

# DEFINITION: WHAT 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 dignity

## ... 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

# HOW CAN DISCRIMINATORY ACTIONS LOOK?

(according to Leymann)



### 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. promotion of others, work-related criticism, etc.)

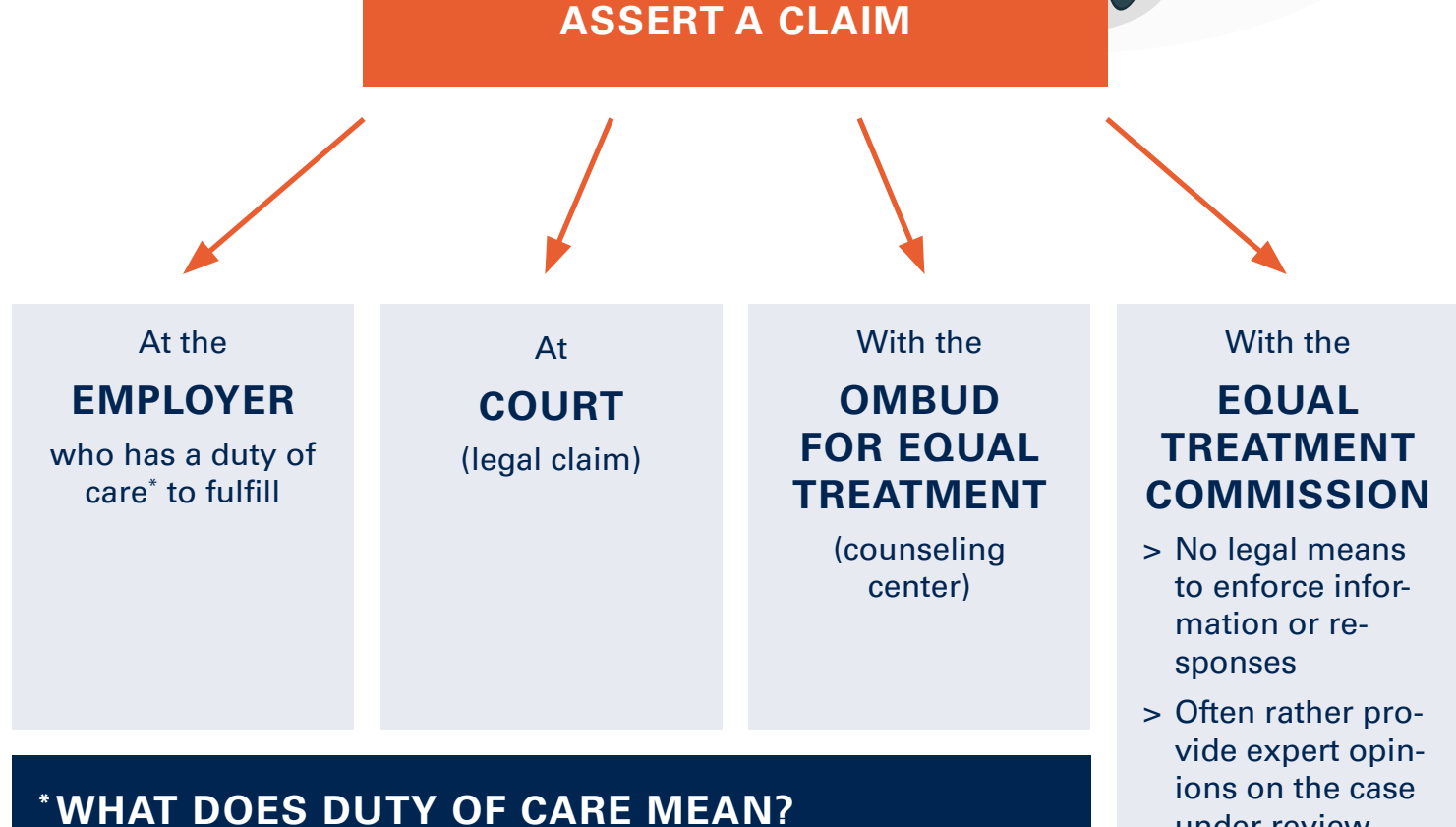
→ In case of doubt or uncertainty, contact the WGEI (AKG) or works council.

# WHAT CAN I DO WHEN I AM AFFECTED?



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## ASSERT A CLAIM



### \*WHAT DOES DUTY OF CARE MEAN?

#### Working conditions ...

> health are protected 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, 6 ASchG)

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

#### Personal rights ...

> 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

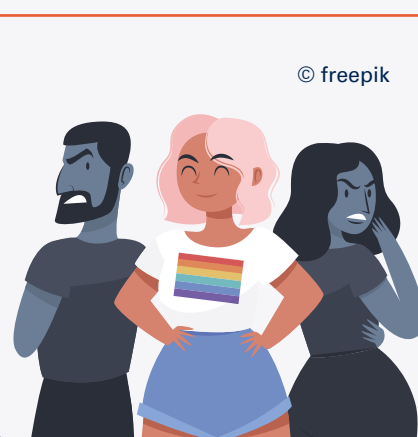
## RELEVANT LEGAL STANDARDS (REMEDIES)

### 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)
- > The following offenses typically come into question: 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 threat (§107 StGB)

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### HARASSMENT/DISCRIMINATION

- > Duty of care (§§3, 6 ASchG)
- > Equal Treatment Act (GIBG)
- > Federal Equal Treatment Act (B-GIBG)
- > Disabled Persons Employment Act (BEinstG)

### SEXUAL HARASSMENT

- > Duty of care (§§3, 6 ASchG)
- > Definition of sexual harassment: §6 and §8 GIBG
- > Sexual harassment is a criminal offence requiring a complaint to be made by the victim for prosecution to be initiated according to §218 para. 1 StGB

## RECOMMENDATIONS

- Detailed recording of the facts: "Bullying diary" (incl. dates and times)
- Information on the persons involved, their actions (including omitted actions) and witnesses
- If in doubt or at the 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 own actions, own feelings
- Take advantage of [company coaching](#) (info only available in German)

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# WHERE CAN I GET HELP?



→ Report to the WGEI (AKG) – University for Continuing Education Krems

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ARBEITSKREIS FÜR GLEICHBEHANDLUNGSFRAGEN an der Universität für Weiterbildung Krems