

Guidelines

Noticing and Dealing with Conflicts

This guideline will be published in German and English in the Intranet.

Contents

- Introduction
- Emergence of Conflicts
- Responsibility of a Superior
- Conflict Management
- Mobbing and Sexual Harassment
- Qualification for Handling Conflict

Introduction

The MDC sees itself as an organization whose employees should assume responsibility for their comportment in all areas and maintain relationships of trust with each other.

The appearance of conflicts in a daily routine is normal. Finding an amicable solution at an early stage of their development is vital to ensure that colleagues remain motivated to perform their jobs successfully. This requires a culture of communication, respect, and trust.

Discourteousness and discrimination endanger the peaceful climate at the workplace which permits people to carry out their jobs at the highest level. When things go wrong, those who are affected need to address them explicitly, by turning to their superiors if necessary and making use of the MDC contact points. A supervisor has the duty to recognize problems that might result in conflicts in a timely way and help solve them. Advice and support can also be sought from colleagues, as well as staff delegates and committees.

Emergence of Conflicts

Conflicts are verbal and nonverbal disputes that arise when people or groups have opposing interests, needs or aims. Common causes are a lack of communication and the misunderstandings that follow from them. Conflicts of interest occur because of competition; conflicts of values arise from the fact that individuals have different points of view and habits. These patterns can combine in many ways that make each conflict unique.

A conflict may be perceived differently by those involved, on a factual and relationship level, and involve different positions and underlying needs, misunderstandings and misinterpretations.

Conflicts begin with tension. Some people respond by trying to ignore problems; others promote their point of view on a daily basis, often over and over, in vain. Eventually, a hostile atmosphere spreads. Those involved may feel frustrated, offended, angry, demotivated, anxious or helpless.

Responsibility of Superiors

The working atmosphere affects employees' health and their common projects. Promoting a cooperative working atmosphere and respecting the dignity of colleagues are the responsibilities of every employee. Supervisors have particular duties and responsibilities as contact persons, and should immediately take measures to find a solution for problems. Additional contact points for seeking advice and suggestions for solutions are listed below.

Upon becoming aware of a conflict, a supervisor is responsible for seeking periodic dialogues with those who are involved and keeping track of the success of its resolution. When a solution can't be found within a group, a supervisor should contact his or her immediate superior and the MDC personnel department. If necessary, supervisors may also seek advice from one of the contact points mentioned below.

Conflict Management

Employees involved in a conflict have the right to raise it with their supervisors or, if a supervisor is directly involved, that person's immediate superior, without fearing any negative effects on their professional futures. Superiors are required to respond by taking appropriate measures to find a resolution.

MDC contact points:

- Personnel department
- Staff council
- Women's representative
- Disabilities officer
- PhD representatives
- PhD-office
- PhD ombudsperson
- Research ombudsperson
- Company physician

Confidentiality is always guaranteed when confiding with these people or representatives, who can offer further information and assistance. Upon the employee's agreement, a meeting with the superior and/or others involved in the conflict might be suggested and arranged. If this does not lead to a satisfactory solution, external aid can be sought. In such cases the personnel department (in coordination with the directorate) will propose a consulting professional with expertise appropriate to the type of conflict.

Sometimes conflict resolution requires taking into account legal regulations which may include the *General Equal Treatment* (Allgemeines Gleichbehandlungsgesetz (AGG)), the *Berlin Law concerning Personnel Representation* (Berliner Personalvertretungsgesetz), *Working Conditions Act* (Arbeitsschutzgesetz), *National Equality Act* (Landesgleichstellungsgesetz), *Social Security Statute Book* (Sozialgesetzbuch) and the *Collective Agreement* (der Tarifvertrag). In such cases the personnel department supports employees and their superiors in identifying appropriate steps and contacts.

Particularly Serious Types of Conflict: Mobbing and Sexual Harassment

Mobbing and sexual harassment represent special conflict situations from a legal standpoint because both represent especially severe violations of personal integrity. Both may have disciplinary and criminal consequences, and are therefore discussed more in depth in these guidelines.

Generally, the steps described above under „Conflict Management“ apply. Consultants handle any information they receive on such cases with the strictest confidence. A supervisor responsible for discipline should be involved if the staff member agrees. The employee who raises a complaint concerning mobbing or sexual harassment is protected by special legal measures. We strongly recommend that any such person inform the disciplinary superior, the personnel department or the directorate immediately about such cases to enable the employer to carry out its legal duties.

Mobbing manifests in continuous, systematic, direct or indirect assaults between colleagues or between superiors and subordinates with the aim or effect of excluding or causing some sort of harm to the inferior. It causes feelings of violation that may have a negative effect on his/her physical and mental health.

Cases of mobbing frequently involve the following types of issues:

- communication issues (e.g. consciously withholding information that an employee needs),
- issues involving relationship (e.g. excluding or ignoring someone),
- social prestige (e.g. deliberate mocking),
- behavior affecting the quality of a person's professional or private life (e.g. assigning tasks in a way that makes too many or too few demands on a person)
- health (including any use of force that can be considered abuse or assigning someone work that may be harmful in some way)

Mobbing does **not** include:

- one-time conflicts, which occasionally happen in any cooperative setting
- disciplinary disputes
- disputes concerning employment law
- disputes concerning civil service law

When in doubt, persons concerned shall seek the assistance and advice of the a.m. contact points.

Sexual harassment (according to AGG §3, Abs. 4) is defined as an undesired behavior of sexual nature with the aim or effect of damaging the dignity of the person concerned, especially by creating an environment which is characterized by intimidation, hostility, humiliation, degradation or other offenses.

Among other things, this includes:

- salacious remarks and comments
- depreciating gestures and behavior of a sexual nature
- bodily contact of a sexual nature
- unwanted sexual acts; demanding sexual acts
- showing and visibly displaying pornographic images

A particularly severe case of sexual harassment is the abuse of a dependent relationship and any use of personal or professional disadvantages or benefits that threatens the person concerned.

Employees should confront sexual harassment and/or mobbing actively. Their own behavior should contribute to respecting the personal integrity and self-esteem of all employees.

Qualification for the handling of conflicts

The MDC enables employees, supervisors and groups to participate in special training programs for conflict management. Employees who are preparing themselves for a position of leadership are strongly advised to take part in such programs. They will be assisted by the contact points, especially the MDC personnel development, listed above.

Additional links and literature providing information and support on themes related to conflict management are being prepared for publication on the intranet.

MDC 2016