

# Sexual and gender-based harassment and violence in the workplace

ASÍ, BHM, BSRB, KÍ, Centre for Gender  
Equality, Council for Gender Equality



Everyone is entitled to a working environment characterised by mutual respect in communications and protection against gender-based and sexual harassment and other violence in the workplace. Such behaviour is both illegal and immoral. This applies regardless of whether the behaviour is perpetrated by an employer, colleague or person that employees must interact with for their work.

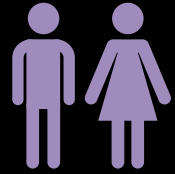
Employers are required to reduce the risk of situations arising in the workplace where harassment or abuse can thrive. Employers are obliged to stop such behaviour if it occurs. Furthermore, employers must make it clear to their employees that this type of behaviour is not permitted and that it will not be tolerated.

Employees who become aware of harassment or violence in the workplace are also obliged to inform their employer or the designated safety representative in the workplace about the incident.

Here we will discuss the definition of gender-based harassment, sexual harassment and violence. There will also be examples of what behaviour is covered by these terms, the employer's responsibilities for such behaviour and possible actions for an individual who has been subject to such behaviour.

## What is gender-based harassment, sexual harassment and violence?

These terms are discussed in three different legislation and the following definitions are as stated in a [regulation](#) granted by the Occupational Safety Act. The definitions in the [Equal Rights Act](#) are similar in content.



### **Gender-based harassment:**

*Offensive behaviour related to the gender of the person subjected to a behaviour that is unwanted. A behaviour that has the purpose or effect of violating the dignity of the individual concerned and creates circumstances that are intimidating, hostile, degrading, humiliating or offensive to the person.*

### **Sexual harassment:**

*Any kind of unwanted sexual behaviour with the purpose or effect of violating the dignity of the individual concerned, particularly when the behaviour leads to intimidating, hostile, degrading, humiliating or offensive situations. Sexual harassment can be verbal, symbolic and/or physical in nature.*

### **Violence:**

*Any form of behaviour which results in, or could result in, physical or psychological injury or suffering on the part of the victim; also the threat of such and coercion or arbitrary deprivation of freedom.*

The perpetrator can be of any gender, and the victim may be of the same or different gender. There can be more than one perpetrator and one or more victims. In addition, experience and attitudes in the workplace can vary greatly depending on the situation and context. The following table lists examples of gender-based harassment, sexual harassment and violence.



# Examples of gender-based harassment, sexual harassment and violence

## Verbal

Pressure to provide sexual favours

Unwelcome sexual or gender-based teasing, jokes, comments or questions

Personal questions about a person's private life or sex life; spreading rumours about sexual behaviour

Sexual or gender-based comments on a person's clothing or appearance

Inappropriate and/or persistent requests for dates

Making an employee wear sexual or gender-based clothing at work

## Symbolic

Unwelcome sexual glances or other sexually suggestive behaviour

Whistling at someone

Showing or sending sexual material via text messages, e-mail, social media, etc.

Hanging up posters, calendars or visual material with content that is sexual in nature or demeaning to a particular gender

## Physical

Rape or attempted sexual violence

Shaking, hitting, kicking, biting or spanking

Unwelcome hugging, kissing, patting or stroking

Entering personal space in an unwelcome manner, e.g. by leaning over or cornering a person

Unwelcome touching, grabbing or groping

**More than half of women and a quarter of men in the service sector in Iceland have suffered sexual harassment. Women experience a reduced sense of safety in the workplace as a result.**

*(Research by SGS and RIKK)*

## **Employer responsibility – prevention and reaction**

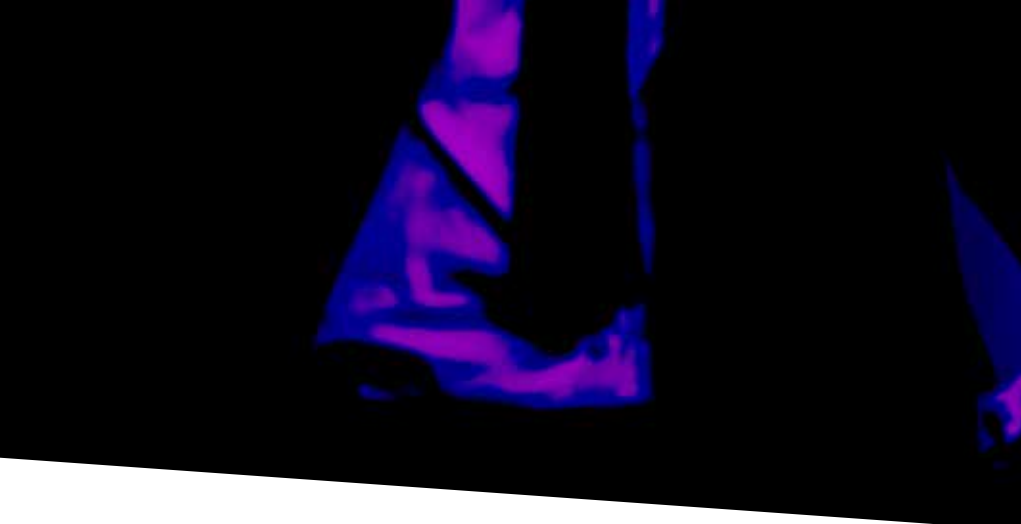
### **Action plan for health and safety in the workplace**

Employers are required to have a written plan for health and safety in the workplace. This means that both a risk assessment and an occupational health and safety plan must be in place. Risk assessment should include analysis of risk factors in the workplace, i.e. an assessment of the probability of an employee being subject to gender-based harassment, sexual harassment and violence at work.

In connection with the preparation of an occupational health and safety plan, a plan for with preventive measures should also be in place. It should specify what actions are to be taken to prevent gender-based harassment, sexual harassment or violence in the workplace, as well as how to react if such behaviour does occur in the workplace and how to prevent it happening again. The plan should also specify what actions should be taken, whether or not the conclusion is that gender-based harassment, sexual harassment or violence has taken place.

### **Employer response**

Employers must respond as quickly as possible when a complaint is lodged or when any indication of harassment or violence emerges, as well as if the employers become aware of behaviour or circumstances in the workplace that could lead to harassment or violence. Employers must assess circumstances in co-operation with the safety representative and/or external parties on a case-by-case basis. Employers must also ensure during that assessment that employees are given the opportunity to express their views and



that each employee is interviewed separately. Lastly, employers need to consider how the workplace is organised during the assessment of the complaint and how information is disseminated to the relevant employees and safety representatives.

### **Complaint to the employer**

Employees who believe that they have been subjected to gender-based or sexual harassment or violence in the workplace or have a reasoned suspicion or knowledge of such behaviour in the workplace, must inform the employer and/or the designated safety representative. If the complaint is directed against an employer their immediate superior should be consulted or, as appropriate, the Chairman of the Board of Directors in case of a company or organisation.

***About half of the women in the labour market have suffered sexual harassment according to a report by the International Trade Union Confederation.***



If an employer's assessment of a situation reveals a reasoned suspicion that sexual harassment, gender-based harassment or violence is ongoing or has occurred at the workplace, the employer is obligated to take action in accordance with the aforementioned occupational health and safety plan in order to stop the behaviour without delay and prevent it from being repeated. If the conclusion is that there was no harassment or violence, the employer is still obligated to act in accordance with the plan.



When the employer considers a case closed he must inform the relevant employees as well as the safety representative of the workplace. If the employee concerned wishes to receive a written confirmation that the matter has been closed by the employer, the employer must comply with that request. The request, however, must be made within six months of the employer informing the employee that the case has been closed.



## Consequences

The consequences of gender-based and sexual harassment and violence can be diverse, for individuals, workplaces and society in general.

### Societal

- Inequality
- Gender pay gap
- Increased expenditure on welfare
- Healthcare and medicinal costs
- Lower gross domestic product

### In the workplace

- Illness and absences
- Increased staff turnover
- Reduced productivity
- Poor employee morale and a decrease in motivation
- Compensation and costs, etc. for the assistance of psychologists and lawyers
- Lack of goodwill and adverse impact on reputation

### Individual

- Poor physical and mental health
- Stress and depression
- Low self-esteem
- Humiliation and shame
- Irritability and anger
- Low job satisfaction
- Loss of income



***Around 5% of those who have suffered sexual harassment in Norway have been out of work as a result.***

## Retaliation protection

The [Equal Rights Act](#) states a certain protection against retaliation for those who have filed a complaint on the basis of the Act, e.g. due to gender-based or sexual harassment, as well as gender-based violence at work. It states that an employer must ensure that an employee is not exposed to injustice at work, in relation to job security, pay conditions or performance assessment, and also that an employer is prohibited from terminating an employee because he/she has requested a correction based on the gender equality law. The above protection is valid for one year from the date of filing the complaint.

## Possible ways of dealing with gender-based or sexual harassment or violence in the workplace

Trade unions and government agencies can provide employees with information, advice and assistance on gender-based harassment, sexual harassment and violence in the workplace.

### **Trade unions**

The primary role of trade unions is to safeguard employees' rights and to protect their interests. This includes providing assistance and counselling to their members if employees consider working conditions to be unacceptable, for example due to gender-based harassment, sexual harassment and violence at work.



## ***The Administration of Occupational Health and Safety***

The Administration of Occupational Health and Safety is the body that oversees the implementation of occupational health and safety in the workplace and regulations on measures against bullying, sexual harassment, gender-based harassment and violence at work. The Administration of Occupational Health and Safety does not have the role of deciding whether certain behaviours are considered sexual or gender-based harassment or violence in the workplace. The role of the organisation is, however, to make sure that an employers fulfil their obligations under the regulation, for example, regarding risk assessment and prevention.

## ***The Centre for Gender Equality***

The Centre for Gender Equality supervises the implementation of the Equal Rights Act, deals with education and information activities and provides counselling on gender equality. The Centre works to prevent gender-based violence in collaboration with others who specifically carry out such prevention. The Centre monitors workplaces employing more than 25 employees annually, to ensure that they have a valid equality plan. The plans should specify measures that employers are to take to prevent gender-based violence, gender-based harassment or sexual harassment at work. If the Centre has a reasoned suspicion that an institution, company or association has violated the Act, it shall examine whether there is a reason to request that the Gender Equality Complaints Committee takes the matter for consideration. It is obligatory to provide the Centre for Gender Equality with the information and data that the Centre deems necessary to assess the merits of the case.



### **The Gender Equality Complaints Committee**

The task of the [Gender Equality Complaints Committee](#) is to take into consideration cases and provide a written ruling on whether the provisions of the Equal Rights Act have been violated. Individuals, companies, organisations and associations can bring an action before the Gender Equality Complaints Committee if they consider that the provisions of the Act have been violated. The decision of the Complaints Committee is binding, which means that the employer must either comply with the decision of the Committee and act in accordance with it or the employer can present his case to the courts of law within a specified time limit.

### **The Police**

Charges for sexual harassment and violence can be made to the [police](#); such violations are discussed in [General Penal Code](#). The procedure provided by law is different from the above, as the complaint or rather the charge for such behaviour is directed not against the employer but the alleged perpetrator. Sexual harassment that falls under the General Penal Code can result in a prison sentence of up to two years. It is clear from the definition of the General Penal Code on sexual harassment that the law deals with more serious cases, and it states that it includes, among other, stroking, groping or probing the genitals or breasts of another person, whether under or through clothing, as well as suggestive behaviour or language which is extremely offensive, repeated or of such a nature as to cause fear.



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