

# MDC Policy on Sex-Harassment at the workplace



Sexual harassment at work is an issue that is as current as it is sensitive. Although public awareness has been increasing over the last few years, this is nonetheless still a problem that is tainted with embarrassment, fear, and shame, and is thus still trivialized rather than addressed in day-to-day work life.

The MDC will not tolerate sexual harassment at work and will follow up every report of possible incidents and protect all employees by taking preventive measures.

## 1. What is sexual harassment?

The European Parliament has defined sexual harassment as

*"a situation where any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment. Sexual harassment within this meaning shall be deemed to be discrimination on the grounds of sex and therefore prohibited."*

In Germany, sexual harassment is also specifically defined in the General Equal Treatment Act (AGG) (§ 3 para. 3 AGG). Sexual harassment can take many forms, ranging from subtle behaviour to criminal offences, such as:

- Suggestive and embarrassing remarks about external appearance
- Unwanted physical contact and intrusive behaviour, physical advances (pats or pinches on the bottom, kisses, unwanted hugging or holding)
- Showing, displaying, and sending (e.g. by email) pornographic material
- Sexist remarks and jokes
- Following someone both inside and outside the research centre
- Blackmailing or forcing someone into sexual relations, including with promises of benefits or under threat of disadvantages
- Physical assaults
- Sexual assault and rape

## 2. Who is affected?

Sexual harassment at work can happen to both women and men. However, it is predominantly women who are victims of sexual harassment.

## 3. What are the consequences of sexual harassment for those affected?

Sexual harassment at work can have far-reaching and long-lasting physical, psychological, and economic consequences. The situation in the workplace can become unbearable for those affected. Job satisfaction, motivation, and performance are impaired. Dissatisfaction rises and the working environment deteriorates. Suppressed anger, rising tension, and helplessness often lead to health problems and a vicious circle develops.

#### 4. What can I do?

**Take your own feelings seriously** - it is often difficult for victims to realize that what they have experienced is sexual harassment. It is therefore important to take your own feelings seriously and understand that it is a fundamental right not to be harassed in the workplace.

**Defend yourself and set boundaries** - the best thing to do is to emphatically reject harassment immediately and right from the first incident, for example, by objecting loudly. This means that the "private" or "secretive" aspect is removed from the situation. Reactions such as ignoring or avoiding the harasser or dealing with the situation jokingly are less effective.

**Document the harassment in detail** - written records on the circumstances of the offence can be used for an official complaint. Collecting evidence such as letters, emails, images, calls recorded on an answering machine, SMS messages on your mobile, etc. strengthens your credibility and provides important evidence.

**Try to talk to people you trust, such as colleagues** - It often turns out that the harasser has already harassed several women in the research centre. Concerted action can then be very effective if there are other witnesses.

**Proceed aggressively and actively against harasser** - demand that the person engaging in the offensive behaviour cease the harassment and label their harassing behaviours specifically and in detail.

**Seek assistance** - contact the internal MDC advice and complaint offices and/or turn to an external advisory body (see below).

#### 5. Who can I turn to?

In the event of sexual harassment or assault within the MDC and / or by members of the MDC, the following helplines and contact persons are available:

- Equal Opportunities Officer, Dr. Christiane Nolte Tel.:030/9406-3260, [cnolte@mdc-berlin.de](mailto:cnolte@mdc-berlin.de)
- Staff Committee, 030/9406-2336, [personalrat@mdc-berlin.de](mailto:personalrat@mdc-berlin.de)
- Head of personnel department, Dr. Barbara Wiskow, Tel.: 030/9406-2576, [barbara.wiskow@mdc-berlin.de](mailto:barbara.wiskow@mdc-berlin.de)
- Federal Anti-Discrimination Agency <http://www.antidiskriminierungsstelle.de/EN>, [brochure](#)

#### 6. What are the duties of the human resources manager?

In general, the employer must ensure a trouble-free working environment. It is one of the management duties of HR managers and is their special responsibility to ensure a working environment where personal integrity and self-respect are safeguarded. Supervisors must pursue reports of incidents of sexual harassment immediately and encourage those affected to defend themselves against harassment and inform them what further action is available to them.

In accordance with the AGG, the employer is obliged to take the necessary measures to prevent discrimination (§ 12 para. 1 AGG). This entails the obligation to protect employees against discrimination of a sexual nature. The aim must be to investigate the facts of the matter immediately in any reported incident. Quick clarification is also in the interest of all employees, as are subsequent penalties for anyone proven guilty of harassment.

According to the law, in addition to a warning, transfer, relocation, and, in serious cases, dismissal should be considered. The employer must also to take necessary and reasonable measures if employees are harassed by third parties while performing their duties.