

One year after Me Too

Initiatives and action in the Nordic and Baltic countries

ONE YEAR AFTER ME TOO – INITIATIVES AND ACTION IN THE NORDIC AND BALTIC COUNTRIES

This survey is produced by NIKK, Nordic Information on Gender, which is a Nordic cooperative body under the Nordic Council of Ministers.

Text: Ida Måwe

Gothenburg 2018

nikk.no, norden.org

ABOUT THE SURVEY

This survey was developed on the initiative of the Swedish presidency of the Nordic Council of Ministers in 2018. It highlights initiatives and action taken by the Nordic and Baltic countries to deal with and prevent sexual harassment in the wake of the Me Too movement, which started in the autumn of 2017. It includes a range of measures: from tougher legislation, to responsible authorities being given a bigger mandate, to broad-scale information campaigns. The survey was developed by NIKK (Nordic Information on Gender) and is based on material from the countries and supplementary interviews with key people.

Summary

Sexual harassment is forbidden in the Nordic countries, both in the workplace and in society as a whole. There are several laws in each country that regulate it in the workplace. There are also criminal laws in place that define sexual harassment as a crime which should be reported to the police. But these laws are not always comprehensive and need to be supplemented and developed. After Me Too started, several countries, both in the Nordic and the Baltic States, have tightened legislation concerning violations, harassment and sexual violence against women.

In the Nordic countries, employers have a responsibility to create a work environment free from sexual harassment. In connection with Me Too, various measures have been taken to tighten and broaden the mandate of supervisory authorities. The measures are aimed at ensuring that regulators can convey the law to employers and that employers assume their responsibilities.

In order to put an end to sexual harassment, political will is not enough. Decisions must be anchored, and the harassment needs to be prevented and combatted every day – in the workplace, at school and in the public domain. A precondition for this work is close co-operation and dialogue between different social institutions and parties. In several countries, broad-scale information campaigns have been initiated, aimed at both employers and other stakeholders.

The need for knowledge is a common thread in the work against sexual harassment in the Nordic and Baltic countries. In order to understand sexual harassment, in-depth knowledge of its causes and how it connects to power structures and gender-based violence is necessary. Several countries have initiated surveys and investigations to collect facts and attain knowledge in this area, which create a basis for continued work to combat sexual harassment in the region.

Introduction

During the autumn of 2017, the Me Too movement spread across the world. Women from different industries shared their own experiences of sexual harassment and that came together in joint calls for action. These personal witness testimonies gained a lot of media attention and created broad-scale debate. The fact that sexual harassment occurs both at work and in society at large is not news, but the Me Too movement highlighted the scale of the problem. The movement has been about breaking the culture of silence that surrounds sexual harassment and starting a public debate about what can be done to stop degrading and abusive behaviour. In subsequent discussions, not only have politicians and civil society participated, but also representatives from government agencies and industry. Preventive efforts, responsibilities and sanctions have all been raised as important issues. In several countries globally, the Me Too movement has become part of the wider national policy agenda and this includes countries from the Nordic and Baltic states. That has resulted in a range of measures, from new legislation, to surveys as well as training efforts.

The work to prevent sexual harassment has also been integral to the Nordic co-operation. During the Swedish presidency, issues surrounding Me Too have been made a priority. A central issue has been to ensure that there are structures in place to combat sexual assault and harassment, both within specific countries and within the Nordic co-operation. Me Too has been discussed at meetings between Nordic prime ministers, ministers for gender equality, as well as ministers for labour, culture and justice. The problem of sexual harassment has been raised both in the work towards gender equality but also in other areas of co-operation, and it has generated new initiatives and action.

Initiatives and action

The initiatives and measures identified in this survey are divided into four sections: new and updated legislation; mission and organisation; requirements for employers; and surveys and spreading knowledge.

New and updated legislation

In the Nordic countries, sexual harassment is forbidden, both at work and in society at large. There are several laws in each country that cover sexual harassment in the workplace. There is also criminal law which classifies sexual harassment as a crime that should be reported to the police. But the laws are not always comprehensive and need to be supplemented and developed further. After Me Too, several countries – both in the Nordics and Baltics – have implemented tougher legislation with regard to violations, harassment and sexual violence against women. Both Denmark and Sweden have tightened legislation to prevent sexual harassment and violations in the digital sphere. In Denmark, the maximum penalty for sharing intimate images without consent has been raised and the fine for indecent exposure, such as digital flashing has doubled.

In Sweden, a new sexual consent law was introduced on July 1st 2018, it stipulates that a person who has sexual intercourse or takes part in a similar sexual act with someone who does not explicitly express their voluntarily participation can be convicted of rape. In assessing whether participation is voluntary or not, special consideration is given as to whether voluntarily participation has been expressed verbally, through actions or in some other manner. The Swedish government has

also tasked The Swedish Crime Victim Compensation and Support Authority and The Swedish National Courts Administration with disseminating information and sharing knowledge to relevant target groups about the law.

Iceland has, like Sweden, amended its criminal law regarding rape. Like the new sexual consent law in Sweden it stipulates that a sexual intercourse or participation in a similar sexual act needs to be consensual. Otherwise, the act constitutes rape. The law also stipulates that consent is considered irrelevant if given as a result of the use or threats of violence or other unlawful coercion.

Estonia has changed its criminal law in order to introduce sexual harassment as a crime category. In Latvia, sexual harassment is seen as a form of gender-based violence from a legal standpoint and so can be punished only when it has resulted in physical damage or expressed in other ways, such as stalking. But in January 2018, Latvia's stalking legislation was strengthened. As a result, repeated threats and harassment, for example, can result in criminal penalties.

In Denmark, an amendment to the Act on Equal Treatment of Men and Women with regards to employment will be presented to Parliament in November 2018. The amendment aims at increasing the level of compensation in claims regarding sexual harassment in the workplace as well as strengthening the focus on appropriate workplace culture.

CASE FROM THE REGION

New law on sexual harassment in Estonia

In 2017, sexual harassment became a punishable offence in Estonia. The change in legislation is a direct consequence of the implementation of the Istanbul Convention. The purpose of the law is to prevent sexual harassment, create better protection for victims and increase understanding.

"The new law has attracted a large amount of media attention in Estonia. It has been covered both through explanatory articles on the new legislation and through coverage of specific cases where people stand accused of sexual harassment," says Anne Kruusement, Adviser to the Ministry of Justice in Estonia.

Today there are no statistics on exactly how widespread sexual harassment is in Estonia. But statistics show that there was a total of 25 reports of sexual harassment to the police in the first year after the law change. The fact that there are so few reports of sexual harassment is believed to be due to the fact that the law is still new.

Denmark tightens its judicial chain to prevent sexual offences online

A major issue when it comes to online violations is that such a small proportion of cases are reported, and few go to court. The Danish Ministry of Justice has therefore taken a series of steps to strengthen its judicial chain. The police have been trained and the routines for handling reports of sexual offenses have been revised. For example, initiatives have been taken to develop a digital platform that will make it easier for victims to report the crimes and facilitate how police handle cases.

The laws have also been revised to counteract sexual harassment online. The maximum penalty for sharing intimate images of others without their consent has been raised, and the fine for indecent exposure, in instances such as digital flashing, has been doubled.

Receiving and sharing intimate images is common among young people. In Denmark, studies show that over half those between the ages of 15-30 have received nude images. Many do not know that it is illegal to receive and share intimate images without consent. In Denmark, the government has therefore tried to spread information

through several campaigns aimed at young people. In co-operation with non-profit organisations, the Danish Ministry of Education has launched a campaign with ten famous YouTubers, which addresses the problem of sharing intimate images. A number of films have also been developed that schools can use to involve parents in their children's online behaviour. The material contains questions that can be raised in post-screening discussions between school personnel and parents.

Mission and organisation

In connection with Me Too, discussions have taken place as to how the legal follow-up of sexual harassment can be strengthened and made more effective. In Norway, very few cases of sexual harassment have been tried in court, while there are also no alternative avenues through which it is possible to seek legal redress. The Government has therefore put forward a bill proposing that the Anti-Discrimination Tribunal's authority should be extended, so that they can process cases regarding sexual harassment. Today these cases are only able to be submitted to the district courts. The bill also suggests that the Tribunal should be given the authority to make an administrative decision concerning redress in the context of an employment relationship, and furthermore to make an unanimous administrative decision concerning compensation in connection with a possible breach, provided that the only submissions made by the respondent relate to inability, pay or other manifestly untenable objections. The bill has been out for consultation, and the Government will now consider whether to submit a bill to Parliament in 2019.

In the Nordic countries, employers have a responsibility to create a working environment free from sexual harassment. In connection with Me Too, various measures have been taken to tighten the role of regulators in order to ensure that employers assume their responsibilities. In Denmark, the Ministry of Labour, Family and Social Affairs evaluates how the Danish Working Environment Authority will better prevent and pay attention to sexual harassment in the world of work. In Iceland, the Administration of Occupational Safety and Health has undertaken several initiatives to increase the awareness and impact of the laws relating to sexual harassment, violations and violence in the workplace.

In Sweden, the Work Environment Authority has received a clearer gender equality mission, and increased funding to strengthen the work against sexual harassment. The Work Environment Authority will develop the competence of the regional safety representative so that they can carry out information and education efforts at the country's workplaces. The Work Environment Authority, together with the Discrimination Ombudsman, will develop a digital platform to support employers in order to prevent sexual harassment.

CASE FROM THE REGION

Digital platform to help employers in Sweden

In a Nordic context, Swedish law places strict demands on the prevention efforts of employers. At the same time, surveys have shown that the understanding of the rules is low in the country's workplaces. Now the Equality Ombudsman and the Swedish Work Environment Authority will jointly develop a digital platform that supports employers to prevent sexual harassment.

The website has been designed to cover relevant information in the field, both in terms of applicable legislation and tools. According to the Swedish Discrimination Act, an employer must work with active measures to prevent discrimination and promote equal rights and opportunities. When it comes to sexual harassment, it is the duty of the employer to actively investigate whether sexual harassment is present in the workplace. The employer must also have policies and procedures in place to prevent it.

Even before the launch of Me Too, the Equality Ombudsman had already started a campaign aimed at increasing awareness of active workplace measures. It was a supervisory effort involving all municipalities and county councils, which has reached about one million workers.

“When the Me Too movement started, we chose to broaden supervision to industries that were portrayed in the media as being particularly affected by sexual harassment. These included workplaces in the areas of culture, law and the media. Having routines and guidelines in place is an important prerequisite for combatting sexual harassment,” says Peter Wråke, Head of the Legal Entity for Work Life at the Equality Ombudsman.

Requirements for employers

In order to put an end to sexual harassment, political will alone is not enough, decisions must be anchored, and the abuses combated every day – in the workplace, at school and in the public domain. A precondition for this is broad-scale co-operation and dialogue between different social institutions and parties. Several countries have carried out campaigns to put pressure on employers to act. In Finland, the government has decided that all companies must report on their gender equality work. In Denmark, the Minister for Equal Opportunities and the Minister for Employment has issued an open letter to all managers, companies and public institutions, inviting them to review guidelines on sexual harassment and to create a workplace culture free from harassment and abuse. Both ministers have additionally held a hearing on sexual harassment at the workplace with the involvement of social partners.

In Iceland, representatives of labour market organisations together with the government have signed an agreement to jointly take decisive action against sexual harassment, bullying and violence at work. The Ministry of Gender Equality has also sent a letter to government institutions where they are asked to comply with the legislation in this area.

The Me Too movement started when American actors started to share their experiences of sexual harassment and abuse. Also, in the Nordic countries, the problems of sexual harassment and abuse in the cultural sector have attracted considerable attention, which has led to action. In Sweden, the government has developed ten cultural policy steps to strengthen work to prevent and manage sexual harassment and abuse within the cultural sector. In Denmark, the Minister for Equal Opportunities and the Minister for Culture sent an open letter to the cultural industry, urging employers to come together and act against sexual harassment. This has led the industry to develop ethical guidelines which, among other things, stipulate that sexual harassment needs to end. In Finland, the government is enforcing tougher requirements for film productions that receive state funding.

CASE FROM THE REGION

Sweden's cultural policy step

In order to systematically combat discrimination in cultural sector workplaces, the Swedish government has developed ten cultural policy steps. Some of these are:

- The demand that the national stages for the arts report to the government on how their work to combat sexual harassment is communicated.
- Increased focus on combatting sexual harassment in the film industry. The government has decided that the Swedish Film Institute should report specifically on how the work to achieve anti-sexual harassment objectives has been pursued and what results have been reached.
- Effective sanctions for employers who disregard abuse in the workplace. Me Too demonstrates that there may be a need for further sanctions against employers who do not live up to the stricter requirements of the Discrimination Act. The Government has therefore appointed a public inquiry.

The Ministry of Culture will conduct a dialogue with the national stages for the arts about the possibility of reviewing criminal records when recruiting staff in connection to performances with children.

Surveys and spreading knowledge

The need for knowledge is a common thread in the work against sexual harassment in the Nordic and Baltic countries. In many countries, a first step has been to try to identify the extent of sexual harassment. In Iceland, the government has set up a task force to investigate how common sexual harassment, gendered harassment, violence and bullying are in Icelandic workplaces. The group identifies what employers are doing to address the problem. In Finland, the National Institute for Health and Welfare regularly measures the progress towards of gender equality, and the existence of sexual harassment through the so-called "Gender Equality Barometer". In 2017, it showed that women under 35 years of age are particularly vulnerable; more than half of that group have experienced sexual harassment over the last two years.

There is also a need to disseminate knowledge to employers and specific occupational groups. In Finland, several government departments have joined the labour market organisations in a national campaign and have produced a handbook for Finnish workplaces. The guide, "A harassment-free workplace", highlights prevention efforts and clarifies the responsibility of employers and regulators. In Norway, the Equality and Anti-Discrimination Ombud, in close co-operation with the partners in the labour market, has launched a campaign against sexual harassment in the restaurant, bar and hotel industry. The campaign, which mainly consists of a guide with six simple measures to prevent and remedy sexual harassment, has been widely disseminated throughout Norwegian workplaces. In Lithuania, funds have been allocated to non-profit organisations in order to produce practical recommendations for preventing sexual harassment and in educating relevant target groups.

In order to counteract sexual harassment, in-depth knowledge of causes, power structures and the links to gender-based violence is needed. What makes people violate others? What are the structures that induce men to grope women? What does the connection to gender-based violence look like? In Iceland, the government has initiated a working group to investigate the treatment needs of at risk groups, people who already are, or are at the risk of becoming, violent in their intimate relationships. The working group will also provide suggestions on how to improve the

work of violence prevention, which also aids the prevention of sexual harassment.

In Latvia, sexual harassment is seen as a form of gender-based violence. In the near future, the national guidelines concerning gender violence will be evaluated and revised. The aim is to identify any regulatory blind spots and see if, for example, there is violence that is not covered by today's guidelines. This can lead to new partnerships with relevant target groups. Aiming to raise awareness about the issue, the Ombudsman has prepared information for employers and employees on unwanted conduct of a sexual nature in the workplace.

In Sweden, the government has decided to increase funding for the non-profit Women's and Young Women's Shelters. The increased funds will be spent on strengthening the efforts directed towards women and girls who have been victims of violence and efforts to prevent men's violence against women. The National Board of Health and Welfare has also been commissioned to offer staff, mainly in social services, education on violence in intimate relationships and men's violence against women. The training is based on the needs expressed during the Me Too movement by at risk groups, which social services have met with. In Denmark, the Department of Justice has invested in training professional police officers so that they are better equipped to dealing with reports of digital sexual violence. The initiative is part of the larger Danish effort to combat online sexual offenses.

CASE FROM THE REGION

Studies of the Icelandic labour market

How common is sexual harassment, gendered harassment, violence and bullying in Icelandic workplaces? And how do employers deal with the problem? In Iceland, a working group has been set up to look into the problem. Ásta Snorradóttir, chairman of the working group, believes that the survey will take place in several stages. In the autumn of 2018, two major surveys will be carried out, one aimed at employees and one aimed at employers.

"The first goes out to about 5,500 employees and asks questions about their experiences of sexual harassment, bullying and violence at work. The employees respond as to whether they themselves were victims, witnesses or perpetrators. An effort will be made to reach out to employees of foreign origin who will receive the questionnaire in English or Polish. The survey will also raise questions about the work environment and how workplaces respond to complaints on any instances of this sort," says Ásta Snorradóttir. Following the survey, in-depth interviews will be conducted among employees who have experienced sexual harassment at work, in order to build a deeper understanding on the needs of victims.

The second survey is sent to approximately 500 companies in Iceland. In it, employers are asked how they handle complaints about sexual harassment, bullying and violence. What measures are they taking and how do they prevent such violations from happening?

"We are simply trying to find out what is being done by employers today. In the third step we will gather a focus group with employers where we delve deeper into the employers' needs. What are the problems they encounter when it comes to preventive work, for example? In this way we hope to find answers as to how their challenges can be better met," says Ásta Snorradóttir.

The results of the surveys and the focus group sessions will serve as a basis for Iceland's continued work to prevent sexual harassment, violence and bullying in the work place.

Norway's campaign started in restaurant industry

Employees in the restaurant, bar and hotel industry are a particularly vulnerable group when it comes to sexual harassment. Therefore, the Norwegian Gender Equality and Anti-Discrimination Ombud has collaborated with The Norwegian Labour Inspection Authority and other industry stakeholders in "Together we will stop to sexual harassment" campaign. The aim of the campaign was to provide concrete guidance for the restaurant, bar and hotel industry, with simple steps to prevent and address sexual harassment.

"This work started before Me Too in close co-operation with both trade unions and employer organisations. When the Me Too movement started, interest soared within all work sectors. Now we hold courses and lectures as much as we can," says Claus Jervell.

The campaign aims to increase employers' understanding of what sexual harassment is and to raise awareness about the responsibility they have to prevent it. Another important element is to increase workers' understanding – both about their rights and what to do if they experience sexual harassment. According to Claus Jervell, it is important to evaluate risks and discern how harassment situations can be prevented.

"If you are a young woman who works late and serves alcohol, the risk of sexual harassment is high. So, the employer can set rules for how such situations are handled. Step one can be, for example, that the headwaiter warns the customer and step two that the customer is thrown out," he says.

Claus Jervell believes it is important that employers have established routines and that they inform their staff about them regularly so that employees know what rules are applicable.

Due to the high level of interest, the campaign today consists of general guidance for all industries with a special section that goes deeper into the issues related to the restaurant, bar and hotel industry.

Finnish education efforts

One way to combat sexual harassment in society is to begin at an early age, by starting in school. In Finland the School health promotion study from 2017 shows that experiences of sexual harassment linked to gender have become more common when students reach secondary school. In the age group 14-15 years old, 12 per cent of boys and 30 per cent of girls say that they have been subjected to sexual harassment over the last year.

In connection with the Me Too debate, the Finnish National Agency for Education developed a guide that addresses how sexual harassment in schools should be prevented and managed. The guide is aimed at staff at schools as well as administrative personnel but can also be useful for students and parents. It includes, among other things, what is required by law and in the curriculum. The aim is to raise awareness and provide concrete tools to combat the problem.

