

**österreichische
bundestheater**



Zero Tolerance

**for Abuse of Power
Sexual Harassment
Bullying**

Vienna, May 2023

Dear staff members of the Austrian Federal Theatres, dear colleagues,

the management of all Austrian Federal Theatres companies are committed to fair and respectful cooperation and expect a clear commitment from all employees.

Not only our staff, but everyone within the sphere of influence of the Austrian Federal Theatres companies, deserve respectful treatment. Discrimination, unequal treatment, violence, (sexual) harassment, bullying or attacks on human dignity are often an expression of a wrong attitude towards power relations and will be met with zero tolerance!

Our cooperation is based on respect, appreciation, mindfulness and mutual support. We promote responsibility and respectfulness in the way we interact and integrity in the way we conduct ourselves. We create an open and transparent working environment where internal processes and responsibilities are clearly defined.

The purpose of this folder is to raise awareness among all of us.

The CEOs and managing directors

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A position of power provides no excuse for abuse

The term abuse of power means actions that are taken from a position of power with a view to harming, disadvantaging or bullying others, usually when there is a power mismatch. The aim is to gain personal advantage for oneself or others. Abuse of power can happen directly, or by instruction or encouragement of third parties. Proactive solicitation of abuse of power by third parties is also illegal under labour law, may give rise to claims for damages or, under certain circumstances, may even be punishable by law.

Coming too close means going too far

There are different forms of discrimination. Apart from harassment - including sexual harassment - these cover racist insults, anti-LGBTQIA+¹ comments, seemingly random touching, or disrespecting people because of their age.

In summary, all disparaging, unwelcome conduct that is associated with disadvantaging or degrading a person or group of persons on the grounds of

- gender,
- ethnic origin,
- religion,
- belief,
- age,
- sexual orientation or
- disability

may constitute discrimination.

Violence comes in many guises

Violence can take physical, sexual, psychological, economic or social forms. Children and young people, women and men experience violence in different forms and to different degrees and perceive it in different ways.

¹ LGBTQIA+ stands for "lesbian, gay, bisexual, transgender/transsexual, queer/questioning, intersex, asexual". + is a placeholder for further sexual identities.

Sexual Harassment

What is sexual harassment

The Federal Equal Treatment Act defines sexual harassment as conduct of a sexual nature that impairs the dignity of a person, or has the purpose of impairing it, and is perceived as unwelcome, inappropriate, offensive or objectionable by the victim.

Sexual harassment exists whenever an intimidating, hostile or humiliating working environment is created for the victim or such purpose is intended. Equally, sexual harassment occurs when a person rejects or tolerates conduct of a sexual nature on the part of the employer, superiors or colleagues and this conduct - explicitly or implicitly - has an impact on decisions concerning vocational training, further employment, promotion or remuneration.

Sexual harassment at the workplace does not only happen at the actual place of work, but also at external work-related sites, e.g. seminars, business trips and especially company events. It also occurs when third parties, for example customers and suppliers, conduct themselves in such manner.

One thing is clear: sexual harassment is what is perceived as such and is not welcomed by the victim.

A “no” needs neither justification nor explanation!

Sexual harassment has nothing to do with love or flirting at work. Everyone should be able to distinguish between flirting and harassment. If in doubt, check with the person concerned.

Sexual harassment has many facets: visual, physical, non-verbal or verbal.

Examples of visual sexual harassment

- pornographic and sexualised images at work (workplace, computer, mobile phone, locker)
- exhibitionist acts
- sexual innuendos and inappropriate images in emails or via other communication channels such as text messages or messenger services

Examples of physical sexual harassment

- targeted, even seemingly “accidental” physical touching
- solicitation to engage in sexual acts

Examples of non-verbal sexual harassment

- unsolicited gifts or invitations with a clear (explicit) intention
- continuous leering or unpleasant, clearly interpretable glances

Examples of verbal sexual harassment

- remarks about someone's figure or appearance
- explicit verbal sexual remarks
- offensive or suggestive jokes
- sexual demands or blackmail, for example a promise of career advantages in exchange for sexual favours, or threatened disadvantages at work

Who is affected?

Everyone can be affected, regardless of their age, gender, social status, marital status, appearance, education or professional status.

Effects and consequences of sexual harassment

In many cases, sexual harassment initially leaves you speechless or causes you to withdraw. Trust your instincts and take these feelings seriously. It can also happen that those around you react to incidents in a trivialising manner, especially in cases of verbal sexual harassment.

Insomnia, headache, skin disease, stomach complaints and psychological disorders, even depression, can have their causes in sexual harassment in the workplace. The impact on victims can range from day-to-day reluctance to go to work to losing their job. Health problems may lead to incapacity to work and can have further serious consequences for the victims.

If you are a victim

Speak up! We take you seriously.

We will do everything we can to ensure that the reported sexual harassment is dealt with objectively and with appropriate sensitivity.

It is useful to write down what you experienced and collect and document any evidence (emails, pictures, etc.).

Timely reporting helps to protect yourself and others who may be similarly affected.

Get help and advice!

Do not wait for incidents or unwelcome situations to resolve themselves.

Contact someone you trust at work, for example an equal treatment officer, compliance officer, works councillor or your line manager.

You do not need to put yourself through direct confrontation with the perpetrator or feel that you have to resolve the situation alone.

External counselling centres offer help. You will find the relevant contacts on pages 19/20 of this folder.

Remember: There is a period of limitation

Take all the time you need to report assaults to internal or external bodies. Remember, however, that there are time limits that must be observed if you wish to take further action. For example, sexual harassment becomes time-barred after three years. Filing an application to the Equal Treatment Commission in good time suspends the statute of limitations.

What can you do as a witness of sexual harassment?

If you observe or become aware of (sexual) harassment, contact anyone you trust at work or your line manager - even if you are in doubt whether the observed incident constitutes harassment. The equal treatment or compliance officers will help you assess the case. Talk to the victim about what you observed. Refer to the contact points mentioned in the folder and encourage the victim to use these services. In any case, encourage them not to keep quiet about harassment!

Bullying

A proper working environment leaves no room for bullying. Bullying is a form of abuse of power. Fair and transparent framework conditions at work have a positive effect – to which respectful cooperation and the commitment of managers and all employees are conducive.

What is bullying?

Bullying is a conflictual communication situation at work between colleagues or between superiors and subordinates, in which the victim is in an inferior position and is being directly or indirectly aggressed by one or more persons repeatedly and for a lengthy period of time with the aim and/or effect of making them quit their job. This is perceived by the victim as discrimination. Typically², bullying is systematic, exclusionary and a process occurring over a lengthy period of time. A one-time incident therefore does not qualify as bullying.

Specifically, bullying occurs when a person or a group at work is bullied, harassed, devalued, insulted, marginalised or given offensive work assignments by peers, superiors or subordinates. Often the bullying process starts with an unresolved conflict.

However, constructive feedback on work-related performance or everyday disagreements are not considered to be bullying.

² Definition taken from: Heinz Leymann, Mobbing. Psychoterror am Arbeitsplatz und wie man sich dagegen wehren kann, Reinbek 1993; Supreme Court, 2012, <https://www.ogh.gv.at/entscheidungen/entscheidungen-ogh/mobbing-am-arbeitsplatz/>

Potential causes of bullying

- unclear allocation of competences
- lack of organisation of processes
- being underchallenged or overtaxed at work
- personal frustration
- disparaging behaviour
- lack of communication and information
- unwanted changes at work
- fear of losing one's job
- envy and sense of competition
- deliberately conflicting instructions from managers

Effects and consequences of bullying

Victims of bullying often isolate themselves socially. Their mental and physical condition can deteriorate - even to the point of a serious illness such as burn-out. Long periods of sick leave, early retirement or victims either handing in their notice or being terminated can be a consequence and lead to victims being excluded from the world of work.

What can bullying victims do specifically?

Take your problems seriously and seek advice. Talk to your line manager or a company ombuds person and seek moral support from your colleagues. Get external support from counselling centres.

Keep a written record of what you have experienced, for example by documenting:

- when and where the incident(s) occurred
- what exactly happened
- who was present (witnesses)
- if you sought medical help because of health problems

What can you do when you witness a bullying incident?

If you notice or learn of a situation that may be classified as bullying, contact your line manager or one of the contact points and ombuds persons listed in the folder so that further necessary steps can be taken. Talk to the victim about what you observed. Refer to the contact points mentioned and ask whether the victim intends to use them. In any case, encourage them not to keep quiet about bullying.

Tasks and duties of managers

First things first: The Austrian Federal Theatres implement a **zero-tolerance policy against any form of abuse of power**.

As part of their duty of care, managers must protect their employees from sexual harassment, bullying and any form of abuse of power and ensure a work environment that is free from any discrimination.

Managers must take incidents or reports from employees seriously and seek to engage in a dialogue with the victims. Company ombuds persons are always available to provide support. It is important to deal with any given situation sensitively and mindfully. Occupational psychologists and company doctors can offer advice.

Employers who become aware of incidents of sexual harassment, bullying or any other abuse of power at work must take immediate action to remedy the situation and initiate appropriate disciplinary action. This may, for example, be a warning or even an order for dismissal. Severe cases, such as physical violence or sexual assault, must be reported to the management of the Bundestheater-Holding.

Line managers are under the obligation to regularly include all the topics mentioned in this folder in the staff appraisal talks and to inform new staff about the safeguards adopted by the Austrian Federal Theatres.

If there is any uncertainty in clearing up bullying cases, managers have the following further options which they can resort to with external support:

- joint assessment with experts as to whether the incident is a case of bullying and differentiation from sexual harassment and discrimination
- counselling regarding one's own approach to conflict resolution
- commissioning of conflict moderation or mediation, in which trained external impartial experts take over the conflict resolution process

Contact points & ombuds persons

Internal contacts

Compliance officers, equal treatment officers and members of the works council are available in all companies to act as ombuds persons.

They are under an obligation to treat every contact and every reported incident confidentially.

For contact persons and contact details see pages 21/22

Equal treatment officers

The equal treatment officers are bound to absolute secrecy, they act independently without being bound by instructions and guarantee anonymity and confidentiality. Information is only given to the employer at the express request of the victim. However, the equal treatment officers are under no obligation to resolve a case.

Compliance officers and managers

Compliance officers or line managers, when contacted, are under an obligation to react immediately and report the incident to management. The compliance officers advise management so that it can fulfil its responsibility for compliance with all legal requirements, internal guidelines and rules, and ensure appropriate and immediate remedial action as part of its duty of care.

External points of contact

vera* – Advisory Centre against Harassment and Violence in Art, Culture and Sports

Run by two independent associations from the specialist areas of art and culture as well as sports, the advisory centre and its counselling services ensure that anyone in art, culture and sports can practice and develop their abilities safely and free from violence. vera* supports victims of harassment and violence, shows them possible courses of action, and accompanies them in the next steps.

<https://vera-vertrauensstelle.at> (German only)

gewaltinfo.at

Expert information and counselling can help to recognise violence more easily, to get help for yourself or others, to stop the violence and to process what you have experienced. For the hotline numbers in an emergency and specific information, consult their website.

<https://www.gewaltinfo.at> (German only)

WEISSER RING

The WEISSER RING victim emergency number 0800 112 112 is available 24/7 all year round: WEISSER RING supports victims of crime by providing professional counselling and care, psychosocial and legal support in litigation and, in emergencies, also material support - promptly, free of charge and without red tape. Anyone can become a victim, no one should remain one.
<https://www.weisser-ring.at>

Preventing violence

The Ministry of Social Affairs places a special focus on the prevention of violence. For more information see

<https://www.sozialministerium.at/Themen/Soziales/Soziale-Themen/Geschlechtergleichstellung/Gewaltpraevention.html> (German only)

The “Männerinfo-hotline” (0800 400 777), for example, is available 24 hours a day and free of charge throughout Austria to men experiencing difficulties in dealing with aggression as well as to their relatives.

<https://www.maennerinfo.at> (German only)

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