IS...



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

- 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

#### **DISCRIMINATOR'** ACTIONS LOOK? (according to Leymann) 1. Restriction of the possibility to Manager Relocation communicate/justify, restricts in a room far

Constant criticism of private life / work

> **Telephone** terror

to explain

**HOW CAN** 

expression

Refusal

of contact

possibilities of

Affected parties are

"treated

like air"

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**Ridiculous** 

imitating of

gestures, voice

or gait

Oral /

written

threat

DISCRIMINATION

Sexual

physical

swear words

away from

colleagues

**Isolation from** Resources

2. Targeted at social

rumors

3.

social

standing

ridiculing)

Targeted at

(humiliating,

**False** 

suspicions

that make those

affected

mentally ill

relationships

(isolation)

**Distribution of** 

**Affected** 

parties

are

ridiculed

5. Targeted at professional and life situation (manipulation,

undermining)

Assigning

pointless or

"offending"

work tasks

Threat of

physical

violence

**Directed against** health (psychological/ physical violence) Forced to

**Degradation** 

/ insult

Affected person does not receive any work

tasks

NOT TO BE REGARDED AS BULLYING: > individual hostilities and competitive behavior between groups > unfair, even antisocial treatment that is harsh but only has a short-term effect (e.g. promo-

carry out

work that is

harmful to

health

assault Obscene

Sexual approach

Make fun of

a disability

**Forced** work that violates selfconfidence

#### In case of doubt or uncertainty, contact the WGEI (AKG) or works council.

tion of others, work-related criticism, etc.)

- WHAT CAN I

# AFFECTED?

DO WHEN

IAM



At the

**EMPLOYER** 

who has a duty of

care\* to fulfill

Working conditions ...

taken into account

interests of employees

Personal rights ...

BULLYING

§18 AngG)

6 ASchG)

> must be designed in such a way that the health, religious, moral, personal and property interests of employees can be reasonably

> 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

At

**COURT** 

(legal claim)

(can be appealed

to in cases of dis-

crimination under

work contracts of

federal personnel)

# \*WHAT DOES DUTY OF CARE MEAN?

#### > must be designed by the employer in such a way that life and health are protected as far as possible and other material and immaterial interests of the employees are also safeguarded (§§3,

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)

#### Perception of interest ... > means the imperative not to disturb peace within the company, to

#### (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

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

> Protection of personality (§16 ABGB, §1157 para. 1 ABGB,

> The following offenses typically come into question:

HARASSMENT/ DISCRIMINATION

> Duty of care (§§3, 6 ASchG)

> Equal Treatment Act (GIBG)

threat (§107 StGB)

> Right to honor (§1330 para. 1 ABGB)

- > Disabled Persons Employment Act (BEinstG)

> Federal Equal Treatment Act (B-GIBG)

of the facts:

#### RECOMMENDATIONS If in doubt or at the first sign of concern, "Bullying diary" (incl. contact the WGEI at an early stage: List of WGEI members. Contacting or reporting

teelings

own actions, own



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mation or re-

> Often rather pro-

vide expert opin-

ions on the case under review

> Courts are not bound by the results of the audit,

> but must deal with them and

justify a deviat-

ing judgment

sponses

### requiring complaint to be made by the victim forprosecution to be intitiated according to §218 para. 1 StGB © freepik

# Detailed recording

dates and times)

persons involved, their

actions (including omit-

es

ted actions) and witness-

Information on the

WHERE CAN I GET

HELP?

SEXUAL HARASSMENT

> Definition of sexual harassment: §6 and

> Sexual harassment is a criminal offence

> Duty of care (§§3, 6 ASchG)

§8 GIBG

the incident is also possible anonymously: Report to the WGEI

→ Documentation on → Take advantage of

### Report to the WGEI (AKG) -University for Continuing **Education Krems**

company coaching (info

only available in German)

+43 2732 893-2366 akgbuero@donau-uni.ac.at



an der Universität für Weiterbildung Krems

ARBEITSKREIS FÜR GLEICHBEHANDLUNGSFRAGEN