safety in the workplace), the employer shall compile a schedule of precautionary measures including measures to be taken in order to prevent victimisation, sexual harassment, gender-based harassment and violence in the workplace. In this connection, the employer shall take account of all available information, including the outcome of the risk assessment under Article 4 and the employer's duties according to Section III. This shall, among other things, include the following:

- a) how working conditions at the workplace are to be structured so as to reduce the risk that situations will develop that are likely to result in victimisation, sexual harassment, gender-based harassment or violence in the workplace,
- b) where employees can express complaints or give tip-offs concerning victimisation, sexual harassment, gender-based harassment or violence in the workplace, and
- c) what measures are to be taken following cases involving victimisation, sexual harassment, gender-based harassment or violence in the workplace with a view to preventing a repetition of such conduct in the workplace.

The employer shall furthermore state the measures that are to be taken in the event that a complaint or tip-off is received, or a reasonable suspicion arises, concerning victimisation, sexual harassment, gender-based harassment or violence in the workplace, or if the employer becomes aware of conduct of this type. The same shall apply if the employer becomes aware of conditions in the workplace that are likely to result in victimisation, sexual harassment, gender-based harassment or violence unless measures are taken. In this connection, the employer shall take account of all available information, including the outcome of the risk assessment under Article 4 and the employer's duties according to Section III.

This shall, among other things, include the following:

- a) how the situation is to be assessed in order to establish whether victimisation, sexual harassment, gender-based harassment or violence is occurring, or has occurred, in the workplace,
- b) the measures to be taken, whether or not an assessment of the circumstances reveals a reasonable suspicion that victimisation, sexual harassment, gender-based harassment or violence is occurring, or has occurred, in the workplace,
- c) the measures to be taken if a tip-off regarding victimisation, sexual harassment, gender-based harassment or violence in the workplace concerns dealings between one or more employees and one or more individuals who do not count as employees of the workplace, these dealings taking place in connection with the activities pursued at the workplace,
- d) how working conditions are to be structured while the matter is under examination,
- e) how information is to be given within the workplace, including to the employees involved and to the workplace's safety representatives,
- f) how the employer is to inform people in the workplace, including the employees involved and the workplace's safety representatives, that he or she considers the case closed as far as he or she is concerned,
- g) how information and materials with a bearing on the case are to be handled, this including a consideration of the Data Protection Act, and
- h) how to assess, on the one hand, the effectiveness of measures taken and, on the other, whether measures of a general nature are needed at the workplace following the case.

SECTION III

Obligations of the employer.

Article 6

General.