La discriminazione delle donne sul posto di lavoro: Localizzazione, strategie e misure



Discrimination of women at the workplace: terminology, strategies and measures

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Austrian ombud for equal treatment



15. Mai 2024

Misgendering am Telefon: Betroffene wehrt sich erfolgreich gegen Dienstleistungsunternehmen

Die Angestellte eines Inkassobüros bezweifelt während eines Telefonats die Geschlechtsidentität einer Kundin und verhält sich abwertend. Die Gleichbehandlungskommission gibt der Kundin Recht und bestätigt den Vorfall als geschlechtsbezogene Belästigung.



30. Oktober 2023

Betreuung und Pflege von Kindern und Angehörigen: Neuer Diskriminierungsgrund schafft mehr Rechtssicherheit

Ein Vater wird aufgrund seines Ansuchens um Elternteilzeit gekündigt. Es gelingt ihm mit Hilfe der Gleichbehandlungsanwaltschaft einen Vergleich zu erzielen. In Zukunft werden ähnliche Fälle auf Basis eines neuen Diskriminierungsgrundes entschieden.

Source: http://www.gleichbehandlungsanwaltschaft.gv.at/aktuelles-und-services/fall-des-monats.html

Terminology: Discrimination, bullying, harassment, ...



- Manifold terms
 - o Aspects refer to intensity, frequency, intent

Discrimination

In everyday language

De-evaluation

In social sciences

- Stereotypes, prejudices, interplay of relations and social conditions that create disadvantage and inequality
- Used to justify power asymmetry and inequality
- Inequality which is seen as problematic and injust also due to current knowledge

Intersectionality (multiple discrimination)

"We also often find it difficult to separate race from class from sex oppression because in our lives they are most often experienced simultaneously." Source: combahee-river-collective-statement-1977; https://www.blackpast.org/african-american-history/combahee-river-collective-statement-1977/

Interplay of several diversity aspects, e.g., gender, ethnicity, age, sexuality, class, religion/world view

Source: Crenshaw, 1989, 1991

Immediate and indirect discrimination (EU)

- Immediate discrimination: if a person is treated less favourably than another person in a comparable situation due to a protected characteristic.
- Indirect discrimination: where apparently neutral rules, criteria or procedures may put persons with a protected characteristic at a particular disadvantage compared to other persons

Source: Krell/Ortlieb/Sieben 2018; EU-Richtlinien 2000/43 und 2000/78

sexualised/gender-based harassment

- Unwanted derogatory statement or action
- A person's dignity is violated
- leads to an environment of intimidation, hostility, humiliation, degradation or insult
- Harassment also affects inter*, trans* people and other diversity characteristics such as origin, age ...

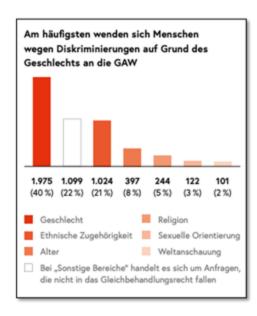


Quelle: https://werbemelder.in/



Examples and empirical studies

Discrimination in working life



Quelle: 2022 https://www.gleichbehandlungsanwaltschaft.gv.at/

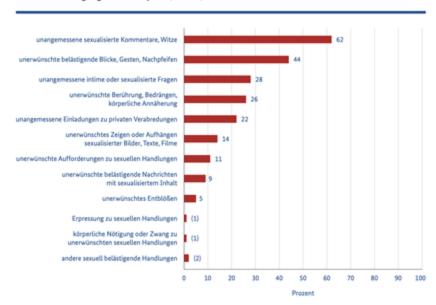
EU- study on gender-based violence in higher education/universities

- 2022: study with 46 universities, 15 countries, about 42000 participants (students and staff)
- Findings
 - 62% some form of gender-based violence
 - Mostly psychological/emotional violence (57%)
 - Sexualised harassement (31%)
- Marginalised groups more likely to experience gender-based violence
 - 68% of the LGBT* Community
 - 72% individuals with chronic diseases/disabilities
 - 69% individals of an ethnic minority

Source: Unisafe: https://unisafe-gbv.eu/

Forms of harassment

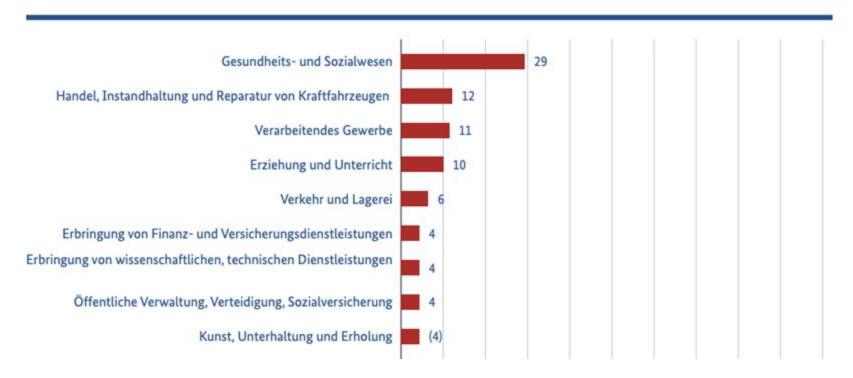
Erlebte Formen / Handlungen von sexueller Belästigung am Arbeitsplatz, Basis: Betroffene von sexueller Belästigung am Arbeitsplatz (n = 141)



Anmerkung: Zahlen in Klammern verweisen darauf, dass die Zellenbesetzung hier niedrig (0-5 Nennungen bzw. Fälle) und dadurch die Prozentangabe nicht aussagekräftig ist; Mehrfachnennungen möglich. Die Darstellung entspricht Abbildung 2 der Studie.

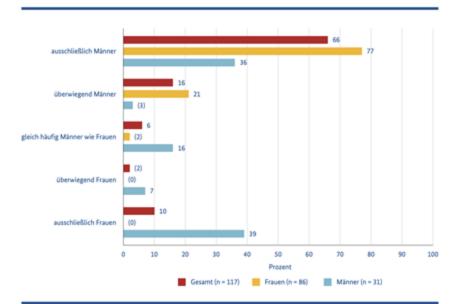
Source: Antidiskriminierungsstelle des Bundes 2019

Anteile der Branchen, in denen Betroffene sexueller Belästigung am Arbeitsplatz tätig waren, Basis: Betroffene von sexueller Belästigung am Arbeitsplatz (n = 141)



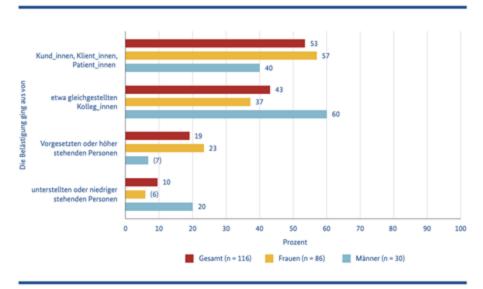
Aggressors

Geschlecht der Täter_innen bei allen sexuell belästigenden Situationen am Arbeitsplatz in den letzten drei Jahren (gesamt und nach Geschlecht), Basis: Betroffene von sexueller Belästigung am Arbeitsplatz



Anmerkung: Zahlen in Klammern verweisen darauf, dass die Zellenbesetzung hier niedrig (0-5 Nennungen bzw. Fälle) und dadurch die Prozentangabe nicht aussagekräftig ist. Die Darstellung entspricht Abbildung 5 der Studie.

Täter-Opfer-Beziehungen bei sexuell belästigenden Situationen am Arbeitsplatz in den letzten drei Jahren (gesamt und nach Geschlecht), Basis: Betroffene von sexueller Belästigung am Arbeitsplatz

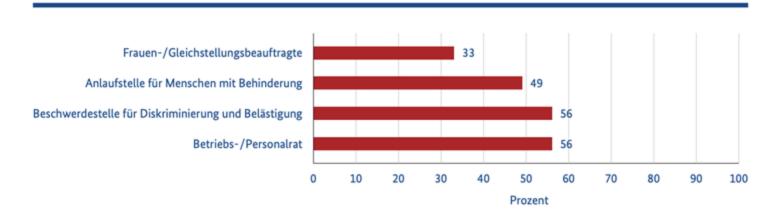


Anmerkung: Zahlen in Klammern verweisen darauf, dass die Zellenbesetzung hier niedrig (0-5 Nennungen bzw. Fälle) und dadurch die Prozentangabe nicht aussagekräftig ist; Mehrfachnennungen möglich. Die Darstellung entspricht Abbildung 6 der Studie.

Quelle: Antidiskriminierungsstelle des Bundes 2019

Visibility of services

Vorhandensein bzw. Bekanntheit von Anlaufstellen im Betrieb, Basis: Alle Befragten (n = 1.517)



Anmerkung: Mehrfachnennungen möglich. Die Darstellung entspricht Abbildung 14 der Studie.

Context and consequences of discrimination & violence in the workplace

Perspectives on gender-based discrimination

- based on gender norms and unequal power relations
- The aggressor's need for power, superiority and control takes center stage
- Not about sexuality
- Sexualised harassment is an instrument to exercise power
- and an attack on the female competition

Quelle: UNHCR; 1Holzbecher 1996; 2Großmaß 1995

Contexts for discrimination in the work place

Power differences, privileges, hierarchies

- Dependencies (e.g. from supervisors)
- Systems of oppression
- Male centred & patriarchal structures in organisations
- No safe environment to report harassment/discrimination/ no services

(precarious) working conditions

- Unequal distribution of tasks (due to gender stereotypes)
- High work load, high work demands
- Unsafe working conditions (e.g. temporary positions) and competition

Only few report discrimination/ harassment

Source: Henning et al., 2017; Unisafe

Why can it be difficult to say no?

Power imbalance between the accused and those affected

- Physical differences
- Emotional dependencies
- Hierarchical dependencies
- Professional positions, different privileges, status
- Willingness to be aggressive
- Age
- Knowledge
- System and structures



Artist: Sasha Koitz

Consequences of discrimination in the workplace

Those affected:

- Impact on mental and physical health
- Dissatisfaction, low self confidence
- Decreased performance
- Disengagement
- Absences, sick leave, resignation

Organisation:

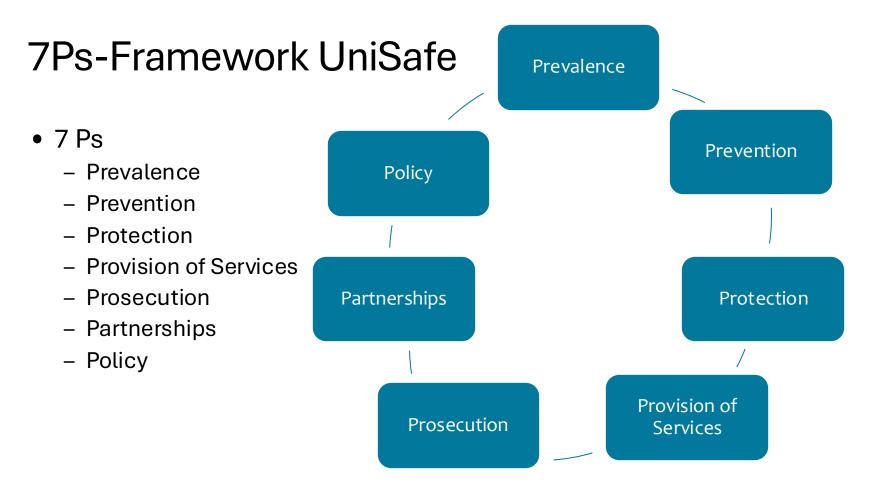
- Poor working atmosphere
- Loss of image
- Frequent staff changes
- Decreasing productivity
- Increasing costs

Interim conclusion

- Instrument to control and exercise power
- Discrimination and harassment can affect anyone
- Differences depending on activity/industry
- Often (invisibly) embedded in dependency relationships
- Women are particularly affected during training phases
- Older people are particularly affected when changing jobs or reorienting themselves
- Those affected often do not dare to report the incident (fear that no one will believe them, nothing will change or they will be sanctioned)
- Those affected often know too little about contact points



Organisational change: Starting points for measures



Source: Unisafe; https://unisafe-toolkit.eu/

Legal basis

✓ Creating legal foundations and safeguards, closing gaps

- Statutes etc.
- Guidelines
 - Dealing with / procedure for discrimination and violence
 - Company agreements
- Recommendations for action (eg leadingship positions)

Examples for Recommendations for action

https://www.gleichbehandlungsanwaltschaft.gv.at/Themen/Belaestigung.html

https://www.antidiskriminierungsstelle.de/SharedDocs/downloads/DE/publikationen/Leitfaeden/leitfaden_was_tun_bei_sexueller_belaestigung.html

https://www.wko.at/oe/news/belaestigung-und-gewalt-am-arbeitsplatz

Quelle: GAW.at; antidiskriminierungsstelle.de

Example: Directive on protection against discrimination and sexualized violence

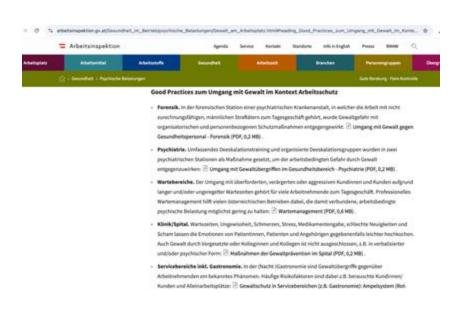
- § 1 Scope of application
- § 2 Objectives
- § 3 Principles
- § 4 Definitions
- § 5 Preventive measures
- § 6 Recommendations for action
- § 7 Counseling
- § 8 Right of appeal and complaints procedure
- § 9 Consequences / legal consequences
- § 10 Special responsibility of supervisors,
- § 11 Evaluation
- § 12 Entry into force

Example (eg AT):
Establish social
origin/class as a
protected
characteristic!

Prevention: Anchoring in occupational health and safety

→ Safety training on fire protection and discrimination





Structural level - services

- ✓ Making support services visible and anchoring them sustainably
- Competence development in HR etc.
- internal contact points:
 - Works councils, equal opportunities officers, health and conflict management offices, etc.
 - Round table, case management committee
- finance external contact points
 - Holistic counseling, psychological (follow-up) support, coaching, etc.





Example: Dignity and Respect Offices (Irland)

Discrimination, harassment, violence, conflicts...

 Offers/services: eg, Comprehensive advice, training, support, assessment

"Trend": Commissioning external advice

- financed by the organization
- (Anonymized) advice for those affected, but also for the accused and managers
- Independent and confidential



Organisational culture

- ✓ Create an anti-discriminatory and diversityinclusive organizational culture, no tolerance for discrimination
- Visibility & commitment
 - Code of Conduct / Mission statement
 - Campaign, Guiding principles etc.
- (Mandatory) offers, further training, workshops, onboarding, etc.



Picture: Mucke, University of Bolzano

Example: Certificates and campaigns





equalitA

Gütesiegel und Auszeichnung

Frauenpolitik ist Wirtschaftspolitik.

Das Gütesiegel equalitA zeichnet Unternehmen und

Foto: BMDW



Pictures: Web-Screenshots

Example: Onboarding of new employees

- Presentation at the mandatory onboarding events
- Information materials in the documents for new employees
- Signing of a code of conduct
- eLearning course
- Management training...



See it – React to it – Stop it

The earlier situations or boundary violations are recognized and interrupted, the fewer the consequences and effects for everyone involved!



Individual level

- ✓ Strengthening the skills and agency of colleagues, managers and those affected
- Low-threshold offers
- Counseling, encouragement, etc.
- Individual and peer coaching
- Training and workshops
- eLearning offers (self-study)
- Information materials, guidelines etc.

Key role of managers

Role Model: Management has a special responsibility (organizational culture and climate)

- have a duty of care
- should intervene consistently and promptly and implement guidelines etc.
- necessary: Awareness raising & continuous training

Sexuelle Belästigung am Arbeitsplatz ein Thema?



Key role of witnesses (= colleagues)

Sensitization and training of staff

- Bystander-Trainings
- Allyship

Allyship in the workplace





https://www.uibk.ac.at/ma-gender/downloads/allyship-in-action online.pdf

https://www.youtube.com/watch?v=EJW3wjy9gSI



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- Fotos/pictures: pixabay, Gratisversionen, Download: April 2024