



CASTRÉN & SNELLMAN



*Mikko Hanni*

## **Employer's Obligation to Act in Case of Workplace Bullying and Harassment**

The Finnish Occupational Health and Safety Act, The Gender Equality Act (the **GEA**) and the Non-Discrimination Act (the **NDA**) include prohibitions to harass and treat otherwise inappropriately (e.g. workplace bullying) other employees (**inappropriate treatment**). If the Employer notices such inappropriate treatment, the Employer has an obligation to act with all available means to remove such flaw.

The Employer has an active obligation to observe the work community. When the Employer receives information about possible inappropriate treatment, it is recommendable to investigate and evaluate the case immediately. A practical investigation and evaluation process include at least following elements:

1. Case is investigated
  - a. by a supervisor backed-up by HR department and/or an occupational health and safety expert,
  - b. by interviewing separately the target of the possible inappropriate treatment, the suspect and the witnesses and
  - c. by informing the process and the schedule to the interviewees.
2. The Employer records the minutes of the interviews.
3. Possible written documentation is paid attention to.
4. After the investigation, the Employer evaluates the case, goes through the evaluation with the parties and takes possible actions.
5. Case is followed up if needed.
6. Individual privacy is respected.

Immediately after the investigation and evaluation, the Employer shall make a decision about the possible case-specific actions paying attention to neutrality and consistency. Actions can be e.g.

1. Review of the case and settlement.
2. Workplace mediation.
3. Supervision of work.
4. Warning or termination of employment.
5. Differentiation of work.
6. Guidance to the Occupational Health Care.
7. Amendments to the Employer's instructions and processes.

If the Employer neglects its obligation to act, the Regional Administration or the Employee may file a report of an offense against the Employer or the Employer's representative. Af-

ter the preliminary investigation, the prosecutor may accuse the Employer or the Employer's representative of the work safety offense or the work discrimination. In addition, the Employee who has been the target of the inappropriate treatment may demand compensation for damages and compensation under the GEA or the NDA.

Mikko Hanni

Senior Associate, Member of the Finnish Bar

Mobile +358 (0)40 922 5703

Castrén & Snellman Attorneys Ltd

PO Box 233 (Eteläesplanadi 14), FI-00131 Helsinki, Finland

[www.castren.fi](http://www.castren.fi)