

SUECIA

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VICTIMIZATION AT WORK

Adopted 21st September 1993

Translation

In the event of disagreement concerning the interpretation and content of this text, the Swedish version shall have priority.

VICTIMIZATION AT WORK

Ordinance of the National Board of Occupational Safety and Health containing Provisions on measures against Victimization at Work, together with General Recommendations on the implementation of the Provisions.

Adopted 21st September 1993

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Ordinance of the Swedish National Board of Occupational Safety and Health containing Provisions on measures against Victimization at Work

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The following Provisions are issued by the National Board of Occupational Safety and Health pursuant to Section 18 of the Work Environment Ordinance (SFS 1977:1166).

Scope and definitions

Section 1

These Provisions apply to all activities in which employees can be subjected to victimization. By victimization is meant recurrent reprehensible or distinctly negative actions which are directed against individual employees in an offensive manner and can result in those employees being placed outside the workplace community.

General provisions

Section 2

The employer should plan and organize work so as to prevent victimization as far as possible.

Section 3

The employer shall make clear that victimization cannot be accepted in the activities.

Routines

Section 4

In the activities there shall be routines for the early detection of signs of, and the rectification of such unsatisfactory working conditions, problems of work organization or deficiencies of co-operation as can provide a basis for victimization.

Section 5

If signs of victimization become apparent, counter-measures shall without delay be taken and followed up. In doing so, a special investigation shall be made to ascertain whether the causes of shortcomings of co-operation are to be found in the way in which work is organized.

Section 6

Employees who are subjected to victimization shall quickly be given help or support. The employer shall have special routines for this.

Background

Underlying causes of destructive behaviour in the form of victimization

The background to victimization can, for example, be shortcomings in the organization of work, the internal information system or the direction of work, excessive or insufficient workload or level of demands, shortcomings of the employer's personnel policy or in the employer's attitude or response to the employees. Unsolved, persistent organizational problems cause powerful and negative mental strain in working groups. The group's stress tolerance diminishes and this can cause a "scapegoat mentality" and trigger acts of rejection against individual employees.

The fact that causes of the problems are to be looked for in conditions at the workplace is especially apparent when several persons have been ostracized over a longer period, one by one, through various kinds of victimization. Sometimes, of course, there may also be causes of victimization or attempts at ostracization which are to be found in individual persons' choice of action or behaviour. Sometimes, though, one can find that, even in these cases, the root cause is unsatisfactory work situations in which individual employees, in their anxiety or hopelessness, find cause for more and more overtly displaying their displeasure and acting in a way which can harm or provoke others around them

Consequences of victimization

Serious consequences of victimization can become apparent, for example, in the following ways:

Among individual employees:

- Increasing friction in the form of aversion, irritability or pronounced indifference. Deliberate breaking of rules or exaggerated adherence to rules, reduced performance.
- High stress level, low stress tolerance with over-reactions, sometimes traumatic crisis experience.
- Physical illness, substance abuse problems or mental reactions, e.g. sleep disturbances, loss of self-confidence, anxiety, "brooding", depression or manic symptoms, sometimes powerful aggression and severe tiredness.
- Inability to look ahead or unreasonable demands for vindication.
- Thoughts of suicide or violence to oneself.

If the victimization does not cease immediately (and if the basic problems of the workplace are not investigated and dealt with), there is a risk of the symptoms becoming permanent in a chronic state which can require prolonged medical and psychological expert help.

Among the working group:

- Reduced efficiency and productivity.
- Erosion of existing rules or freezing of rules.
- Mounting criticism of the employer, lack of confidence, a general sense of insecurity.
- Increasing friction, e.g. lack of understanding for other ways of doing things, withdrawals from the group or from duties, attempts to cease power or the formation of powerful cliques.
- High sickness absenteeism, substance abuse problems, large personnel turnover and a growing number of applications for leave of absence.
- Low tolerance of stresses and strains, and general symptoms of dissatisfaction.
- Magnification of minor problems.
- A continuing search for new scapegoats.

The ability and readiness of the working group to take part in the solution of internal problems will increase, palpably diminish or disappear, depending on how the conflict is observed and treated by the employer. If nothing at all is done, the risk situation will grow worse as time passes.

Guidance on individual Sections

Definitions

Guidance on Section 1

Victimization in the form of various kinds of reprehensible behaviour can be committed both by employees and by the employer personally or his representatives.

The phenomena commonly referred to, for example, as adult bullying, mental violence, social rejection and harassment - including sexual harassment - have come to be seen more and more as problems of working life in their own right and will be collectively referred to here as victimization.

These are difficult and sensitive problems. What is more, they can have serious and harmful effects on individual employees and on entire working groups if carelessly assessed and handled. Harmful effects on exposed persons may be revealed by both mental and physical pathological states - sometimes chronic - and also by social rejection from working life and the workplace community.

The following are some instances of victimization:

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- Slandering or maligning an employee or his/her family.
 - Deliberately withholding work-related information or supplying incorrect information of this kind.
 - Deliberately sabotaging or impeding the performance of work.
 - Obviously insulting ostracism, boycott or disregard of the employee.
 - Persecution in various forms, threats and the inspiration of fear, degradation, e.g. sexual harassment.
 - Deliberate insults, hypercritical or negative response or attitudes (ridicule, unfriendliness etc.).
 - Supervision of the employee without his/her knowledge and with harmful intent.
 - Offensive "administrative penal sanctions" which are suddenly directed against an individual employee without any objective cause, explanations or efforts at jointly solving any underlying problems. The sanctions may, for example, take the form of groundless withdrawal of an office or duties, unexplained transfers or overtime requirements, manifest obstruction in the processing of applications for training, leave of absence and suchlike.
- Offensive administrative sanctions are, by definition, deliberately carried out in such a way that they can be taken as a profound personal insult or as an abusive power and are liable to cause high, prolonged stress or other abnormal and hazardous mental strains on the individual.

The attitudes involved in offensive acts are, briefly, characterized by gross lack of respect and offend against general principles of honourable and moral behaviour towards other people. The actions have a negative effect, in both the short and long term, on individuals and also on entire working groups.

For the sake of clarity, it should be added that occasional differences of opinion, conflicts and problems in working relations generally should be regarded as normal phenomenas - always provided, of course, that the mutual attitudes and actions connected with the problems are not intended to harm or deliberately offend any person. Victimization does not occur until personal conflicts lose their reciprocity and respect for people's right to personal integrity slips into unethical actions of the kind mentioned above and individual employees are dangerously affected as a result.

General measures for the prevention of victimization

Guidance on Section 2

The Ordinance of the National Board of Occupational Safety and Health on Internal Control of the Working Environment (AFS 1992:6) defines the responsibility devolving on the employer under Chap. 3, Section 2 a of the Work Environment Act. That responsibility includes many different aspects of the working environment. The following are some examples of general and overarching measures which the employer can take for the prevention of victimization at work.

- Design a distinct work environment policy which among other things also declares the employer's general aims, intentions and attitude to the employees.
- Design routines for ensuring that psychological and social work environment conditions, including personal response, work situation and work organization, will be as good as possible.
- Take steps to prevent people meeting with a negative response at work, e.g. by creating norms which encourage a friendly and respectful climate at the workplace. It is above all the employer and the employer's representatives who must set an example to others in creating a good working climate.
- Give managers and supervisory personnel training and guidance on matters relating to the rules of labour law, the effect of different working conditions on people's experiences, interaction and conflict risks in groups and skills for rapid response to people in situations of stress and crisis. It is important, not least with a view to their own work situation and working environment, that managers directly involved in the supervision of personnel should have sufficient insight and knowledge in these fields.
- Provide a good introduction which will enable the employee to adjust well to the working group. It is also important that the rules applying at the workplace should be made quite clear.
- Give each employee the best possible knowledge of the activities and their objectives. Regular information and workplace meetings will help to achieve this.
- Give all employees information about and a share in the measures agreed on for the prevention of victimization.
- Try to ensure that duties have substance and meaning and that the capacity and knowledge of the individual are utilized.
- Give the employees opportunities of improving their knowledge and developing in their jobs, and encourage them to pursue this end.

Guidance on Section 3

Important principles for all persons in working life include the following:

Offensive behaviour or treatment can never be accepted, no matter who is involved or who is the target.

It is especially important that the employer should take active steps to prevent any employee being subjected to victimization by other employees.

Managers and supervisory staff have a key part to play in shaping the atmosphere and the norms which are to prevail at workplaces. One necessary principle is that the employer must never subject an employee to victimization, e.g. through abusive power or any other unacceptable behaviour or response. The employee's position of dependence has a very important bearing on employer-employee contacts.

Misunderstandings can occur very easily, and the employer, therefore, should always take an attitude which inspires confidence. The best chances of achieving a good atmosphere and workable norms occur when the employer, through his or her own behaviour, creates a reliable basis for a two-way dialogue, communication, and a genuine desire to solve problems. This generally causes the risks of victimization to diminish or disappear. It is important that norms for co-operation should be concretized and specially clarified in the work environment policy and in the introduction of new employees, and that they should be continuously followed up.

It is important that employees should have a part in measures which are taken to solve the overriding problems of the workplace. This means that, in cases where the employer and employees have together decided which principles are to apply to the planning of work and to co-operation at the workplace, all employees should be familiar with those principles and should know how to relate to them.

Special measures and routines

Guidance on Section 4

Preventive and early inputs and measures are critically important. Accordingly, when organizational problems or discrimination occur, the employer must be told as soon as possible, so as to be able to take suitable measures. Nobody should help to conceal victimization, even if risks of conflicting loyalties are liable to occur.

All problems at the workplace should be dealt with quickly, relevantly and in a respectful manner. Solutions should be looked for through talks and measures aimed at improving the working conditions of those concerned. If criticism is levelled at an employee, the latter should be told of the criticism and given an opportunity of replying to it. Personal opinions and loosely founded assumptions about an employee or the way in which the employee does his or her job should not be made a basis of discrimination. In cases where it is quite obvious that an employee has actually provoked the aversion of others, the employer should draw the employee's attention to his or her duty of helping to create a good working environment and a good atmosphere at work. At the same time, the employer needs to be aware that provocative behaviour can be a sign of unsatisfactory situations at work and must take the initiative in achieving a concrete solution of these problems.

It is important to take an objective, positive, problem-solving attitude to the problems put forward, to listen to all concerned and to support the weakest. Policy decisions over the head of the person concerned are liable to make that person's situation a great deal worse.

As a part of preventive work environment policy, employers must consciously create preparedness for dealing with the psychological, social and organizational aspects of the working environment, to the same extent as questions of a physical or technical nature. This is also part of the employer's duty under the Work Environment Act. See also the Board's Ordinance on Internal Control of the Working Environment (AFS 1992:6) and General Recommendations on Psychological and Social Aspects of the Working Environment (AFS 1980:14). The employer should have routines of such a kind, for contacts with individual employees, that the existence of frictions in working relations can be observed or ascertained at an early stage. This makes it important for work to be arranged in such a way that the supervisory staff can get to know each member of the working group, and will have the opportunity of regular talks with group members.

Guidance on Section 5

It is very seldom indeed that friction is due to one person only. The causes should as a rule be looked for in the way in which work is organized and not laid at the door of the individual employee. At the same time, it is important that each

employee should be aware of his or her own ability and duty to help create a good climate at work. Solutions to problems can primarily be looked for through the development of working methods, work allocation, communication and suchlike.

As an aid to this end, an analysis of the way in which work is organized as regards, for example, duties, requirements and authority, can form a basis for discussions and planning. Occupational health services can be a useful resource in this

connection and can support the process of problem-solving.

Victimization is in itself a risk to more employees than those who are directly involved and, while it lasts, often imposes a heavy mental burden on other persons as well. What is more, the difficulties of finding and dealing with basic problems

increase with the passing of time and commensurately with the deadlocking of personal positions and pin points in connection with the accusations, excuses and counter-accusations which are frequently exchanged when victimization becomes noticed. It is important, therefore, that the employer should take immediate action to deal with abuses which can trigger or already has triggered victimization.

One appropriate first step is a confidential talk with the person subjected to victimization. It is important that this interview should proceed with respect and in a frank, open atmosphere. When talking to the persons involved, one should be

aware of the danger of allowing oneself to be influenced by negative standpoints.

People's natural attitude in situations like this is often to construct a powerful defence for their actions, and as mentioned earlier, views can be characterized among other things by rigid positions, group pressures and loyalties.

Often, therefore, the blame for victimization is put on the person subjected to it. At the same time one has to realize that many people dislike the way in which a fellowemployee is being treated and will gladly play a part in breaking the destructive pattern of things. Gathering the entire working group for a discussion is not to be recommended except as the final stage of action planning with a view to achieving practical improvements in working routines and in the working situation of the group as a whole.

The prospects of achieving good consensus solutions diminish the longer an employee is away from work or the problems are left untackled. Negative personal opinions can become inflexible on both sides, with the result that good ways back to work are no longer to be found. In certain cases the problems may in time develop into a complete deadlock, with perpetual new misunderstandings and, finally, if the worst comes to the worst, the complete elimination of the employee from working life.

It can be hard for an employer to take an objective view of all aspects of the problems, and so it is often advisable to call in a consultant for this purpose, e.g. through the occupational health services.

Help and support for individual and working group

Guidance on Section 6

An employee who has been sicklisted on account of the health effects of victimization should be supported in returning to work as quickly as possible. Normalization of everyday life and personal and emotional support are the most

important means of counteracting severe after-effects in people who have been through traumatic experiences.

Swift readjustment is greatly dependent on contact being maintained with the individual (whether sicklisted or not) and on the individual having good opportunities for talking privately, both to fellow-employees and to the employer, about what has happened. In these talks one can discuss various possible reasons for what happened, try to find ways of improving and changing the working environment, and assess the economic or practical resources available in relation to what is desired.

Invitations or exhortation to consult a psychologist or suchlike can sometimes be interpreted as a personal offence, and so it is important that wishes of this kind should be expressed by the individual concerned.

Sometimes it may be necessary to consider the possibilities of defusing acute disagreements or intractable interpersonal problems at the workplace by making an offer of training or transfer to other duties. This recourse can be used, for

example, in order to protect an employee from further discrimination or risks of injury. If so, it is extremely important that the solutions offered should have substance and meaning and that, accordingly, the employee will have an opportunity for further development at work and good social contacts. Furthermore, the deliberations should take place in direct consultation with the employee personally and with reference to the employee's perceived potentialities and preferences. One important principle is that the measures taken should, as far as possible, entail no impairment of working conditions.

In addition to the help which can be offered to an individual employee, it is very important to deal with the practical problems which, in most cases, underlie the "scapegoat mentality" in a group, so that the group will find ways of achieving

better co-operation in future. There is a serious risk of events repeating themselves, with new cases of victimization as a result, unless the basic, work-related problems are discussed carefully and a common determination is found to take measures for their elimination.

The longer the basic problems remain unsolved, the greater the risk of serious consequences becomes and the greater will be the number of persons affected at the workplace. More often than not, the employees in a group have a close

knowledge of the organizational problems which need to be dealt with. It is important that those problems should be made clear when there is victimization of individuals. Otherwise there is a serious risk of the offended individual and his or

her problems being regarded as the sole, paramount topic.

In cases where the process in the working group has gone too far for constructive measures to succeed at the workplace concerned, qualified expert assistance may be needed for causal analyses, proposals for solutions and individual and group discussions. In relevant cases, resources of occupational health services may be of great assistance here as well.

Other relevant rules etc.

Ordinances etc. issued by the Swedish National Board of Occupational Safety and Health

AFS 1980:14 Psychological and Social Aspects of the Working Environment

AFS 1992:6 Internal Control of the Working

Environment *)

Other publications

The Equal Opportunities Ombudsman: The Frida-report: Sexual Harassment towards Women in Working Life Official report, 1987

National Board of Occupational Safety and Health for Government Employees: "Social Rejection at the Workplace". Policy for the local work environment activities agreed by the labour-market parties.

The Confederation of Professional Employees (TCO) "The First Stone. On Mental Violation in Working Life." Study book. "A more Humane Working Life." Study book.

*) Available in English

<http://www.av.se/dokument/inenglish/legislations/eng9317.pdf>