

RECLAIMING BOUNDARIES



TAKU

INFO SHEET

DEFINITIONS (to recognize)

What is harassment?

According to the Occupational Safety and Health Administration in Finland:

Harassment refers to systematic and persistent offensive conduct or behaviour.

Harassment includes, for example,

- repeated threats
- intimidation
- malicious or suggestive comments
- belittling or scornful remarks
- persistent unwarranted criticism and sabotage of performance
- attacks on reputation or status
- systematic ostracism or exclusion
- sexual harassment.

These kinds of conduct have the potential to damage employees' health.

Abuse of authority is also a form of harassment. Examples include

- systematic unwarranted scrutiny of performance
- making arbitrary changes to the nature of employees' work or their workload
- introducing unlawful amendments to agreed terms of employment
- inappropriate use of powers
- allocation of humiliating tasks.

What is inappropriate behaviour?

According to the The Centre for Occupational Safety:

Inappropriate treatment may occur as:

- bullying
- neglect
- belittling or ignoring
- isolation
- mocking a person's individual characteristics, traits or personal life
- threats
- exceeding one's managerial authority
- humiliating treatment
- changing the agreed rules unilaterally
- discrimination or favouring.

Inappropriate treatment may be associated with a person or work. It is often systematic and continuous, but individual, less serious actions can also be considered inappropriate treatment. Inappropriate treatment can be verbal or non-verbal. It can occur as gestures or expressions.

What is not harassment or inappropriate behaviour?

According to the Occupational Safety and Health Administration in Finland:

There is no need to intervene in inconsequential, isolated incidents, such as occasional inappropriate remarks.

Some employees may find the way in which their employer uses their authority unreasonable, but employers are entitled to plan, manage and supervise the performance of their employees as they see fit. Employers also have the right to dictate their employees' job descriptions, powers and procedures, and to impose a code of conduct.

The following do not constitute harassment:

- employers' fair and reasonable decisions and instructions concerning work and the management of work
- general discussions concerning problems relating to work and the work community
- justified intervention in employees' practices
- deserved warnings
- ordering an employee to undergo a work ability assessment if there is a justified reason to do so.

Information retrieved from:

Occupational Safety and Health Administration in Finland: [Unfair treatment at work](#)

The Centre for Occupational Safety: [Harassment and inappropriate treatment](#)

LEGISLATIONS (to protect)

Occupational Health & Safety Act No. 738/2002

Ministry of Social Affairs and Health ([link](#))

Page 9.

"Section 28 – Harassment If harassment or other inappropriate treatment of an employee occurs at work and causes hazards or risks to the employee's health, the employer, after becoming aware of the matter, shall by available means take measures for remedying this situation."

Act on Equality between Women and Men No. 609/1986

(amendments up to 915/2016 included)

Ministry of Social Affairs and Health ([link](#))

Page 6.

"Section 8d (232/2005)

Harassment in the workplace

The action of an employer shall be deemed to constitute discrimination prohibited under this Act if, upon receiving information that an employee has been a victim of sexual or other gender-based harassment in the workplace, the employer neglects to take the steps available to eliminate the harassment."

Occupational Health Care Act No. 1383/2001

Ministry of Social Affairs and Health ([link](#))

Criminal Code of Finland 39/1889

(amendments up to 766/2015 included)

Ministry of Justice ([link](#))

Page 107.

"Section 1(a) – Harassing communications (879/2013)

A person who, with intent to disturb, repeatedly sends messages or calls another so that the act is conducive to causing said other person considerable disturbance or harm, shall be sentenced for harassing communications to a fine or to imprisonment for at most six months."

Page 109-110.

"Section 8 – Dissemination of information violating personal privacy (879/2013)

(1) A person who unlawfully

(1) through the use of the mass media, or

(2) otherwise by making available to many persons

disseminates information, an insinuation or an image of the private life of another person, so that the act is conducive to causing that person damage or suffering, or subjecting that person to contempt, shall be sentenced for dissemination of information violating personal privacy to a fine.

(2) The spreading of information, an insinuation or an image of the private life of a person in politics, business, public office or public position, or in a comparable position, does not constitute dissemination of information violating personal privacy, if it may affect the evaluation of that person's activities in the position in question and if it is necessary for purposes of dealing with a matter of importance to society.

(3) Presentation of an expression in the consideration of a matter of general importance shall also not be considered dissemination of information violating personal privacy if its presentation, taking into consideration its contents, the rights of others and the other circumstances, does not clearly exceed what can be deemed acceptable."

"Section 8(a) – Aggravated dissemination of information violating personal privacy

(879/2013) (1) If the dissemination of information violating personal privacy causes considerable suffering or particularly extensive damage and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for aggravated dissemination of information violating personal privacy to a fine or to imprisonment for at most two years."

Page 110-111.

"Section 9 - Defamation (879/2013)

(1) A person who

(1) spreads false information or a false insinuation of another person so that the act is conducive to causing damage or suffering to that person, or subjecting that person to contempt, or

(2) disparages another in a manner other than referred to in paragraph (1) shall be sentenced for defamation to a fine.

(2) Also a person who spreads false information or a false insinuation about a deceased person, so that the act is conducive to causing suffering to a person to whom the deceased was particularly close, shall be sentenced for defamation.

(3) Criticism that is directed at a person's activities in politics, business, public office, public position, science, art or in comparable public activity and that does not obviously exceed the limits of propriety does not constitute defamation referred to in subsection 1(2).

(4) Presentation of an expression in the consideration of a matter of general importance shall also not be considered defamation if its presentation, taking into consideration its contents, the rights of others and the other circumstances, does not clearly exceed what can be deemed acceptable."

"Section 10 - Aggravated defamation (879/2013)

If, in the defamation referred to in section 9(1), considerable suffering or particularly significant damage is caused and the defamation is aggravated also when assessed as a whole, the offender shall be sentenced for aggravated defamation to a fine or to imprisonment for at most two years."

GUIDES (to learn)

- **Good behaviour preferred: A guide to identifying, preventing and acting on inappropriate behaviour at the workplace**
(published by The Centre for Occupational Safety, 2010, [link](#))
- **How to erase sexual harassment — feedback from Finnish Academia**
(article by the Helsinki Association of Women Researchers, published in January, 2019 based on the results of their survey on sexual harassment from 2018, [link](#))
- **Facilitated group discussion method for preventing sexual harassment**
(by Hanna Vehkamäki, Anniina Lauri, Eija Tuominen, and Päivi Salmesvuori, [link](#))
- **The Floor Is Yours! Study on the development of safety culture and safety management in the performing arts**
(issued by the The Finnish Institute of Occupational Health, 2018-2020, Participant Info Sheet, [link](#))
- **Harassment is discrimination - current data on discrimination and equality in Finland**
(policy brief by the Ministry of Justice Finland, 2018, [link](#))
- **Opening - The status of foreign-born arts and culture professionals in Finland**
(by Culture for All Service, Cupore and Globe Art Point, 2017-2019, [link](#))
- **Difficult Conversations**
guidance by Feminist Culture House, [link](#)

- **She plays like a man! How to strengthen equality and wellbeing at work in the cultural field?**
(study by the Center for Cultural Policy Research Cupore, 2018-2019, [link](#))

ARTICLES (to navigate)

- **Unfair treatment at work**
by the Occupational Safety and Health Administration in Finland, [link](#)
- **Wellbeing at work**
by the Ministry of Social Affairs and Health, [link](#)
- **Sexual harassment and gender-based harassment**
by the Ombudsman for Equality, [link](#)
- **Workplace bullying**
by The Finnish Association for Mental Health, [link](#)
- **Have I been discriminated against?**
by the Non-Discrimination Ombudsman, [link](#)
- **How to deal with hate speech at work?**
by Annamari Huovinen and Sikke Leinikki, [link](#)
- **Zero tolerance to harassment**
by the Finnish Union of University Researchers and Teachers (FUURT), [link](#)

COURSE/TRAINING (to assert)

Well-being at Work Card Training

offered by The Centre for Occupational Safety, [link](#)

Workspaces Promoting Well-being

(21-23 September, 2021 at Hanaholmen Conference Hotel) offered by NIVA, [link](#)

Non-standard Employment, Work Environment and Health

(23-25 November, 2021 at IDA Conference Centre, Copenhagen) offered by NIVA, [link](#)

CONTACTS (to help)

1.) Occupational Safety and Health Administration's Telephone Service

+358 295 016 620 (in English from Tuesday to Thursday 9:00 am – 12 noon)
- ask to speak with an inspector of harassment and discrimination

2.) Regional State Administrative Agency

Contact your local regional agency [here](#)
+358(0)29 5016620

3.) The Centre for Occupational Safety

Yrjönkatu 29 C FI-00100 Helsinki, Finland
+358 9 616 261
info@ttk.fi

4.) Finnish Institute of Occupational Health

FIOH Headquarters:
Topeliuksenkatu 41 b 00250 Helsinki, Finland
+358 30 4741 (switchboard)
first name.surname@ttl.fi

5.) Ombudsman for Equality

Hämeentie 3, 00530 Helsinki, Finland
+358 295 666 830 (Switchboard)
tasa-arvo@oikeus.fi

6.) Non-Discrimination Ombudsman

Ratapihantie 9, 00520 Helsinki, Finland
yvv(at)oikeus.fi
+358 295 666 817
(Tuesday, Wednesday and Thursday 10-12 AM)

7.) Finnish Human Rights Centre

FI-00102 Eduskunta, Helsinki, Finland
+358 9 4321 (Parliament's switchboard)
info@humanrightscentre.fi

8.) The Finnish Association of Mental Health (Mieli)

SOS Crisis Centre
Maistraatinportti 4A, 4th floor 00240 Helsinki
sos-keskus@mieli.fi
Crisis helpline in English: +358 9 2525 0113
(Monday, Tuesday 11-15, Wednesday 13-16 & 17-21, Thursday 10-15)

9.) Ministry of Social Affairs and Health

Meritullinkatu 8, 00170 Helsinki
+358 295 16001 (Government switchboard)
kirjaamo@stm.fi

This 'Info Sheet' was produced by the Trade Union for Art and Culture Professionals TAKU and Globe Art Point for *Reclaiming Boundaries: an online dialogue on on work-related harassment and inappropriate behavior in the Finnish arts and cultural sector* in 2021.

To give feedback on this document, please contact the organisers:
taku@taku.fi, +358 40 561 8967, www.taku.fi
info@globeartpoint.fi, +358 40 545 5859, www.globeartpoint.fi