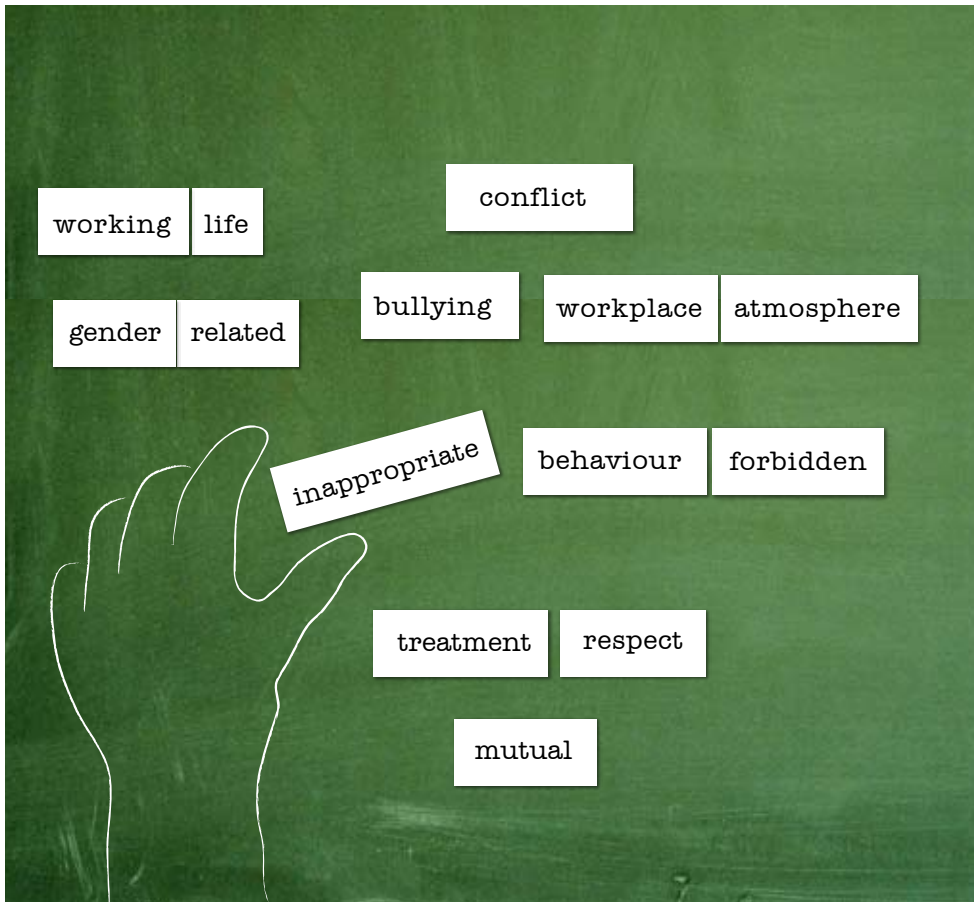




Prevention of bullying and harassment at the University of Oulu



Guidelines for the prevention of and intervention in workplace bullying

The University of Oulu has committed itself to the general principles of scientific inquiry, the recommendations given for good scientific practice, and the values of communality, pioneering and partnership. The above values can, however, only be implemented in a workplace atmosphere of mutual respect. All members of the University's work community must be able to feel themselves respected by others.

Work/studying constitutes an integral part of our lives. On work days we usually spend more time with colleagues or study mates than with the family or friends. Currently, a great deal of flexibility and an ability to adjust to constant changes are required of university employees. This may constrict the atmosphere in the academic community and provoke inappropriate behaviour. In several studies, bullying and inappropriate behaviour have been found to be a much wider problem at workplaces than what has been previously assumed. Inappropriate behaviour impairs the functional capacity of a work community and enhances the risk of its members being stricken by physical and mental illnesses. Accordingly, it is of great significance that both the employer and the employees and students take precautions to prevent inappropriate behaviour and bullying and seek to intervene in such conduct at an early stage.

The purpose of these guidelines is to highlight the importance of a good work and study atmosphere enhanced by good manners and respect for others. The guidelines provide a code of practice for the management of bullying to the directors of departments and units and to the victims of bullying. These guidelines also apply to students as members of the academic community.

What is bullying?

Different kinds of interpersonal and /or mutual-interaction-related conflicts may occur at workplaces. However, not all of them involve bullying. The borderline between normal everyday conflicts of the work community and bullying is not always clear. Bullying is defined as long-term, recurrent negative behaviour of so serious a nature that it jeopardizes the health of the victim. It appears often as purposeful, continual and systematic oppression, unfair treatment, and domineering conduct against which an employee is defenceless. Bullying is adverse treatment with the aim of eventually subordinating the victim. Adverse treatment involves action and conduct that are against the law and good practice. Bullying can take different forms and it may be difficult to recognize and observe.

Factors affecting the emergence of bullying may be found in the organisation and its environment: in the work itself, work conditions, work organisation, information transfer, work culture and manner of operation, functioning of the work community, manner of leadership, and in individual qualities, aims and conduct.

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Workplace bullying may be practised by employees and directors (superiors) as well as by students. Each director of a department/unit (superior) is responsible for the workplace atmosphere and wellbeing of the respective department/unit.

Workplace bullying may take the following forms.

1. The insult inflicted is directed at an individual's life or work situation:
 - work assignments are not given to the individual or, if given, they are inappropriate
 - the individual is given work assignments which are below the level of his or her knowledge and skills
 - the individual is given work assignments which are too difficult and criticized for not being able to complete them
 - the individual's qualifications and competence are constantly questioned
 - the individual's career development is systematically hampered
2. Restrictions are inflicted on the individual's social relations:
 - the individual's presence is ignored, he or she is not talked to or greeted
 - he or she is removed to isolated premises
3. The individual's reputation or social position is violated:
 - the individual is maligned and gossip is spread about him or her. This may take place at meetings or in various media
 - the individual and his or her religious or political conviction, sexual orientation, or ethnic background are ridiculed
 - the individual is insulted because of his or her appearance, gender, or properties
 - the individual is harassed or sexually approached against his or her will
4. The individual is not allowed to express his or her opinions:
 - the individual's opportunities to express his or her opinions are restricted by the director (the superior) or the colleagues
 - his or her speech is frequently interrupted
 - he or she is often shouted at and insulted
 - oral and written threats are presented to him or her
 - opinions, ideas and work presented by the individual are disdained and rejected systematically
5. The individual's health is jeopardized through threats of physical violation.

Disagreement and difference of opinion are part of everyday life

Because bullying and inappropriate behaviour are serious matters, it is important to distinguish them from the normal situations of conflict within the workplace. Everybody has to accept that the work community consists of a number of different individuals. The members of the work community must be capable of working side by side in an appropriate manner, and everybody must comply with the norms of good conduct.

Bullying is not involved on the following occasions:

- conflict arises from work-related issues, decisions or interpretations and the persons involved feel insecure and anxious
- work-related problems are discussed at the workplace, although some members of the work community find it distressing
- the director (the superior) gives orders which are within his powers
- an employee is referred to work-capacity assessment pursuant to the Occupational Health Care Act after a discussion of work-related problems
- a grounded sanction or notice is imposed on the employee
- work assignments or organisational structures are changed on well-reasoned grounds after a discussion with the employee.

Because the borderline between joking, everyday conflict resolution and bullying is subtle, anybody may occasionally have to defend themselves against charges of bullying. Such charges must always be considered seriously. Even though a person may not consider himself or herself guilty of bullying, the feelings of the other person must not be ignored: The conduct that has been experienced as inappropriate by the other person must be stopped immediately. It is also advisable to settle the matter in the presence of the nearest superior.

How should bullying be interfered with?

As an employer, the University of Oulu requires from its employees and students normal good conduct at all workplaces. The University does not accept inappropriate treatment, bullying or sexual or gender-related harassment of any kind.

Prevention

The best way to reduce bullying and inappropriate treatment at workplaces is to see to the functional capacity and openness of the work communities. Conflicts at workplaces may originate in the structural features of the organisation. Such features may relate to leadership, work organisation, common rules, work-assignment definition, introduction of new members to the work and work community, or equal treatment of all members of the work community. At the common meetings of the work community, the members should discuss the code of practice and shared rules of the department/unit as well as the necessary improvements and changes.

Effective means for the prevention of workplace conflicts include the following:

- every member of the work community is aware of the goals for the work and the community
- the members of the community learn to discuss work and work division

- meetings are held on a regular basis and the members of the work community are well informed on common matters
- developmental discussions are conducted regularly
- adequate introduction to work is provided for new employees
- the principles for the division of work and responsibilities are clear and fair

What can the victim of bullying do?

The problems of a work community should preferably be solved within the respective community. The nearest superiors are in a key position to prevent and remove inappropriate behaviour.

If you as an employee or a student consider yourself to be a victim of bullying, you can take the following alternative measures:

- If bullying disturbs your performance at work, seek help as soon as possible.
- Tell the person who is bullying you that you don't like his or her behaviour and ask him or her to stop it. A person who uses rude humour and practises bantering does not necessarily understand that he or she is guilty of workplace bullying.
- Inform your nearest superior of the bullying. He or she is obliged to interfere with it. If the bully is the nearest superior himself or herself, the matter should be discussed with his or her nearest superior.
- If you are a student or a postgraduate student, you may contact your supervisor, the director of the department/unit, or the dean of the faculty. Moreover, one of the functions of the postgraduate studies committees of the faculties is to support postgraduate students and their supervisors by helping them to solve problems and settle conflicts. The research ethical committee may also deal with problematic situations of this kind (e.g. a conflict between the supervisor and a postgraduate student).
- You may report on the bullying either orally or in writing. Often an oral notice is enough to end inappropriate behaviour. The benefit of a written notice is that it involves documentation of the matter.
- Keep a record of the workplace events and collect evidence for your case. Without evidence, it may be difficult to bring the bully to account for the inappropriate behaviour. If meetings are held on the matter, it is advisable to keep minutes.
- If the bullying problem cannot be solved within the work community, you must seek for external help. For that purpose you may contact the occupational safety and health representative, the occupational safety and health manager or shop steward of your workplace, the dean or administrative officer of your faculty, or the occupational health care authorities.
- Discuss the matter with someone you trust. It is important to talk about your experience and to seek help.
- For serious threats directed at life or property see the guidelines in the address www oulu.fi/hallinto/intra/Turvallisuus/Dokumentit/index.htm

It is important to remember that nobody should be labelled a workplace bully on the basis of mere charges. Fraudulent and groundless charges for workplace bullying are as

serious a violation as bullying itself and they may result in sanctions similar to those for bullying.

What measures must the director of the department/unit (the superior) take?

It is the duty of the director of the department/unit (the superior) to tackle bullying immediately if he or she notices or is told about any signs of it in the work community. After becoming aware of bullying in the work community the director shall immediately invite the parties of the conflict to discuss the matter. In the discussion, the course of events is clarified and agreement sought with respect to future behaviour. In addition, a follow-up plan is made for the matter. If necessary, the rest of the work community is informed about the problem and its solution. The director (the superior) must follow up the situation and see that follow-up meetings are convened whenever necessary. The director (the superior) and the parties concerned may also contact the occupational safety and health personnel or the occupational health care authorities to get expert advice. If any of the parties involved so wishes, the occupational safety and health representative, the worker nominated to represent the respective work unit or occupation in safety matters or the shop steward may be invited to join the discussions. If the dispute cannot be settled within the workplace, help may be asked from an external expert (Occupational Safety and Health Act 738/2002 25§ and 18§).

The liabilities and duties of the university and the director (the superior) of the department/unit

The liabilities and duties of the employer and the employees are provided for in the State Civil Servants Act and in the Employment Contracts Act. The Occupational Safety and Health Act provides that the employer must take care of the safety and health effects of work. Moreover, the same act (28§) also obligates the employer to intervene with inappropriate treatment of the employees at workplaces. This means that the directors of departments/units (the superiors) are obliged to tackle inappropriate behaviour whenever they become aware of it. If the measures agreed upon between the parties do not result in a favourable development and the bullying continues, the employer must impose sanctions on the bullying party. Such sanctions include oral notice, written notice, and even discharge as a final outcome.

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Contact persons

- Occupational Safety and Health Representatives
- The University's Occupational Safety and Health Manager/
Human Resources Director
- The Student Union Secretary for Social Affairs

You may also contact:

- The University's Study Psychologist
- Occupational health nurses, psychologists and doctors
- Nurses and doctors at the Finnish Student Health Service

Guidelines for the prevention of and intervention in sexual and gender-related harassment

Guidelines for the management of harassment

The University of Oulu has committed itself to the general principles of scientific inquiry, the recommendations given for good scientific practice, and the values of communality, pioneering and partnership. The above values can, however, only be implemented in a workplace atmosphere of mutual respect. All members of the University's work community must be able to feel themselves respected by others.

Sexual and gender-related harassment is a phenomenon common but often unspoken of in the workplaces. According to several studies, this is also the case at universities. Yet, sexual and gender-related harassment or gender-based derogatory comments, belittling, or other inappropriate treatment should not be accepted. All behaviours that violate human dignity and sexual sovereignty are forbidden.

No one should have to submit to insults within the university and the institution is committed to preventing such treatment. Pursuant to the Act on Equality between Women and Men (609/1986) the employer is obliged to ensure that no one encounters sexual or gender-related harassment in the workplace. In the university the target group involves not only the staff but also the students. Moreover, the Non-Discrimination Act (21/2004) forbids discrimination based on sexual orientation.

According to various inquiries into the university setting, teachers as well as students, both men and women, though women more often than men, have encountered sexual and gender-related harassment. These guidelines have not only been drafted for the victims of sexual and gender-related harassment but also for the directors of departments/units and other superiors, who must immediately intervene in cases of observed harassment.

What are sexual harassment and gender-related harassment?

Sexual and gender-related harassment is unwelcome and one-sided sexually-coloured physical or verbal behaviour which is repugnant to the victim and invokes negative feelings. Rape and an attempt of rape are criminal acts.

Sexual harassment may appear as:

- sexually suggestive gestures or facial expression
- rude comments, ambiguous jokes or as comments or questions relating to the body, manner of dressing, or private life of the victim
- sexually-coloured contacts through letters, e-mails, phone calls, or other media or use of pornographic materials
- physical touching

- attempts or requests of sexual contact or sexual intercourse and related comments

Gender-related harassment is undesirable behaviour which involves gender but not of sexual character.

Gender-related harassment may appear as

- derogatory remarks about representatives of the other sex
- attempts to dominate representatives of the other sex (KYSY)
- gender-based workplace or school bullying

Harassment deprives the victims of the peace needed for work and study and violates their individual freedom and self-determination. Gender-related attention becomes harassment if it is continued even though the victim tells the harassing person that he or she finds the behaviour insulting or repugnant. The harassing person may be a man or a woman, - a colleague, director of the department (superior), subordinate, teacher, student or customer. Depending on the individual, his or her life situation, the relationship between him or her and the harassing person and previous experiences, harassment is experienced in different ways by different people.

Prevention

The University of Oulu has committed itself to taking precautions against sexual and gender-related harassment. The preventive measures include the following:

- The personnel and students are made aware of the values of the University of Oulu and related appropriate behaviour.
- Guidelines for the identification of sexual and gender-related harassment are available in the Internet –pages of the university.
- The incidence of harassment is followed up by inquiries and statistical analyses, documentation, and distribution of information to the work community about emerging changes.
- Members of the work communities are instructed to intervene in the occasions of harassment that they observe.
- The subject is openly discussed within the work communities to increase awareness of it and to eliminate the taboo character of the phenomenon.

What can the victims of sexual or gender-related harassment do?

No one has to tolerate insulting or inappropriate behaviour: there is no need for the victims of sexual or gender-related harassment to try to find fault in themselves.

- The first measure for the victim to take to end harassment is to tell the harasser in clear words how the victim feels about the harassment and to ask the harassing person to stop the inappropriate behaviour.

- If the victim finds speaking about the matter too difficult, he or she may write a letter to the harasser. It is advisable to preserve a copy of the letter.
- If the victim does not want to contact the harasser or the harasser continues the inappropriate behaviour in spite of such verbal or written warnings, it is advisable that the victim contact the director of the department/unit or his or her nearest superior. The victim may also contact the occupational safety and health manager of the university, the head of administration of the respective faculty, or the contact persons appointed by the university and the student union. In addition, shop stewards and occupational safety and health representatives may provide support and advice.
- It is recommendable that a record is kept of recurrent occasions of harassment. The record should contain information on the dates and locations of harassment and give an account of what happened and who was present. The record may turn out to be useful when further measures are taken.

The employer's responsibility starts when the employer is informed about an occasion of harassment.

Liabilities and sanctions

The harassing person carries primary liability for the harassment. Besides the responsibility the university has for its employees pursuant to the Act on Equality between Women and Men (609/1986) and the Non-Discrimination Act (21/2004), the university is also responsible for the instruction and supervision provided for the students. The departments and units must see that students do not encounter harassment on occasions relating to instruction and supervision. If university personnel observe harassing behavior between students in the above situations, they must immediately discourage and try to prevent the behavior.

Cases of sexual or gender-related harassment must be primarily tackled within the respective department/unit. The most natural way of dealing with the problem is through discussion in which the participants are a contact person appointed by the university or by the student union in addition to the department representative and the parties of the conflict. The discussions conducted between the nearest superior of the victim (director of the department/unit) or the contact person and the victim or between the nearest superior of the victim (director of the department/unit) or the contact person and the harasser are confidential.

If the discussions do not result in the desired outcome, the employer has the powers and means to start investigations into the matter. The employer must take action against the person guilty of harassment. The statutory sanctions include oral notice, written notice and discharge depending on the seriousness and frequency of the harassing behavior. Encounters of harassment among the students are dealt with in collaboration with the contact persons of the university and the student union. Decisions on the use of statutory sanctions are made on a case-by-case basis. If the encounter of sexual or gender-related harassment involves a deliberate violation of physical integrity, assault and sexual offence-related provisions of the criminal law may

be applied and the perpetrator will be liable to criminal prosecution. Pursuant to the Act on Equality between Women and Men (609/1986), the harasser bears the burden of proof. When an issue provided for in the law is dealt with by a court or competent authority, the defendant must prove that gender equality has not been violated. Sexual and gender-related harassment may result in liability for damages.

For serious threats directed at life or property see the guidelines in the address www oulu.fi/hallinto/intra/Turvallisuus/Dokumentit/index.htm

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See the address below for updated information on contact persons:
www.oyy.fi/opiskelijalle/kriisiohjeet/