

Complaints procedure for employees of the University of Bremen in the event of prohibited discrimination¹

This is a translation of the "Beschwerdeverfahren für die Beschäftigten der Universität Bremen im Falle verbotener Benachteiligungen und Diskriminierungen" from 19.11.2007, which is the official version. Only the official German version is legally valid.²

The following rules of procedure serve to prevent direct or indirect discrimination on grounds of ethnic origin, gender, religion or belief, disability, age, or sexual identity. These rules of procedure regulate the handling of complaints in the event of a violation of the prohibitions of discrimination. It specifies the service agreement of the State of Bremen "Conflict resolution at the workplace" of March 31, 2003 and documents the implementation of the General Equal Treatment Act.³

Section 1 Duties

(1) The University of Bremen is obliged not to disadvantage neither directly nor indirectly its employees for the reasons stated above. It also undertakes to protect its employees against disadvantages/ discrimination by other employees or other third parties.

(2) The employees of the University of Bremen are obliged not to disadvantage or discriminate against their employer, other employees or other third parties (students, other members of the university, guests) for any of the reasons stated above. This obligation also applies to other third parties.

(3) Any prohibited discrimination, in particular on the grounds of ethnic origin, gender, religion or belief, disability, age or sexual identity, constitutes a violation of an official duty or of an employment agreement and shall be punished in accordance with the regulations of employment law/ labor law or equivalent regulations.

Section 2 Right to file a complaint

Employees who feel discriminated against by officials or units of the University of Bremen, by supervisors, other employees or third parties for any of the reasons mentioned above have the right to file a complaint. They may not be disadvantaged or discriminated against as a result of exercising this right of complaint.

1 A note concerning the translation of the term "discrimination": The German version uses the terms "disadvantaging and discrimination" (in German "Benachteiligung und Diskriminierung"). According to the General Act on Equal Treatment (German abbreviation: AGG) the English translation of the term "Benachteiligung" is "discrimination", therefore this English version uses only the term "discrimination".

2 This English complaints procedure has been translated by the ADE (Advisory & Information Centre against Discrimination & Violence).

3 The General Act on Equal Treatment (AGG) in English
http://www.antidiskriminierungsstelle.de/SharedDocs/Downloads/DE/publikationen/AGG/agg_in_englischer_Sprache.html

Section 3 Complaints procedure

(1) The written complaint has to be addressed to the head of the Human Resources Department (Dezernat 2) of the University of Bremen.

(2) The complaint must describe the events that are perceived as discriminatory, disadvantageous. Witnesses and evidence, if available, must be named. In addition, it must be stated who (which persons and units) has already been informed about the complaint, which measures have already been taken and with whom conversations have been held. In a first hearing, the complainant is informed about the procedure, preliminary examinations, rights and duties.

She/he is informed of support measures by employee advocacy groups and counselling and advisory services.⁴

(3) The head of the Human Resources department investigates the complaint and assesses whether it constitutes an act of discrimination in terms of employment law. To this end, she/ he interviews the complainant and the person who is alleged to have committed the discrimination, if necessary with the involvement of the legal department. The aforementioned witnesses should also be heard. A hearing takes place within 10 days after receiving the complaint. Invitations to the hearings must be in the written form.

(4) Usually, the head of the Human Resources Department involves direct supervisors from the departments concerned. This applies in particular, if immediate measures and/or organizational measures to prevent discrimination or disadvantage appear necessary.

(5) The head of the Human Resources Department informs the complainant of the outcome of the hearings and the investigations. The head of the Human Resources Department informs the Director of Finance and Administration / University President in the event of a proven discrimination and submits a proposal for further action. The Director of Finance and Administration / the University President decides on further measures and possible consequences.

(6) All hearings and findings shall be documented. The individuals affected and the accused have the right to call in representatives of employee advocacy groups for the hearings.

Section 4 University counselling and advisory services/ employee advocacy groups

The individuals affected as well as supervisors and, if necessary, the accused can turn to offers of support, counselling regarding their own possibilities of protection and action, and also regarding the decision whether a complaint should be filed. Advice is offered, for example, by employee advocacy groups (staff council (Personalrat), women's representatives (Frauenbeauftragte), etc.) or by counselling and advisory institutions such as the Advisory and Information Centre against Discrimination & Violence – Expertise and Conflict (ADE).

⁴ You can find information on counselling and advisory services for employees online here <https://www.uni-bremen.de/de/diversity-management/studium-lehre/beratung/liste-der-anlaufstellen-fuer-mitarbeitende/>

Section 5 Consequences

(1) If an employee of the University of Bremen is disadvantaged by officials or units of the University of Bremen, he/she may assert claims for compensation and damages in accordance with Section 15 of the General Act on Equal Treatment (AGG).

(2) If an employee of the University of Bremen discriminates against another employee or a third party (students, other members, guests), the University may, depending on the severity of the breach of duty,

a) depending on the cooperation possibilities of the people and departments involved initiate an arbitration process in accordance with the "Conflict resolution at the workplace" service agreement of 31 March 2003, or

b) react with measures under employment law/ labor law, e.g. written warning, transfer or dismissal as well as disciplinary proceedings, in serious cases also dismissal without notice and/ or criminal complaint, house ban as well as order organizational measures in cooperation with the respective departments.

(3) If a claim for compensation is made against the university due to discrimination against an employee or third party(s), the university may claim within the framework of the statutory provisions compensation from the disadvantaging employee or other third parties for breach of employment law and/ or employment agreements.

Section 6 Final clauses

This procedural regulation at the University of Bremen in the case of prohibited discrimination and discriminations comes into force with the approval of the President of the University. At the same time, the directive of the University against Sexual Discrimination and Violence of March 1992 expires.

Approved by the University President on 19 November 2007.