

Discrimination, harassment, sexual harassment or degrading treatment

Statutory requirements and KTH responsibility

Routines for employees who are responsible for receiving reports and/or investigating allegations in these fields.



Table of Contents

Introduction	3
Definitions.....	4
Discrimination	5
Direct discrimination.....	5
Indirect discrimination.....	6
Harassment	6
Degrading treatment.....	7
The difference between harassment and degrading treatment.....	8
KTH obligations as an employer and education provider	8
Procedural routines for how KTH, is to investigate discrimination, harassment, sexual harassment or degrading treatment	9
Legislation and regulations	18

Introduction

The document has been prepared to inform about what discrimination, harassment, sexual harassment and offensive discrimination are, explain different concepts, inform about responsibilities, laws and procedures for how the Royal Institute of Technology, KTH investigates individual cases.

The target group for this description of procedures is primarily the KTH employees who have the task of receiving reports on and/or investigating these cases.

The Royal Institute of Technology value platform is based on democracy, human equality, human rights, freedoms, and free and open discussion. Equality between women and men, diversity and rejection of all forms of discrimination form both a quality issue and an integral part of the KTH value platform¹.

KTH applies zero tolerance towards all forms of discrimination, harassment, sexual harassment or degrading treatment (victimisation)².

One prerequisite for achieving the goal of zero tolerance is that KTH becomes actively engaged in promotion and prevention activities, and communicates clear routines and procedures for how reports and investigations are carried out in cases in this field.

KTH conducts targeted operations aimed at promoting equal rights and opportunities regardless of gender, gender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age.

KTH takes action to prevent and stop anyone in its operations being subjected to harassment based on discriminatory grounds. If KTH becomes aware that someone in its operations considers him/herself to be the victim of discrimination, harassment, sexual harassment or degrading treatment, (victimisation) KTH will investigate the circumstances and, where appropriate, take any measures that can reasonably be demanded to prevent abuse in the future.³

With active HR and student policies, openness, and concern for employees and students, the risk of discrimination, harassment, sexual harassment or degrading treatment (victimisation) will decrease and evolve over time. Unresolved, long-term problems may cause negative mental stress for both the individual and the working/student groups, which may in turn lead to cooperation difficulties, mental or physical illness, sick leave, etc.

¹ KTH Ethics Policy V-2018-0309

² An equal KTH Plan for gender mainstreaming KTH-JIKTH

³ The Discrimination Act 2008:567 General Instructions AFS 2015:4 organizational and social Work Environment, General Instructions AFS 2001:1 Systematic Work Environment activities

Definitions

The concepts and definitions used in this document are primarily based on the definitions set out in the Discrimination Act (2008:567) and the Work Environment Authority instructions AFS 2015:4 Organisational and social Work Environment.

Employee – a person who is employed by KTH.

Co-workers – all employees and associated individuals who work and operate at KTH (without an employment relationship existing) e.g. scholarship holders, trainees and industrial doctoral students.

Underlying causes

Underlying causes may include structural problems or shortcomings in the organisation or management of work, lack of clarity in management/teacher responsibility, poor internal communication, lack of workplace dialogue about the work ethics that apply, abuse of power, workload too heavy or too light or deficiencies in HR/student policies. Norms, procedures and approach are structures that may systematically discriminate against certain groups of people.

The cause may also lie in individual behaviour as a result of personal problems, illness etc. which means that the individual does not feel well and acts out their dissatisfaction in a manner that could damage or provoke his/her surroundings. Long-term organisational problems and deficiencies may lead to stress tolerance decrease in working or student groups and can lead to scapegoating. Social exclusion and degrading treatment (victimisation) may result.

Conflicts

Discrimination, harassment, sexual harassment or degrading treatment (victimisation) should not be confused with such occasional conflicts, disagreements or problems in partner relationships that can occur in working and learning environments. These can be solved through dialogue, listening, accepting and respecting others' right to their own opinion.

Examples of conflicts:

- Employee/student or manager/teacher have different opinions and disagree about the operational/education focus or approach, different views on the allocation of authorities/responsibilities or salaries/grades.
- There are cooperation problems in working or student groups. These may have several underlying causes.

An ongoing conflict in which participants have lost their mutual recognition and respect may, however, form an underlying cause of discrimination, harassment or degrading treatment (victimisation).

Discrimination

According to the Discrimination Act (2008:567), discrimination is a violation of the principle of equal treatment. Discrimination means that an employer or education provider, for unjustified reasons, treats an employee/student less well than others, and this treatment is related to discriminatory grounds (gender, gender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age). The Discrimination Act prohibits discrimination by employers and education providers. This prohibition also extends to applicants for courses/work, interns and temporary or seconded employees. Instruction to discriminate is considered by this legislation to be discrimination.

The Discrimination Act also prohibits retaliation against reporting such acts, e.g. if an employee/student has reported or drawn attention to a problem.

In some cases, it is also possible to appeal a decision made by the university to the University Appeals Board on the grounds that it violates the prohibition of discrimination in Chapter 2, Section 5 of the Discrimination Act or the prohibition of reprisals in Chapter 2, Section 19 of the Discrimination Act.

Direct discrimination

Discrimination Act (2008: 567) Chapter 1, Section 4

Direct discrimination: someone is disadvantaged by being treated less favourably than another is, has been or would be treated in a comparable situation, if this disadvantaging is associated with gender, gender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age).

Examples of direct discrimination:

- You are a man applying for a job in competition with several women who are not as well qualified in aspects such as education background or work experience and one of the women gets the job.
- A female student asks a question during a seminar and is totally ignored by the teacher. A male student asks the same question a moment later and he receives a response from the teacher.

Indirect discrimination

The Discrimination Act (2008:567)

Indirect discrimination: someone is disadvantaged by the application of a provision, criterion or procedure that appears neutral but that may be especially disadvantageous to individuals of a particular gender, transgender identity or expression, ethnic origin, particular religion or belief, certain disability, sexual orientation or a certain age.

Examples of indirect discrimination:

- An employer requires a higher-level knowledge of Swedish to be included as a requirement in a research project than is necessary for the job.
- Classroom availability makes it impossible for a teacher/student with a particular disability to teach/participate.

Harassment

Harassment is behaviour that violates a person's integrity and that is associated with one of the grounds for discrimination: gender, gender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age.

Examples of harassment:

- Patronising, ridiculing comments referring to the individual's gender, origin, sexual orientation or disability.
- Perhaps withholding information, as a systematic method of excluding someone due discriminatory grounds.

Employees/students are entitled to a workplace/university free from harassment. This applies whether the harasser is an employer's representative/employee or another student.

The comments to the Discrimination Act state that the harasser must be aware that the behaviour is perceived as offensive. It is therefore important that those who feel harassed make clear to the harasser that the behaviour is unwelcome and uncomfortable and must end.

In serious or obvious cases where it is clear that the behaviour is unwelcome, the victim does not need to speak up for it to be a case of harassment.

Sexual harassment

Sexual harassment: conduct of a sexual nature that violates a person's integrity. This may involve touching, pawing, jokes, suggestions, looks or images that are sexually allusive and often perceived in a derogatory manner. Sexual harassment differs from ordinary flirting in that it is considered or perceived as unwelcome. Harassment commonly makes a person feel insulted, threatened, upset or mistreated. The victim decides what behaviour she or he deems insulting, threatening or abusive.

Degrading treatment, victimisation

The Work Environment Act sets out the basic rules regarding the employer's responsibilities.

The concept of degrading treatment (victimisation) is taken up in general instructions AFS 2015:4 Organisational and social work environment.

Degrading treatment (victimisation) means actions directed at one or more employees/students in an offensive manner that may lead to ill health or that these individuals are excluded from the workplace community.

Actions that may make a person or people feel ostracised or marginalised could include

- Patronising and ridiculing comments referring to the person's gender, origin, sexual orientation or disability.
- To slander or denigrate someone.
- To sabotage or obstruct an individual's work, for example by withholding information or giving false information.
- Systematically ignoring an employee/student, for example, by withholding information or giving false information.
- Criticising and/or ridiculing a person in front of other people.

Other terms often used to describe similar behaviour are bullying, physical violence or social exclusion. This approach involves gross disrespect and is a breach of the general concepts of honour and morals concerning how people should be treated.

Expulsion and ostracism are the two main types of degrading treatment (victimisation). Expulsion is all about active, destructive acts directed toward a person, and ostracism concerns behaviour patterns that demonstrate that a person is of "lesser importance".

The person or people who have been subjected to this behaviour determine what is to be considered degrading treatment.

The difference between harassment and degrading treatment (victimisation)

It can be difficult to distinguish between the concepts of harassment and degrading treatment (victimisation), but there are some differences that can be summarised as follows:

- Unwanted and abusive behaviour that bears no relationship to gender, gender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age falls under the concept of harassment under the Discrimination Act.
- Other unwelcome (e.g. expulsion and ostracism) behaviour may fall under the concept of degrading treatment (victimisation) under the Work Environment Act and national instructions concerning the organisational and social work environment, AFS 2015:4.

KTH obligations as an employer and education provider

The President of KTH has the ultimate responsibility for maintaining a good working/study environment. In order for Work Environment management to be carried out successfully, the President has delegated these tasks to the Heads of Schools. Heads of Schools in turn may allocate further tasks to department managers.

According to the Discrimination Act, KTH must *work proactively* to prevent any employee/student being exposed to discrimination, harassment, sexual harassment or reprisals associated with gender, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age.

Furthermore, KTH will work actively in the *form of purposeful measures* to promote equal rights and opportunities for students/employees who are participating/working or applying to join operations.

The same applies to employees during e.g. recruitment and concerning salary issues.

KTH is also obliged *to investigate and take measures* which means that if KTH becomes aware that anyone in their operations consider themselves the victim of discrimination, harassment, sexual harassment, degrading treatment (victimisation) the situation will be promptly investigated and measures taken.

KTH under the Work Environment Act and national instructions on organisational and social work environment (AFS 2015:4) will *plan and organise* work to prevent degrading treatment as far as possible⁴.

Each employee/student at KTH also has a *personal responsibility* in their everyday meetings with colleagues, students, and fellow students to treat everyone with respect and to prevent discrimination, harassment, sexual harassment or degrading treatment (victimisation).⁵

⁴ Work Environment Agency instructions AFS 2015:4 Organizational and Social Work Environment

⁵ Code of Conduct for employees and fellow workers V-2018-0689, Code of Cunduct for Students V-2018-0055

Active measures

Work on active measures involves carrying out preventive and promotion work. To investigate whether there are risks of discrimination, reprisals or other obstacles to individuals' equal rights and opportunities at KTH regardless of sex, gender identity or expression, ethnicity, religion or other beliefs, disability, sexual orientation or age. Any discoveries must be analyzed and reasonable measures taken.

Prevention work and measures are monitored, documented and evaluated annually at the central level of the KTH Equality Office. KTH's work on active measures is done as both education and employer and covers the specified areas in Chapter 3. Section 5 and Section 17 of the Discrimination Act. The supervisory authority for the work is the Ombudsman for Discrimination

The employer/education provider must ensure that the facts are investigated and that abuses cease.

Examples of situations when an employee/student:

- 1) Feels that they have been subjected to discrimination, harassment, sexual harassment or degrading treatment (victimisation) by another employee/student and files a report.

- 2) Discrimination, harassment, sexual harassment or degrading treatment (victimisation) by another employee/student is observed and reported by another employee/student.

Procedural routines for how KTH, is to investigate discrimination, harassment, sexual harassment or degrading treatment

The procedure is divided into the steps stated in legislation: report, registration of report, investigation/documentation, decision/action and follow-up.

Report and investigation

Perceived discrimination, harassment, sexual harassment or degrading treatment (victimisation) must be notified to the School HR manager and/or the school student guidance counsellor and/or other designated school administrators. This is primarily so that KTH will be able to take action and stop any abuse.

KTH must act as soon the relevant employee is made aware of the situation, for example through individual observations or by an employee or student reporting that someone has been exposed to abuse. No notification is required from the person who has been the victim of the abuse.

The Discrimination Act also includes prohibitions against retaliation in Chapter 2, Section 18. This primarily applies to retaliation in the form of punitive measures directed against the person who filed the report or drew attention to the situation where the employer/education provider was violating anti-discrimination legislation.

In addition to reporting to KTH, any employee or student who is a member of the union/student union, or any other association, has the opportunity to contact their organization as these, under the Discrimination Act, are entitled to represent the victims in their contacts with KTH (as employer/education provider).

Individuals or their representatives may also make a complaint directly to the Discrimination Ombudsman at www.do.se. A notification to DO must be related to a discriminatory ground i.e. gender, gender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age.

There are no particular formal requirements for filing such a report at KTH. For degrading treatment, the form used for the notification of workplace environment, incidents can be utilised.

More info at <https://intra.kth.se/anstallning/arbetsmiljo/anmalan-av-tillbud-risk-och-arbetskada-1.490817>

KTH receives all notifications, but for KTH to initiate an investigation, for the sake of legal certainty, the information about affected persons must be available and anonymity can't be maintained. Those who pronounce themselves in an investigation must be prepared to stand for what they say. They may be called at Personal Responsibility Board/ The National Board of Responsibilities, Disciplinary Board, District Court, Labour Court or Police at a later stage.

In other words, KTH accepts notifications, even if the notifier and or the person who has been exposed, wants to be anonymous. KTH will not be able to investigate the case due to lack of information, which means that the investigation will be closed down.

KTH on the other hand, can act based on anonymous notification, for instance in the form general and general dialogues, education and workshops as well as dissemination of information on gender equality, diversity and equal opportunities issues.

The primary rule is that the matter will be investigated and dealt with, at the school where the problem occurred.

It is vital that KTH remains impartial and that the investigation is carried out as discreetly as possible in order to establish what has happened.

In exceptional cases, it may be necessary to involve central level. This applies, for example, if it has not been possible or for various reasons is not appropriate, to investigate at department/school level.

The Head of School may submit a request to the HR Manager or the Head of Student Services, depending on the case, asking that the investigation be undertaken centrally but only when the Head of School believes that the school has exhausted all its resources and cannot complete the investigation.

The HR Manager/Head of Student Services determines whether the case should be

investigated centrally.

Reporting and investigation must be carried out ***promptly, objectively, in a legally secure manner and must be documented and followed up.***

Legal penalties may be issued to KTH if, as the employer/education provider, it does not comply with the Discrimination Act and the Work Environment Act and does not fulfil its obligation to investigate discrimination, harassment, sexual harassment or degrading treatment (victimisation).

Possible consequences

The President may report the matter to the Staff Disciplinary Board/National Disciplinary Board who may impose warnings, salary deductions, may prosecute and/or dismiss an employee.

Matters concerning a student who exposes another student or an employee at the university to such harassment as is referred to in Chapter 1, Section 4 of the Discrimination Act (2008:567) or degrading treatment (victimisation) under the Work Environment Act, if reasonable suspicion exists, will be reported to the President for further investigation as a disciplinary matter. As a investigator, you will contact KTH's lawyer for help and support. The Disciplinary Board may impose disciplinary action against students, such as temporary suspension from studies.

To you who receive the notification from employee / student

KTH's duty is to first to ensure that the misconduct ceases ensuring that work and study environments are secured for employees and students.

KTH will not investigate the debt issue, i.e. as investigator you should keep you strictly objective.

Clarify your own role.

1. Can you stop the misconduct? Then do it in the first place!
2. Do you know the person who can stop the misconduct? -> Contact that person and ask the person to stop the misconduct!
3. Inform the victim / informer of any additional persons you may be will contact.
4. Have an objective and solution-focused attitude in the conversation and treat the exposed employee / student, suspect employee / student, with respect.
5. Document in writing.

Inform the suspect / informer that there are counseling and support functions.

Corporate Health Care, Security Officers, Trade Unions, Student Health Care.

THS's study socially responsible person does not have a treatment function, but can assist students with help and information about which support functions are available.

Inform the suspect / informer about privacy, billing and KTH's

obligation to act. In this kind of cases (discrimination, harassment, sexual

harassment and offensive treatment) may contain certain personal information in the investigation, in exceptional cases, be public.

6. Hand over the notification and documentation personally to the correct function in your organization.

7. The processing of the notification should be done quickly (promptly) and, depending on the case, the application will be submitted to the school's HR manager, the school's contact person, or to the administrator appointed by the school. Employee cases are handed to HR Manager at each school. Student cases are handed to the contact person at the respective school or to the manager appointed by the school.

Joint employee case and student case are handed to the school's HR manager and the school's contact person / appointed supervisor.

In order to ensure the zero tolerance at KTH, it should not take long time between the perceived discrimination or the disadvantage and notification of the same.

Investigation documentation and assessment

Investigating and documenting

- You are aware that an employee or a student considers themselves to have been subjected to some form of discrimination, harassment, sexual harassment or degrading treatment. The report may be made in any form, verbally, written anonymously or by notification of incident of degrading treatment. Examine only what occurred. Other aspects may be brought up concerning cooperation difficulties, weak leadership, irregularities that occurred in the past, past wrongs. These should be noted and placed to one side.

(This information may be important in another context and should therefore be kept.) Document everything on the case day by day and keep a logbook of interviews, text messages, emails and all other documentation.

- Cases relating to discrimination, harassment, sexual harassment and degrading treatment (victimization), will be registered as official documents at KTH.

Once you have received a notification, contact the registry UF (registrator@kth.se) to retrieve a reference number from a special VP series. At the same time, you inform the registrar that there is confidentiality in the matter.

The documents that are to be performed are

1. Notification
2. In and outgoing letter with appendices
3. Investigation. All material on which the decision is based shall be registered as official documents, service notes, pictures, drawings, sms, mail etc..
4. Summary of investigation
5. Decision

Once the case is completed, you will file the above-mentioned documents to the registrar for registration and archiving. Keep in mind that the documents should be clearly divided, so that you can easily see what types of actions it is.

Inform the person reporting about privacy, registration of matters and KTH's obligation to take action. In this type of case (discrimination, harassment, sexual harassment or degrading treatment, victimisation), certain personal data supplied for the investigation may be important material and may, in exceptional cases, be made/become public.

- In cases of perceived discrimination, harassment or sexual harassment, the employee/student is informed of their opportunity to report the matter directly to the Discrimination Ombudsman at www.do.se.
- In cases of perceived degrading treatment, (victimisation) employees will be informed of the opportunity to report the matter as an incident. More information on this at <https://intra.kth.se/anstallning/arbetsmiljo/anmalan-av-tillbud-risk-och-arbetskada-1.490817>
- Tell the notifier to report the incident or incidents to a police officer on suspicion that a crime has been committed. KTH's investigation shall proceed in parallel with any police's work
- As the investigator you assess whether additional competencies are needed in order to perform the investigation e.g. HR specialist, lawyer and or Head of Security.
This additional expertise assessment is carried out on a continuous basis during the investigation. People with no interest must carry out the investigation. It is important to check that there are no conflicts of interest no relatives/neighbours/children in the same nursery school/etc. as the people involved in the investigation.
- As an investigator you may recommend that individuals or groups seek support from Occupational Health Services, Student Health, the unions or the student union during the investigation.
- Throughout the investigation, the investigator obtains a picture of what happened and must remain strictly objective. The investigation will comprehensively examine what occurred also include an analysis of the causes of the incident, based on interviews with those directly involved. There may also be additional material such as images, texts, emails, etc.
- The investigation is confidential in relation to third parties. Complete confidentiality prevails while the investigation is ongoing. The study will culminate in a written report that is property of the employer.
- This report is not anonymous. Those who make statements in the case must be prepared to stand for what they say. They may later be called to witness at the Staff Disciplinary/National Disciplinary Boards, the Labour Law Court or the police.

Rules of procedure

1. Initially, you hold an interview with the exposed / notifier
Listen and ask questions, treat the person with respect.
What has happened? Who are involved? When did it happen, etc.? Also ask if the suspect / informer has taken further legal action and then refers to the police report and notification to the DO. Inform about KTH's value base. Would you like to have two officials at the interview, an investigator who asks the questions and a supervisor who can record and document.
2. In case of perceived discrimination, harassment or sexual harassment, employee / student shall be informed of the possibility of reporting the matter directly to the DO, www.do.se.
3. In case of perceived victimization, the employee must be informed of the possibility of reporting the matter as incident, more information on this is available on <https://intra.kth.se/anstallning/arbetsmiljo/anmalan-av-tillbud-risk-och-arbetsskada-1.490817>
4. Invite the notifier to report the incident or events to the suspected crimes. KTH's investigation shall continue in parallel with any police work.
5. Call the person (s) as soon as possible after the interview with the suspect. Interview the person (s) reported to be behind the unwanted behavior to listen to the person / persons' version of what has happened.
Listen and ask questions, treat the person / persons with respect. What has happened? Who are involved? When did it happen, etc.?
It is important that you consciously inform the person / persons that their / their actions have been perceived as discriminatory / harassing / sexual harassment / offensive treatment even if it may not be the intention and inform about the KTH value base on these issues. It is good if you are two administrators to have the interview, an investigator who asks questions and a supervisor who records and documents.
6. Inform relevant functions / persons that investigation is in progress: for example, school director, school administrator Chief, appointed Chief Executive Officer, PA, GA.
7. In the next step, you as an investigator should consider whether it is appropriate to have a conversation in which all involved are involved, the suspect and the designated.
8. If the persons provide different descriptions of what has happened, for example, become relevant to speak with other employees and / or students, security officers and student protection representatives to get a clearer picture of what has happened.
9. Sort out what the case is based upon; discrimination grounds or violent discrimination or was it a conflict, or something else?
10. Anyone involved in the investigation will take part in the material and be given an opportunity to reconsider (to the extent that it is workable).

- **Always act promptly, document everything and follow up**

Support to the individuals involved

Sometimes the situation may be experienced as so difficult that individual assistance for the people concerned is necessary during the investigation, i.e. before a decision is taken on the matter.

Support may be provided by occupational/student health or the relevant union/student union. It is vital that the same person does not provide support to both/all parties concerned.

Support may also be provided in the form of a person who the victim trusts, such as a co-worker, classmate, health and safety representative or student health and safety representative.

Investigator's assessment, recommended measures and proposed decision

Your responsibility as investigator is to form your own opinion, to make your own assessment as to whether discrimination/harassment/sexual harassment or degrading treatment (victimisation) has occurred.

At the end of your investigation make a brief summary, give your assessment and a proposed decision. If you, as investigator in your report, come to the conclusion that discrimination/harassment/sexual harassment/degrading treatment (victimisation) has occurred, a proposal for an action plan is required in order to ensure that the situation/unwelcome behaviour ceases.

Investigator's assessment

The assessments that may be used include:

- Discrimination/harassment/degrading treatment (victimisation) **is deemed not to have occurred or could not be proved.**
- Discrimination/harassment/degrading treatment (victimisation) **is deemed to have occurred.**

The investigators recommended course of action

Actions that may be recommended include:

- An action plan
- Police report according to Public Employment Act, Section 22 (concerns employees)
- Labour law/student law consequences

Action plan

Head of school and/or designated person responsible for the study environment, decides on action plan to end the misconduct and not repeat. The actions in the action plan are based on what has been found in the investigation and the analysis that has

been made. The individual action plan shall be a document that is dated together with the investigation and the decision. The action plan and the investigation shall be confidential and therefore not available to all. Persons involved are informed of the action plan.

The action plan must clearly state what should be done, who is responsible for making and when to do it (schedule). It is also important to enter in the action plan how the follow-up of the measures should be addressed. When, in what way and who is responsible for it being done.

Follow-up of action plan

Book time for follow-up at different time intervals. Responsible investigator or appointed person/administrator must ensure that the unwelcome behavior has been terminated during the specified time and ensure that the action plan is revised as necessary.

Follow-up/revision and evaluation of the action plan shall be documented in writing. If the problems persist, the case shall be re-examined for terminating the unwelcome behavior/ misunderstandings.

The investigators proposed decision

Once the investigation (including assessment and recommended action/action plan) is completed, make your decision as the investigator. Decisions must always be written in Swedish, regardless of whether someone concerned is unable to speak Swedish. If necessary, a translation of the Swedish decision into English is made. Keep in mind that information included in a decision is not covered by confidentiality requirements. Decisions are taken by the relevant Head of School and/or employee responsible for the study environment and communicated to all interested parties and, as appropriate, union representatives and/or representatives of the student union/student health and safety. Decisions are to be registered. Decisions that may be taken include:

- In the light of the investigator's finding that discrimination/harassment/degrading treatment (victimisation) has not been, or could not be, proved the **decision is no further action**. The decision is communicated to the parties concerned and the case is closed.
- In the light of the investigator's finding that discrimination/harassment/degrading treatment has taken place but that **corrective actions have already been taken during the investigation, the decision is no further action**. The decision is communicated to the parties concerned and the case is closed.
- In the light of the investigator's finding that discrimination/harassment /degrading treatment (victimisation) has taken place, **the decision is further action in the form of an action plan**.

- Case involving an employee:
In the light of the investigator's finding that discrimination/harassment /degrading treatment (victimisation) has taken place and is deemed to be of **such a serious nature** that labour law-related sanctions (warning, salary deduction, termination or dismissal) are required as concerns the employee, **the decision is that the case be referred to the President for review by the Personnel Disciplinary Board/the National Disciplinary Board.**
- Case involving a student:
In the light of the fact that the investigator has found that there is well-grounded suspicion that a student has exposed one or more other students or employees at the University to discrimination/harassment/ sexual harassment/degrading treatment (victimisation), **the decision is that the case be reported to the President for review by the Student Disciplinary Board.**

Internal reporting obligation

As support for monitoring, evaluation and preventive measures, the completed anonymised case is to be reported to the Secretary of the Central Liaison Group (CSG) theme JMK.

Confidentiality assessment

The relevant administrator must carry out a confidential review of the decision and a confidentiality assessment based on the information contained in the documents (with the exception of the action plan, see above).

Confidentiality provisions can be found in Chapter 21 of the Act on the Openness and confidentiality of information about an individual's health and residential address or other comparable information.

Furthermore, there are confidentiality provisions in Chapter 39, Sections 1-3 of the same Act for HR social and administrative activities.

Legislation and regulations

Discrimination and degrading treatment (victimization) are covered by legislation and regulations. The most relevant are summarised below.

The Discrimination Act (2008:567)

Discrimination Act seeks to combat discrimination and in other ways promote equal rights and opportunities regardless of gender, gender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age. The Act contains, inter alia, definitions, provisions prohibiting discrimination and retaliation, the obligation to investigate and provisions on affirmative action. The Discrimination Ombudsman (DO) supervises compliance with the law. If KTH violates discrimination legislation, the university may be required to pay compensatory damages. See also www.do.se

Work Environment Act

Work Environment Act (1977: 1160) covers physical, organisational and social activities, and is consequently an important part of legislation that may be used in cases of degrading treatment.

The Work Environment Authority has issued general instructions: Organisational and Social Work Environment (AFS 2015: 4). These state that the employer must plan and organise work so as to prevent degrading treatment as far as possible and make clear that the behaviour it is not accepted in its operations.

The Work Environment Act and the Work Environment Ordinance (1977:1166) defines the framework for work environment activities. The employer's obligation to investigate what happened is, according to health and safety legislation, primarily in order to take measures to ensure that the incident is not repeated. The employer cannot be required to pay compensation to the victims of degrading treatment. See also www.av.se

Parental Leave Act (1995:584)

In accordance with Section 16 of the Parental Leave Act

An employer may not discriminate against a job applicant or an employee for reasons related to parental leave when the employer is:

1. Taking decisions on employment, selecting a candidate for a job interview or implementing other measures during the recruitment process.
2. Taking decisions on promotion or selecting an employee for training for promotion.
3. Taking a decision or other action related to professional practice.
4. Taking decisions or implementing other measures concerning other training or provision of professional advice.
5. Applying salary level adjustments or any other conditions of employment.
6. Managing or distributing working tasks, or dismissing, terminating employment or laying off employees or taking other significant measures against an employee.

Public Sector Employment Act

Prosecution

According to Section 22 of the Public Employment Act, government agencies are required to report:

Anyone who is reasonably suspected to, in the course of his/her working tasks, have committed crimes that should be reported for prosecution if the suspicion relates to the following offences under the Criminal Code.

1. The taking of a bribe, Chapter 10 Section 5a.
2. Aggravated bribery, Chapter 10 Section 5c.
3. Misconduct or gross misconduct, Chapter 20 Section 1.
4. Breach of confidentiality, Chapter 20 Section 3, first paragraph.
5. Other crimes, if it can be assumed they will lead to penalties other than fines. Act (2012: 302).

The Official Secrets Act (2009:400)

The Official Secrets Act contains provisions on confidentiality in government agency activities. Data is only subject to confidentiality if there is no rule applicable to the confidentiality of the information in question.

Such provisions are found, inter alia, in Chapter 21 of the Act regarding information about an individual's health and residential address or other comparable information. Furthermore, there are secrecy provisions in Chapter 39 Sections 1-3 of the Official Secrets Act for HR social and administrative activities.

https://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Offentlighets--och-sekretessla_sfs-2009-400/.

The Criminal Code (1962:700)

The Criminal Code provides general protection against various forms of violations. It includes libel and serious sexual harassment, as well as various forms of sexual violence or coercion. The police investigate crimes. A police investigation of an event that falls

under the penal provisions does not replace the employer/education provider's investigative responsibilities under anti-discrimination legislation and may therefore run parallel with the employer/education provider's investigation into the incident.

Public Sector Employment Act

Prosecution

According to Section 22 of the Public Employment Act, government agencies are required to report:

Anyone who is reasonably suspected to, in the course of his/her working tasks, have committed crimes that should be reported for prosecution if the suspicion relates to the following offences under the Criminal Code.

1. The taking of a bribe, Chapter 10 Section 5a.
2. Aggravated bribery, Chapter 10 Section 5c.
3. Misconduct or gross misconduct, Chapter 20 Section 1.
4. Breach of confidentiality, Chapter 20 Section 3, first paragraph.
5. Other crimes, if it can be assumed they will lead to penalties other than fines. Act (2012: 302).

The Official Secrets Act (2009:400)

The Official Secrets Act contains provisions on confidentiality in government agency activities. Data is only subject to confidentiality if there is no rule applicable to the confidentiality of the information in question. Such provisions are found, inter alia, in Chapter 21 of the Act regarding information about an individual's health and residential address or other comparable information. Furthermore, there are secrecy provisions in Chapter 39 Sections 1-3 of the Official Secrets Act for HR social and administrative activities.

https://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Offentlighets--och-sekretessla_sfs-2009-400/.

The Criminal Code (1962:700)

The Criminal Code provides general protection against various forms of violations. It includes libel and serious sexual harassment, as well as various forms of sexual violence or coercion. Crimes are investigated by the police. A police investigation of an event that falls under the penal provisions does not replace the employer/education provider's investigative responsibilities under anti-discrimination legislation and may therefore run parallel with the employer/education provider's investigation into the incident.