

Policy against sexual harassment

Mission statement

Leibniz-Zentrum Moderner Orient pursues the aim of gender equality at work and is committed to shape working conditions for employees of all genders in the same way. It aims at gender balance at all career levels and promotes the balance of work and family by offering flexible working hours and part-time positions.

The purpose of this policy is to ensure a friendly, safe workplace atmosphere that also allows for informal conversations and contacts among colleagues without fear and pressure. It outlines the measures the ZMO takes to ensure the comfort and safety of employees from sexual harassment, how people who have been harassed can approach us, and what measures may be taken to prevent and stop acts of harassment.

The Equal Opportunities Committee, consisting of two Equal Opportunities officers and one deputy officer provides, along with the ombudsperson, the confidential contact for employees in the event of discrimination based on ethnic origin, gender, religion, belief, disability, age, or sexuality, as well as in case of sexual harassment or bullying at work. This document outlines the policy of Leibniz-Zentrum Moderner Orient. It was discussed with the employees and directorate of the ZMO and revised based on their feedback in the course of 2023, and published on 1 February 2024.

Definitions

Sexualized discrimination, harassment and violence are forbidden at the Leibniz-Zentrum Moderner Orient. In addition to this document, the general Equal Opportunities policy of ZMO, the guidelines for the work of equal opportunity officers of the Leibniz Association, and the relevant labour, criminal and other laws of the Federal Republic of Germany apply.

The General Act of Equal Treatment of the Federal Republic of Germany defines sexual harassment as a form of discrimination

“when an unwanted conduct of a sexual nature, including unwanted sexual acts and requests to carry out sexual acts, physical contact of a sexual nature, comments of a sexual nature, as well as the unwanted showing or public exhibition of pornographic images, takes place with the purpose or effect of violating the dignity of the person concerned, in particular where it creates an intimidating, hostile, degrading, humiliating or offensive environment.” (AGG § 3 (4)).

Key characteristics of sexual harassment at the workplace are that it is unwanted and sexual in nature, and has the effect of violation. It is not required that it is rejected in an explicit manner.

As sexual harassment can be considered, for example:

- Obscene and denigrating expressions (phrases, jokes, gestures, mimicry).
- Suggestive and defamatory comments and indiscreet questioning about body, way of life, and/or intimate life.
- Inappropriate compliments and gifts.
- Unprofessional and inappropriate behavior such as invitation into a private apartment to discuss performance in exams or in the workplace.
- Intrusive and examining glances.
- Whistling , “catcalling” and the like.
- Approaches and unwanted requests “to get to know each other better” and the like, which are aligned with a promise of benefits or a threat of disadvantages.
- Display or distribution of pornographic material or material with sexual content.
- Unwanted proximity and touching.
- Stalking (in person and digitally).
- Unwanted requests for or coercion to sexual acts or favours.
- Exposing oneself.
- Physical assault and (attempted) rape.

In some cases (such as glances, compliments and gifts) there are contextual, generational and cultural differences concerning what may be appropriate and inappropriate. The equal opportunities officers are available for mediation to clarify and solve such differences. In any case, deliberately insisting on and repeating unwanted approaches and gestures is a form of harassment.

Situations of hierarchy and unequal power such as those between supervisors and PhD candidates, and between employees or guests in senior and junior positions, are prone to subtle forms of pressure, which may constitute a form of harassment and abuse. Persons in positions of power must be particularly diligent in complying with this policy.

Retaliation against or victimization of complainants, through job related or otherwise threats and bullying as well as violating the privacy of the claimant and the confidentiality of process are considered as aggravation and have further consequences.

This policy applies to:

- *all employees, guests, as well as researchers affiliated with ZMO,*
- *students who are supervised by above-mentioned parties,*
- *work collaborators of above-mentioned parties.*
- *Visitors and third-party contractors who violate the spirit of this policy will be subject to appropriate sanctions, including but not restricted to being banned from the premises of the ZMO.*

The equal opportunities officers also provide low-threshold support and consultation for colleagues who have faced sexual harassment outside the workplace (such as during fieldwork or at conferences).

Taking action against harassment: The complaint process

In case of an event of sexual harassment at the ZMO or in a work related context, or committed by a ZMO employee or a visiting or affiliated fellow, we offer the following complaint process:

1- In case they have experienced or witnessed sexual harassment, complainants can approach the Equal Opportunities officers confidentially through any channel of communication they choose. They may also approach the ombudsperson, the works council, their supervisors or the directorate, which will upon their request involve the Equal Opportunities officers.

All persons with leadership and supervisory responsibilities are obliged to follow up any hints of sexualized discrimination, harassment and violence and, if concrete suspicions exist, to take suitable measures towards clarification, pursuit and prevention.

2- Equal Opportunities Officers meet the complainant for a confidential consultation in a secure environment, in which the possible further steps to be taken in agreement with the complainant are discussed. These possible steps include:

- A direct communication with the person accused of inappropriate conduct, if the complainant explicitly requests it before taking other steps.
- An institutional investigation, which may also involve the labour jurisdiction.
- Filing a complaint to the police.

The Equal Opportunities officers are committed to safeguarding privacy. The complainant can lay out the limits to which such concerns can be shared either with other members of the Equal Opportunities Committee or with members of the Directorate, in case no investigation is requested.

Contact between the complainant and those involved in the event concerned should be minimized as much as possible until the circumstances and any consequences have been clarified.

3- Following the receipt of the complaint, an interview is held with the person accused of inappropriate conduct. This can be conducted by one or several of the Equal Opportunities officers. The person accused of inappropriate conduct must be informed of the circumstances to be discussed at least three days before the interview. The interview gives the person accused of inappropriate conduct the chance to respond to the complaint. It will include a reminder that gender discrimination, sexual harassment and violence are strictly forbidden. The person complaining will be informed about the outcome of this conversation and then decides in consultation with the Equal Opportunities Officers whether to pursue an investigation or not. Yet, if the charges fall under labour or criminal law, an investigation cannot be hindered.

If the complainant wishes an investigation, Equal Opportunities officers start the investigation procedure. This involves collecting the details about the incident, interviewing the persons involved, and collecting available witness statements and evidence. In cases where a complaint to the police and a criminal investigation appear necessary, Equal Opportunities officers swiftly assist the complainant in filing a complaint. It is imperative that the deadlines for any consequences under labour legislation are observed after the incident has come to light.

As soon as an investigation begins, the Equal Opportunities officers inform the Office for Equal Opportunities and Diversity (Geschäftstelle für Gleichstellung und Diversität) of the Leibniz Association in writing and in strict confidentiality. Throughout the process, they may additionally consult the Office for further assistance and advise if needed.

As long as the charge has not been confirmed, care must be taken to ensure that the accused person does not suffer any disadvantages due to the proceedings.

4- After the investigation is completed, the Equal Opportunities officers file a recommendation about the further steps to be taken either by the directorate or by the Equal Opportunities Committee directly.

Depending on the severity of the acts of harassment, following consequences may be recommended in accordance with labour and criminal law:

- written warning (Ermahnung),
- formal written warning (Abmahnung; a form of warning that may be followed by dismissal in German labour law),
- requirement to make use of coaching or other professional counseling opportunities,

- transfer to a different task or location,
- exclusion from some or all of the premises of ZMO and Geisteswissenschaftliche Zentren Berlin e.V.
- dismissal (außerordentliche Kündigung: a dismissal based on violation or non-fulfillment of duties by the employee in German labour law),
- filing a criminal complaint.

5- The complainant and the accused can file a complaint against the recommendation and the implementation to the external Leibniz Advice Centre for Conflict Guidance and Prevention, to the Office for Equal Opportunities and Diversity of the Leibniz Association or to the Berlin Labour Court (Arbeitsgericht Berlin), and approach the Berlin State Office for Equal Treatment and Against Discrimination (Antidiskriminierungsstelle) for further advise.

Future steps

The Equal Opportunities Committee will later amend this document to add an explicit policy against bullying and discrimination at workplace.