The Danish Delegation has the following answers to the questions

**Harassment, in a broad sense—moral and sexual—and its consequences on labor relations**

Although sexual harassment is consistently in the news today, the topic of workplace misconduct is much broader. It encompasses general harassment and other misconduct typically experienced by employees at the hands of their managers, including judges, as well as their peers. Harassment is broadly defined as unwelcome physical, verbal, non-verbal, and psychological behavior that interferes with work performance or the work environment. Examples of harassment include offensive jokes, name-calling, disparaging comments, displaying inappropriate images, unwelcome sexual advances, and inappropriate touching.

Workplace misconduct is a universal problem that causes serious harm to those subjected to it. There is much to be gained by exploring what causes such misconduct to persist, what actions can prevent such misconduct, and what consequences violators should bear. Discussing how to break down barriers to reporting this misconduct, such as limitations on confidentiality, is also paramount.

Questions:

1. Does your country have laws or regulations that cover workplace harassment? Is harassment defined separately or is it incorporated within other provisions of the labor code?

   *The labor market is regulated by paragraphs in the law about equal rights and in the law against discrimination. Every employer is liable to ensure a discrimination-free working environment.*

2. What remedies exist for victims reporting workplace misconduct? What penalties or ramifications do offenders face? Do you have examples of court cases/judgments or administrative proceeding involving harassment?

   *Cases of harassment are taken to the Danish Board for Equal Rights. The institution will handle cases about discrimination or harassment in society in general, both within the labor market and outside.*

   *Anyone, claiming being a victim of harassment, may submit a complaint to the board. The board may award a compensation, the size of which as in all cases will be determined by an estimate of the circumstances including the gravity of the offense and*
the consequences for the complainant. The compensation will range from approximately 1000 $ for mild insulting remarks which have subsequently been excused and up to 12 months salary in grave situations where the harassment leads to termination of the employment. If a complainant is awarded compensation and the respondent does not comply within two weeks, the board will escalate the case to court, in which case the board will act on behalf of the complainant through the Attorney General.

Recent changes in the legislation has introduced a supplement compensation of one third in case of sexual harassment.

3. Do you have examples of judicial misconduct related to harassment or bullying?

No

4. Does the judiciary have rules, ethics codes, or legislation relating to harassment by judges and judicial staff? What are the procedures for reporting misconduct and enforcing the rules? What sanctions can be imposed against a judge?

Court houses are considered work places like all other work places. No special rules apply.

It is the assumption that every work place has a policy which includes directions for the ways to behave and how to proceed to inform the management in case of harassment in words or actions. For smaller private companies, however, it may not have been an issue for open discussions leading decisions on the desired behavior, in which case it may be difficult to address the matter.

It should be considered a task for the Working Environment Authority to encourage work places to have open discussions about the subject in order to establish a common understanding of what is okay and what is not, including how to reject the harassment and who to contact in case of harassment. In this way it will become a common understanding of the importance of a good working environment and somehow reduce focus on the offender and the offended.