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# Conflict-laden communication in the workplace (often due to unequal

IOW CAN

**BULLYING?** 

- power structures) Targeted, regular action(s) over a longer period of time (persistent,
- harassing actions such as gestures, words, behavior or failure to talk) with the aim of systematically weakening, excluding and/or isolating
- the other party characterized by, among other things, an increasing dysbalance of power to the disadvantage of the inferior/assaulted person, violation
- of human dignitye

HARASSMENT/DISCRIMINATION?

## Undesirable behavior that violates dignity, is unwanted, inappropriate or offensive and/or creates an intimidating, hostile, degrading,

- offensive or humiliating environment Characteristic / motive / reason: due to gender, ethnicity, religion/belief, age, sexual orientation and / or disability
- **Sexual harassment** is a form of harassment that corresponds to behavior in the employment relationship that belongs to the sexual
- sphere and is perceived as unwanted or offensive and affects dignity

### ACTIONS LOOK? (according to Leymann) 2. Targeted at social 1. Restriction of the possibility to Manager Relocation communicate/justify, restricts in a room far

Oral /

written

threat

DISCRIMINATION

Constant criticism of private life / work

to explain

expression

Refusal

of contact

possibilities of

Affected parties are

"treated

like air"

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**Ridiculous** 

imitating of

gestures, voice

or gait

away from

colleagues

**Isolation from** Resources

relationships

(isolation)

3.

social

standing

ridiculing)

Targeted at

(humiliating,

**Distribution of** 

parties

are

ridiculed

**Telephone** terror

5. Targeted at

(manipulation,

Assigning

pointless or

"offending"

work tasks

Threat of

physical

violence

undermining)

professional

and life situation

**Degradation** 

/ insult

tasks **Directed against** health (psychological/ physical

Forced to

carry out

work that is

harmful to

health

violence)

Affected person does not receive any work

NOT TO BE REGARDED AS BULLYING:

Obscene swear words

Sexual

physical

assault

Sexual

approach

rumors **Affected** 

> Make fun of a disability

> > **False**

suspicions

that make those

affected mentally ill **Forced** 

work that

violates selfconfidence

> individual hostilities and competitive behavior between groups > unfair, even antisocial treatment that is harsh but only has a short-term effect (e.g. promotion of others, work-related criticism, etc.)

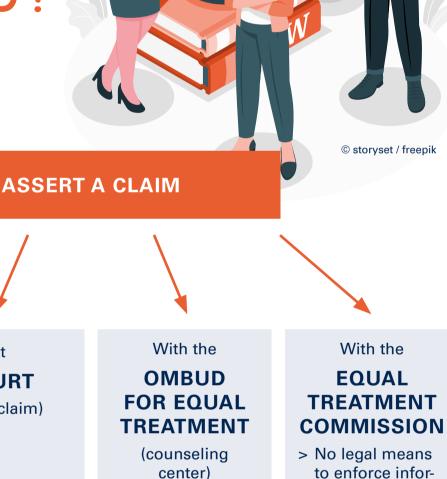
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# works council.

In case of doubt or uncertainty, contact the WGEI (AKG) or

WHAT CAN I OO WHEN

# AFFECTED?



## Working conditions ... > must be designed by the employer in such a way that life and health are protected as far as possible and other material and ASchG)

taken into account

Personal rights ...

At the

**EMPLOYER** 

who has a duty of

care\* to fulfill

> state that the employer shall take immediate, comprehensive and appropriate remedial action in the event of a risk to the protection of personality rights and shall take reasonable account of the legal interests of employees Perception of interest ...

> means the imperative not to disturb peace within the company, to avert damage to the company, not to carry out any harmful actions as an employee and to take the company's interests into account

as well as to behave appropriately towards others

RELEVANT LEGAL STANDARDS (REMEDIES)

At

**COURT** 

(legal claim)

\*WHAT DOES DUTY OF CARE MEAN?

# BULLYING (cannot be prosecuted under criminal law, but individual acts of bullying can)

> Duty of care (§§3, 6 ASchG) > 2nd Public Services Law Amendment 2009, Federal Law Gazette I No.153/2009 > Protection of personality (§16 ABGB, §1157 para. 1 ABGB, §18 AngG) > Right to honor (§1330 para. 1 ABGB)

mistreatment (§115 para. 1 case 3 StGB), (serious) bodily injury (§§83ff StGB), coercion (§105 StGB), data damage (§126a StGB), defamation (§111 StGB), insult (§115 para. 1 StGB), dangerous

> The following offenses typically come into question:

> Duty of care (§§3, 6 ASchG) > Equal Treatment Act (GIBG)

threat (§107 StGB)

(BEinstG)

Detailed recording

"Bullying diary" (incl.

dates and times)

of the facts:

es

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- RECOMMENDATIONS
- > Federal Equal Treatment Act (B-GIBG) > Disabled Persons Employment Act

# immaterial interests of the employees are also safeguarded (§§3, 6 > must be designed in such a way that the health, religious, moral, personal and property interests of employees can be reasonably

#### sults of the audit, but must deal with them and justify a deviat-

mation or re-

> Often rather provide expert opinions on the case

under review > Courts are not

ing judgment

bound by the re-

sponses

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#### HARASSMENT/ SEXUAL HARASSMENT DISCRIMINATION

- Information on the persons involved, their actions (including omitted actions) and witness-
- first sign of concern, contact the WGEI at an early stage: List of WGEI members. Contacting or reporting the incident is also possible anonymously: Report to the WGEI → Documentation on → Take advantage of

> Duty of care (§§3, 6 ASchG)

§8 GIBG

> Definition of sexual harassment: §6 and

WHERE CAN I GET

own actions, own

teelings

If in doubt or at the

# > Sexual harassment is a criminal offence requiring complaint to be made by the victim forprosecution to be intitiated according to §218 para. 1 StGB © freepik

company coaching (info

only available in German)





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